

Petition for Writ of Mandamus Denied and Memorandum Opinion filed December 21, 2017.



In The
Fourteenth Court of Appeals

NO. 14-17-00968-CR

IN RE RAMON TORRES, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
208th District Court
Harris County, Texas
Trial Court Cause No. 1541830**

MEMORANDUM OPINION

On December 12, 2017, relator Ramon Torres filed a petition for writ of mandamus in this court. *See Tex. Gov't Code Ann. § 22.221 (West Supp. 2017); see also Tex. R. App. P. 52.* In the petition, relator, who is in jail, asks this court to

compel the Honorable Denise Collins, presiding judge of the 208th District Court of Harris County, to grant relator release on a personal recognizance bond.

Relator argues that he is entitled to such relief under Article 17.151 of the Code of Criminal Procedure because, allegedly, the State was not ready for trial within 90 days of his detention and his indictment was not signed by the Jury Foreperson.

As the party seeking relief, relator has the burden of providing this court with a sufficient record to establish his right to mandamus relief. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding); Tex. R. App. P. 52.7(a)(1) (relator must file with petition “a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding”). “A party’s right to mandamus relief generally requires a predicate request for some action and a refusal of that request.” *In re Perritt*, 992 S.W.2d 444, 446 (Tex. 1999) (orig. proceeding); *In re Le*, 335 S.W.3d 808, 814–15 (Tex. App.—Houston [14th Dist.] 2011, orig. proceeding). “Presenting the motion, along with a request for a hearing, is required to let the court know that the defendant wants the trial court to act on the motion and whether the defendant would like a hearing on the motion.” *Rozell v. State*, 176 S.W.3d 228, 230 (Tex. Crim. App. 2005).

Relator is not entitled to mandamus relief because he has not provided our court with a record showing that he requested the trial court to grant the relief he seeks in his mandamus petition, and that the trial court refused such relief.

Additionally, because relator states in his petition that he was represented by counsel and plans to hire other counsel, his petition presents nothing for this court's review; a criminal defendant is not entitled to hybrid representation. *See Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995); *Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding).

For these reasons, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Christopher, Donovan, and Jewell.
Do Not Publish — Tex. R. App. P. 47.2(b).