

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00880-CR

IN RE Derrick **ROBINSON**

Original Mandamus Proceeding¹

PER CURIAM


Sitting: Catherine Stone, Justice
Karen Angelini, Justice
Santee Bryan Marion, Justice

Delivered and filed: December 17, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

On December 3, 2008, relator filed an Application for Leave to File Petition for Writ of Mandamus. No leave is required to file a petition for writ of mandamus; therefore, we DENY the application for leave to file as moot.

On December 3, 2008, relator filed a petition for writ of mandamus, complaining that the respondent has not ruled on certain motions filed in his criminal proceeding. Counsel has been appointed to represent relator in the trial court. We conclude that appointed counsel for relator is also his counsel for an original proceeding on the issues presented. Relator is not entitled to hybrid representation. *See Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). The absence of

¹  This proceeding arises out of Cause No. 2007-CR-6053, styled *The State of Texas v. Derrick L. Robinson*, pending in the 186th Judicial District Court, Bexar County, Texas, the Honorable Maria Teresa Herr presiding.

a right to hybrid representation means relator's pro se petition for writ of mandamus will be treated as presenting nothing for this court's consideration. *See id.*; *see also Gray v. Shipley*, 877 S.W.2d 806 (Tex. App.—Houston [1st Dist.] 1994, orig. proceeding). Consequently, this court has determined that relator is not entitled to the relief sought. Therefore, the petition is DENIED. TEX. R. APP. P. 52.8(a).

PER CURIAM

Do not publish