

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



MEMORANDUM OPINION

No. 04-09-00574-CR

IN RE Justin BOSQUEZ

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: September 23, 2009

PETITION FOR WRIT OF MANDAMUS DENIED

On September 11, 2009, relator Justin Bosquez filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his motion to quash indictment on the basis of an invalid complaint.

However, counsel has been appointed to represent relator in the criminal proceeding pending in the trial court for which he is currently confined.² A criminal defendant is not entitled to hybrid representation. *See Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007); *Patrick v.*

¹ This proceeding arises out of Cause No. 2009-CR-8136, styled *State of Texas v. Justin Bosquez*, in the 379th Judicial District Court, Bexar County, Texas, the Honorable Ron Rangel presiding.

² The record indicates that up until August 28, 2009, Alfredo Trevino represented relator. At a hearing on August 28, 2009, relator was appointed new counsel, Eddie Adams.

State, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). A trial court has no legal duty to rule on a *pro se* motion filed with regard to a criminal proceeding in which the defendant is represented by counsel. *See Robinson*, 240 S.W.3d at 922. Consequently, the trial court did not abuse its discretion by declining to rule on relator's *pro se* motion that relates directly to his confinement based on the criminal proceeding pending in the trial court. Accordingly, relator's petition for writ of mandamus is denied. TEX. R. APP. P. 52.8(a).

Additionally, relator filed an Application for Leave to File Petition for Writ of Mandamus. No leave is required to file a petition for a writ of mandamus in this court. TEX. R. APP. P. 52. Therefore, relator's motion for leave to file is DENIED as moot.

PER CURIAM

DO NOT PUBLISH