

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



MEMORANDUM OPINION

No. 04-09-00615-CR

IN RE Angel MENDOZA

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Rebecca Simmons, Justice
Marialyn Barnard, Justice

Delivered and Filed: October 7, 2009

PETITION FOR WRIT OF MANDAMUS DENIED

On September 30, 2009, relator Angel Mendoza filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his various *pro se* motions.

However, counsel has been appointed to represent relator in the criminal proceeding pending in the trial court for which he is currently confined. 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. 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

¹ This proceeding arises out of Cause No. 2008-CR-11819, styled *State of Texas v. Angel Mendoza*, in the 187th Judicial District Court, Bexar County, Texas, the Honorable Raymond Angelini presiding.

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 various *pro se* motions that relate 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).

PER CURIAM

DO NOT PUBLISH