

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



**MEMORANDUM OPINION**

No. 04-09-00627-CR

**IN RE John RICH**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Karen Angelini, Justice  
Phylis J. Speedlin, Justice

Delivered and Filed: October 28, 2009

PETITION FOR WRIT OF MANDAMUS DENIED

On October 2, 2009, relator John Rich filed a petition for writ of mandamus, seeking to compel the trial court to rule on his *pro se* motion for discovery.

However, counsel has been appointed to represent relator in the criminal proceeding pending in the trial court for which he is currently confined.<sup>2</sup> 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*

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<sup>1</sup> This proceeding arises out of Cause No. 2008-CR-4084, styled *State of Texas v. John Rich*, in the 144th Judicial District Court, Bexar County, Texas, the Honorable Catherine Torres-Stahl presiding.

<sup>2</sup> Attorney Charles Bunk was appointed on October 8, 2009 to represent relator in the criminal proceeding pending in the trial court.

*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).

PER CURIAM

DO NOT PUBLISH