

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



**MEMORANDUM OPINION**

No. 04-09-00680-CR

**IN RE** Laurence C. **ARMSTEAD**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

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

Delivered and Filed: November 4, 2009

PETITION FOR WRIT OF MANDAMUS DENIED

On October 22, 2009, relator Laurence C. Armstead filed a petition for writ of mandamus, seeking to compel the trial court to rule on his *pro se* “Motion to Reduce State Jail Felony to Misdemeanor.”

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

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<sup>1</sup> [▲](#) This proceeding arises out of Cause No. 2007-CR-7441-W, styled *State of Texas v. Laurence C. Armstead*, in the 399th Judicial District Court, Bexar County, Texas, the Honorable Juanita A. Vasquez-Gardner presiding.

<sup>2</sup> [▲](#) Attorney Sharon Thorn was appointed to represent relator in the criminal proceeding pending in the trial court.

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 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DO NOT PUBLISH