

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



MEMORANDUM OPINION

No. 04-09-00688-CR

IN RE Tristan GRIFFIN

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Rebecca Simmons, Justice
Marialyn Barnard, Justice

Delivered and Filed: November 11, 2009

PETITION FOR WRIT OF MANDAMUS DENIED

On October 23, 2009, relator Tristan Griffin filed a petition for writ of mandamus in which he (1) complains he has filed several *pro se* motions that have not been acted upon, and (2) requests that he be given an examining trial.

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-7887, styled *State of Texas v. Tristan Griffin*, in the 379th Judicial District Court, Bexar County, Texas, the Honorable Ron Rangel presiding.

² On June 9, 2009, the trial court appointed attorney Frederick Deyeso to represent relator in the criminal proceeding pending in the trial court.

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DO NOT PUBLISH