

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



MEMORANDUM OPINION

No. 04-10-00005-CR

IN RE Jose MEDEROS

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Rebecca Simmons, Justice
Steven C. Hilbig, Justice

Delivered and Filed: March 3, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On January 5, 2010, relator Jose Mederos filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his *pro se* motion for a speedy 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. 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. 2009-CR-10755, styled *State of Texas v. Jose Mederos*, in the 399th Judicial District Court, Bexar County, Texas, the Honorable Juanita Vasquez-Gardner presiding.

² On December 31, 2009, the trial court appointed Virginia Maurer to represent relator in the criminal proceeding.

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 filed in 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DO NOT PUBLISH