

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



MEMORANDUM OPINION

No. 04-10-00063-CR

IN RE Brian JONES

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: February 24, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On January 28, 2010, relator Brian Jones 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 counsel. See *Robinson*, 240 S.W.3d at 922. Consequently, the trial court did not abuse its discretion

¹ This proceeding arises out of Cause Nos. 2008-CR-7476 and 2009-CR-4440, styled *State of Texas v. Brian Jones*, in the 144th Judicial District Court, Bexar County, Texas, the Honorable Catherine Torres-Stahl presiding.

by declining to rule on relator's various *pro se* motions 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DO NOT PUBLISH