

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



MEMORANDUM OPINION

No. 04-10-00348-CR

IN RE Timothy Brant **PERKINS**

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: May 19, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On May 4, 2010, relator Timothy Brant Perkins filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his *pro se* "Motion to Quash—Prosecution Barred by Limitations."

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

¹ This proceeding arises out of Cause No. 264347, styled *State of Texas v. Timothy Brant Perkins*, in the County Court at Law No. 12, Bexar County, Texas, the Honorable Michael E. Mery presiding.

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DO NOT PUBLISH