

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



**MEMORANDUM OPINION**

No. 04-10-00397-CR

**IN RE James Earl TAYLOR**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting:       Rebecca Simmons, Justice  
                  Steven C. Hilbig, Justice  
                  Marialyn Barnard, Justice

Delivered and Filed: June 9, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On May 21, 2010, relator James Earl Taylor 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

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<sup>1</sup> This proceeding arises out of Cause No. 2009CR8900, styled *State of Texas v. James Earl Taylor*, in the 175th Judicial District Court, Bexar County, Texas, the Honorable Mary Román 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DO NOT PUBLISH