

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



**MEMORANDUM OPINION**

No. 04-10-00607-CR

**IN RE David SALINAS**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM


Sitting: Sandee Bryan Marion, Justice  
Rebecca Simmons, Justice  
Steven C. Hilbig, Justice


Delivered and Filed: September 8, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On August 20, 2010, relator David Salinas filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his various *pro se* motions. However, relator has retained counsel to represent him in the criminal proceeding pending in the trial court for which he is currently confined.<sup>2</sup> 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 *pro se* motions or petitions filed with

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<sup>1</sup>  This proceeding arises out of Cause No. 2010-CR-7306B, styled *State of Texas v. David Salinas*, pending in the 144th Judicial District Court, Bexar County, Texas, the Honorable Catherine Torres-Stahl presiding.

<sup>2</sup>  The court is aware that relator's counsel Michael Sawyer has filed a motion to withdraw as counsel. However, the trial court has not yet ruled on the motion. Therefore, Michael Sawyer remains relator's counsel until the trial court rules on his motion to withdraw.

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 various *pro se* motions filed in the criminal proceeding pending in the trial court. Accordingly, the petition is denied. TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH