

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



MEMORANDUM OPINION

No. 04-10-00745-CR

IN RE Raymond **DAVILA**

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Rebecca Simmons, Justice

Delivered and Filed: November 17, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On October 18, 2010, relator Raymond Davila Jones filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his *pro se* "Motion for Forensic DNA Testing" that was filed in the trial court August 16, 2010. However, counsel has been appointed to represent relator in filing a motion for DNA testing. 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 regard to a criminal proceeding in which the defendant is represented by counsel. *See Robinson*, 240 S.W.3d at 922. Consequently, we cannot conclude the trial court abused its discretion by declining to rule on relator's *pro se*

¹ This proceeding arises out of Cause No. 1993-CR-3696, styled *State of Texas v. Raymond Davila*, in the 175th Judicial District Court, Bexar County, Texas, the Honorable Mary Román presiding.

motion at this time. Accordingly, the petition for writ of mandamus is DENIED. TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH