

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



MEMORANDUM OPINION

No. 04-10-00761-CR

IN RE Cole ARNOLD

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: November 3, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On October 21, 2010, relator Cole Arnold filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his *pro se* motion to reduce bond. However, counsel has been appointed to represent relator in the criminal proceeding pending in the trial court for which he is currently confined.² 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, the trial court did not

¹ This proceeding arises out of Cause No. 2010-CR-0566, styled *State of Texas v. Eddie Lundy*, pending in the 437th Judicial District Court, Bexar County, Texas, the Honorable Lori Valenzuela presiding.

² The record indicates that Edward Cano was appointed on July 12, 2010 to represent relator.

abuse its discretion by declining to rule on relator's *pro se* motion filed in the criminal proceeding pending in the trial court. Accordingly, the petition for writ of mandamus is denied.

TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH