

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



MEMORANDUM OPINION

No. 04-12-00424-CR

IN RE Joe Rafael **JIMENEZ**, Jr.

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: July 25, 2012

PETITION FOR WRIT OF MANDAMUS DENIED

On July 16, 2012, relator Joe Rafael Jimenez, Jr. filed a petition for writ of mandamus, complaining of the trial court's failure to rule on his *pro se* "Writ of Habeas Corpus Challenging Illegal Restraint." However, Jimenez acknowledges, and this court has confirmed, that counsel has been appointed to represent relator in the criminal proceedings 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 *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 Nos. 2011CR7653 and 2011CR7652, styled *The State of Texas v. Joe Rafael Jimenez, Jr.*, pending in the 437th Judicial District Court, Bexar County, Texas, the Honorable Lori I. Valenzuela presiding.

abuse its discretion by declining to rule on relator's *pro se* habeas filed in the criminal proceedings 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DO NOT PUBLISH