

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



MEMORANDUM OPINION

No. 04-12-00508-CR

IN RE Ali MAYBERRY

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Steven C. Hilbig, Justice

Delivered and Filed: August 22, 2012

PETITION FOR WRIT OF MANDAMUS DENIED

On August 9, 2012, relator Ali Mayberry filed a *pro se* petition for writ of mandamus, complaining of the trial court's failure to rule on several pending petitions for writ of habeas corpus relief. Attached to Mayberry's petition is a motion filed by his court-appointed attorney adopting certain *pro se* motions and one *pro se* writ filed by Mayberry; however, it does not appear that all of the habeas petitions referenced in the mandamus petition were adopted by Mayberry's court-appointed attorney. In any event, 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

¹ This proceeding arises out of Cause No. 2012CR2542, styled *The State of Texas v. Ali Mayberry*, pending in the 144th Judicial District Court, Bexar County, Texas, the Honorable Angus McGinty presiding.

represented by counsel. *See Robinson*, 240 S.W.3d at 922. Moreover, we conclude Mayberry's court-appointed attorney is also counsel for any original proceeding on the issue presented. *See In re Wells*, No. 04-08-00899-CR, 2008 WL 5412380, at *1 (Tex. App.—San Antonio Dec. 23, 2008, orig. proceeding). Accordingly, the petition for writ of mandamus is denied. TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH