



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00107-CR

IN RE Johnnie Lee **FRANKS**

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: February 27, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

On February 11, 2013, Relator Johnnie Lee Franks filed a petition for writ of mandamus, complaining of the trial court's failure to rule on various *pro se* motions. However, on January 25, 2013, attorney Ivan Friedman was appointed to represent relator in the criminal proceeding 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 abuse its discretion by declining to rule on Relator's *pro se* motions filed in the

¹ This proceeding arises out of Cause No. 2012-CR-10183, styled *State of Texas v. Johnnie Lee Franks*, pending in the 227th Judicial District Court, Bexar County, Texas, the Honorable Philip A. Kazen, Jr. presiding.

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DO NOT PUBLISH