



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00396-CR

IN RE Darrick OLIVER

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Rebeca C. Martinez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: June 26, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

On June 20, 2013, relator filed a petition for writ of mandamus complaining of the trial court's failure to rule on his motion for speedy trial and seeking an order compelling the trial court to commence trial in the underlying criminal proceeding. Counsel has been appointed to represent relator in the trial court. We conclude that appointed counsel for relator is also his counsel with respect to the issues presented in this original proceeding. *See Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App. — Houston [1st Dist.] 1994, orig. proceeding).

Relator is not entitled to hybrid representation. *See Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). The absence of a right to hybrid representation means relator's *pro se* petition for writ of mandamus will be treated as presenting nothing for this court's consideration.

¹ This proceeding arises out of Cause Nos. 2012CR1567 and 2012CR1844, styled *The State of Texas v. Darrick D. Oliver*, pending in the 399th Judicial District Court, Bexar County, Texas, the Honorable Ray Olivarri presiding.

See id. The court is of the opinion that relator is not entitled to the relief sought and the petition for writ of mandamus is accordingly denied. TEX. R. APP. P. 52.8 (a).

PER CURIAM

DO NOT PUBLISH