



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00736-CR

IN RE Ruben **NERIO**, Jr.

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: October 30, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

Relator Ruben Nerio Jr. filed this pro se petition for writ of mandamus on October 23, 2013, complaining the trial court lacked jurisdiction to revoke his probation in two underlying criminal cases. In April 2013, Scott McCrum was appointed to represent relator in connection with the underlying criminal cases. We conclude that any original proceeding on the issues presented should be presented by relator's counsel. 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 mandamus petition will be treated as presenting nothing for this court's review. *See id.*; *see also Gray v. Shipley*, 877 S.W.2d 806, 806 (Tex. App.—Houston

¹ This proceeding arises out of Cause Nos. 2005CR1231 and 2005CR1529, both styled *The State of Texas v. Ruben Nerio Jr.*, pending in the 144th Judicial District Court, Bexar County, Texas, the Honorable Angus K. McGinty presiding.

[1st Dist.] 1994, orig. proceeding). Accordingly, relator's petition for writ of mandamus is denied.
See TEX. R. APP. P. 52.8(a).

PER CURIAM

DO NOT PUBLISH