



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-15-00659-CR

**IN RE Mark DUKES**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

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

Delivered and Filed: November 4, 2015

PETITION FOR WRIT OF MANDAMUS DENIED

Relator Mark Dukes filed this pro se petition for writ of mandamus on October 22, 2015, complaining of the trial court's failure to rule on his application for writ of habeas corpus in the underlying criminal proceeding. Relator has been appointed trial counsel to represent him in connection with the criminal charges currently pending against him. We conclude that any original proceeding on the issue raised should be presented by relator's trial 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,

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<sup>1</sup> This proceeding arises out of Cause No. 2015CR6000A, styled *The State of Texas v. Mark Dukes*, pending in the 399th Judicial District Court, Bexar County, Texas, the Honorable Ray Olivarri presiding.

806 (Tex. App.—Houston [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DO NOT PUBLISH