



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-22-00654-CR

IN RE Russell S. ADAMS

Original Proceeding¹

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice
Irene Rios, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: October 26, 2022

PETITION FOR WRIT OF MANDAMUS DENIED

On October 4, 2022, relator filed a *pro se* petition for writ of mandamus in which he asks this court to order relator's prior counsel to turn over his file to relator's current counsel. Relator is represented by trial counsel below; therefore, he 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 [1st Dist.] 1994, orig. proceeding). Accordingly, relator's petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

¹ This proceeding arises out of Cause No. CR16-0666, styled *The State of Texas v. Russell S. Adams*, pending in the County Court at Law, Kerr County, Texas, the Honorable Susan Harris presiding.

We deny as moot relator's motion for leave to file a petition for writ of mandamus because leave is not required to file a petition in an intermediate appellate court. *See* TEX. R. APP. P. 52.1; *In re Medina*, 04-19-00041-CR, 2019 WL 360534, at *1 (Tex. App.—San Antonio Jan. 30, 2019, orig. proceeding) (mem. op.). Additionally, we deny as moot relator's motion for indigency determination.

PER CURIAM

DO NOT PUBLISH