

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00181-CR

IN RE VIRNA CATHERINE FENDER

Original Proceeding
County Court at Law No. 5 of Montgomery County, Texas
Trial Cause No. 19-338600

MEMORANDUM OPINION

In a mandamus petition, Virna Catherine Fender asks this Court to compel the trial court to consider her *pro se* motions. Fender claims the trial court appointed counsel after she filed a *pro se* motion to recuse the trial judge, but the record she submitted with her mandamus petition shows counsel had already been appointed when she filed the *pro se* motion. A trial court may disregard a *pro se* motion filed by a criminal defendant while she is represented by counsel. *Robinson v. State*, 240 S.W.3d 919, 923 (Tex. Crim. App. 2007).

Fender informs this Court that she intends to invoke her right of self-representation, but her appointed counsel has not filed a motion to withdraw in the trial court, and she does not claim that she has asked him to do so. She has not shown that she appeared at any pre-trial hearing and unequivocally asserted her right of self-representation. On this record, Fender has not shown that she is entitled to mandamus relief. Accordingly, we deny the petition for a writ of mandamus. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on June 25, 2019
Opinion Delivered June 26, 2019
Do Not Publish

Before McKeithen, C.J., Kreger and Horton, JJ.