



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-09-00116-CR**

**GLEN RAY KELLY,**

**Appellant**

**v.**

**THE STATE OF TEXAS,**

**Appellee**

**From the 18th District Court  
Johnson County, Texas  
Trial Court No. F41868**

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**ORDER**

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Glen Ray Kelly, although represented by counsel, has filed a motion for rehearing. In his motion for rehearing, he complains of the Court's order refusing to fully address the merits of the issues he raised in his brief in addition to the issue raised by appointed counsel. We first note that while Kelly complains he was not served with a copy of counsel's brief or the State's brief, he has not served the motion for rehearing on either his counsel or the State. *See* TEX. R. APP. P. 9.5. Regardless of this procedural omission, Kelly is not entitled to hybrid representation. *Ex parte Taylor*, 36 S.W.3d 883,

887 (Tex. Crim. App. 2001); *Meyer v. State*, 27 S.W.3d 644, 648 (Tex. App.—Waco 2000, pet. ref'd).

Accordingly, Kelly's motion is stricken. Kelly's petition to the Court of Criminal appeals for discretionary review, if any, is due March 18, 2011. Such a petition may be filed by Kelly acting as his own counsel and should be filed with this Court with appropriate service on the State. *See* TEX. R. APP. P. 48.4, 68.2, 68.3. A motion for extension of time to file the petition should be filed with the Court of Criminal Appeals by the date the petition is due. *See id.* at 68.2(c).

PER CURIAM

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Order issued and filed March 16, 2011  
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