

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00638-CV

In re Travis Foy

ORIGINAL PROCEEDING FROM BELL COUNTY

MEMORANDUM OPINION

Relator Travis Foy has filed a letter with the court, which we construe as a petition for writ of mandamus based on the substance of the filing. *See Surgitek, Bristol-Myers Corp. v. Abel*, 997 S.W.2d 598, 601 (Tex. 1999) (courts look to substance of pleading rather than its form or caption to determine its nature). Foy complains of the trial court's failure to rule on numerous pro se motions pending before the district court. Foy is represented by trial counsel, however, and “a trial court is free to disregard any pro se motions presented by a defendant who is represented by counsel.” *Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007). Foy is not entitled to mandamus relief because the trial court has not violated any ministerial duty by failing to act on those pro se filings. *See In re State ex rel. Tharp*, 393 S.W.3d 751, 754 (Tex. Crim. App. 2012).

Accordingly, we deny the petition for writ of mandamus. *See* Tex. R. App. P. 52.8(a).

Thomas J. Baker, Justice

Before Justices Goodwin, Baker, and Smith

Filed: December 15, 2021