

NO. 12-12-00038-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: §
CRAIG LEE BICE, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION

In this original mandamus proceeding, Relator Craig Lee Bice complains of the trial court's failure to file findings of fact and conclusions of law.

Relator is being held in the Anderson County jail for three unindicted, drug related offenses. He filed an "Application for Writ of Habeas Corpus Seeking Dismissal and Discharge For Untimely Indictment," which the trial court denied. He then requested findings of fact and conclusions of law. The trial court did not comply, and Relator filed a "Notice of Past Due Findings of Fact and Conclusions of Law." Again, the trial court did not comply. Relator seeks a writ of mandamus directing the trial court to file findings of fact and conclusions of law.

Relator has filed his mandamus petition pro se, but acknowledges in the petition that he has court appointed counsel in the underlying criminal matter. A criminal defendant is not entitled to hybrid representation. *Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007). Because a motion in the underlying criminal matter gives rise to the complaint in Relator's mandamus petition, Relator must look to appointed counsel for representation in this original proceeding. See *In re Watson*, No. 07-08-00232-CV, 2008 WL 2583003, at *1 (Tex. App.-Amarillo June 30, 2008, orig. proceeding) (op.). The absence of a right to hybrid representation means Relator's pro se petition for writ of mandamus presents nothing for this court to review. See *Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). Accordingly, Relator's petition for writ of mandamus is *denied*.

SAM GRIFFITH
Justice

Opinion delivered June 6, 2012.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

JUNE 6, 2012

NO. 12-12-00038-CR

CRAIG LEE BICE,
Relator
v.
HON. MARK A. CALHOON,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by CRAIG LEE BICE, who is the relator in Cause No. 3-41578, pending on the docket of the 3rd Judicial District Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on January 23, 2012, and the same having been duly considered, because it is the opinion of this Court that the writ of mandamus should not issue, it is therefore CONSIDERED, ADJUDGED and ORDERED that the said petition for writ of mandamus be, and the same is, hereby **DENIED**.

Sam Griffith, Justice.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.