

NO. 12-13-00389-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

RONALD A. MALONE

§

ORIGINAL PROCEEDING

RELATOR

§

***MEMORANDUM OPINION
PER CURIAM***

Relator, Ronald A. Malone, filed a pro se petition for writ of mandamus complaining of the trial court's failure to conduct a hearing on various pro se motions Relator has filed in connection with his pending felony driving while intoxicated case. However, counsel has been appointed to represent Relator in the criminal proceeding for which he is currently confined. A criminal defendant is not entitled to hybrid representation. *See Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007); *Patrick v. State*, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995). Consequently, a trial court has no legal duty to conduct a hearing on pro se motions filed with regard to a criminal proceeding in which the defendant is represented by counsel. *See Robinson*, 240 S.W.3d at 922. Therefore, the trial court did not abuse its discretion by declining to conduct hearings on Relator's pro se motions. Relator's petition for writ of mandamus is *denied*. *See* TEX. R. APP. P. 52.8(a).

Opinion delivered January 15, 2014.

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(DO NOT PUBLISH)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

JANUARY 15, 2014

NO. 12-13-00389-CR

RONALD A. MALONE,

Relator

V.

HON. DWIGHT L. PHIFER,

Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Relator, **RONALD A. MALONE**, who is the Defendant in Cause No. 18502, pending on the docket of the 2nd Judicial District Court of Cherokee County, Texas. Said petition for writ of mandamus having been filed herein on December 30, 2013, and the same having been duly considered, because it is the opinion of this court that a 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**.

By *per curiam* opinion.

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