

FOURTEENTH COURT OF APPEALS OF TEXAS

In re Deandre Dynell Deboest

No. 14-22-00149-CR · No. 14-22-00149-CR · Decided March 22, 2022

SUMMARY

The Fourteenth Court of Appeals of Texas denied Deandre Dynell Deboest’s petition for a writ of mandamus. The court held that Deboest failed to provide a sufficient record showing that relevant motions had been filed and brought to the trial judge’s attention, and further noted that his pro se petition presented nothing for review because he was represented by counsel.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Chief Justice Christopher; Justice Zimmerer; Justice Wilson
JURISDICTION	Texas
DECIDED	March 22, 2022
DOCKET	14-22-00149-CR
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding in which the relator sought a writ of mandamus compelling the presiding judge of the 262nd District Court of Harris County to dismiss the underlying criminal case.
STANDARD OF REVIEW	Mandamus relief requires the relator to show both the absence of an adequate remedy at law and a clear entitlement to relief by compelling a ministerial, rather than discretionary, act.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; designated Do Not Publish under Tex. R. App. P. 47.2(b).
PARTIES	Deandre Dynell Deboest, Relator

TOPICS

- appellate procedure
- criminal procedure
- speedy trial
- right to counsel

PRACTICE AREAS

- Texas appellate procedure
- criminal procedure
- mandamus

QUESTIONS PRESENTED

1. Whether Deboest established entitlement to mandamus relief by showing that a motion to dismiss or set aside the indictment had been filed, brought to the trial judge's attention, and left unresolved for an unreasonable period.
2. Whether Deboest's pro se mandamus petition could be considered while he was represented by counsel in the underlying criminal case.

HOLDINGS

1. A relator seeking mandamus to compel a trial court to rule must provide a sufficient record showing that the motion was filed, brought to the respondent judge's attention, and not ruled on within a reasonable time. Deboest failed to make that showing, so he was not entitled to mandamus relief.
2. A criminal defendant represented by counsel is not entitled to hybrid representation; therefore, Deboest's pro se mandamus petition presented nothing for review.

KEY QUOTATIONS

“Merely filing a motion with a court clerk does not show that the motion was brought to the trial court’s attention for a ruling because the clerk’s knowledge is not imputed to the trial court.” (2)

“A defendant in a criminal law matter is not entitled to hybrid representation.” (3)

FACTUAL BACKGROUND

Deboest was the defendant in a criminal case pending in the 262nd District Court of Harris County. He alleged that a police officer falsified an offense report and that the district attorney improperly advanced the case to the grand jury to avoid consequences associated with the approaching 180-day period. Deboest sought dismissal of the case, but he did not provide a mandamus record demonstrating that he had filed the relevant motions or brought them to the trial judge's attention for ruling. The petition indicated that he was represented by counsel.

PROCEDURAL HISTORY

Deboest filed a petition for writ of mandamus in the Fourteenth Court of Appeals on March 7, 2022. He sought to compel the trial judge to dismiss the criminal case based on alleged police report falsification, prosecutorial misconduct, and denial of a speedy trial. The appellate court denied mandamus relief because Deboest did not provide a sufficient record showing that a relevant motion had been filed, brought to the trial judge's attention, and left unresolved, and because his pro se petition constituted impermissible hybrid representation while he was represented by counsel.

DISPOSITION

writ_denied

CASES CITED

- In re Powell, 516 S.W.3d 488, 494–95 (Tex. Crim. App. 2017) (orig. proceeding)

- In re Henry, 525 S.W.3d 381, 382 (Tex. App.—Houston [14th Dist.] 2017, orig. proceeding)
- In re Gomez, 602 S.W.3d 71, 73–74 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding)
- In re Ramos, 598 S.W.3d 472, 473 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding)
- Jenkins v. State, 592 S.W.3d 894, 902 n.47 (Tex. Crim. App. 2018)
- Patrick v. State, 906 S.W.2d 481, 498 (Tex. Crim. App. 1995)
- Turner v. State, 805 S.W.2d 423, 425 n.1 (Tex. Crim. App. 1991)

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