

**Petition for Writ of Mandamus Denied and Memorandum Opinion and  
Concurring Memorandum Opinion filed June 25, 2020.**



**In the**

**Fourteenth Court of Appeals**

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**NO. 14-20-00318-CR**

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**IN RE BRENT AARON MARSHALL, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
10th District Court  
Galveston County, Texas  
Trial Court Cause No. 19CR2338**

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**CONCURRING MEMORANDUM OPINION**

I agree that relator is not entitled to hybrid representation in this petition for a writ of mandamus arising out of a pre-conviction application for a writ of habeas corpus. That is a sufficient reason to deny the petition. The court, for reasons I do not understand, finds it necessary to go beyond that valid reason for denial and explain why relator would still lose, citing the “extra rules” that individuals acting pro se who are in jail or prison must “present” the relevant motion or application to

the trial court judge and that a filed-marked copy of the relevant motion or application must be part of the mandamus record.

I acknowledge and have criticized this court’s precedent that validates these “extra rules.” See *In re Gomez*, No. 14-20-00204-CR, 2020 WL 1855081, at \*2–3 (Tex. App.—Houston [14th Dist.] Apr. 14, 2020, no pet. h.) (orig. proceeding) (Spain, J., concurring); *In re Pete*, 589 S.W.3d 320, 322–24 (Tex. App.—Houston [14th Dist.] 2019, no pet.) (orig. proceeding) (Spain, J., concurring); *In re Flanigan*, 578 S.W.3d 634, 637–38 (Tex. App.—Houston [14th Dist.] 2019, no pet.) (orig. proceeding) (Spain, J., concurring). In each of the cited cases there has been a valid reason to deny the petition for an original opinion.

Accordingly, I concur in denying the petition, but do so only based on the Texas Rules of Appellate Procedure.

/s/ Charles A. Spain  
Justice

Panel consists of Chief Justice Frost and Justices Jewell and Spain (Spain, J., concurring).

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