Order entered January 2, 2020

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-01246-CR

JOHNATHAN EUGENE COOPER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 297th District Court
Tarrant County, Texas
Trial Court Cause No. 1031532D

ORDER

Before the court are (1) appellant's December 19, 2019 pro se motion for a thirty-day extension of time to file a pro se "Rehearing/En-banc consideration motion"; (2) a December 23, 2019 motion for rehearing submitted by appellant's appointed appellate counsel; and (3) a December 31, 2019 "Unopposed Motion for Leave to File Extension of Time to File Motion for Rehearing" filed by appellant's counsel.

The opinion in this case was issued December 5, 2019, and appellant then had fifteen days to file a motion for rehearing. *See* TEX. R. APP. P. 49.1. Though appellant's counsel did not submit a motion for rehearing until December 23, 2019, counsel's December 31, 2019 unopposed extension request was timely and explained he was preparing for another trial and miscalculated the motion's due date. *See* TEX. R. APP. 49.8. We **GRANT** the December 31, 2019

extension motion and **ORDER** the December 23, 2019 motion for rehearing filed. That motion for rehearing will be considered and ruled on in due course.

As to appellant's pro se extension motion, appellant is not entitled to hybrid representation. *See Scheanette v. State*, 144 S.W.3d 503, 505 n.2 (Tex. Crim. App. 2004); *Rudd v. State*, 616 S.W.2d 623, 625 (Tex. Crim. App. [Panel Op.] 1981). On December 30, 2019, this court granted appellant's December 19, 2019 pro se request to extend time to file a motion for en banc reconsideration. Because appellant is represented by counsel, we (1) **VACATE** the December 30, 2019 order granting appellant's pro se request for an extension of time to file a motion for en banc reconsideration and (2) **DENY** appellant's December 19, 2019 pro se extension motion in its entirety.

/s/ CORY L. CARLYLE
JUSTICE