

COURT OF CRIMINAL APPEALS DOCKET ACTIVITY: FY 2002

	<i>Pending: 9/1/2001¹</i>	<i>Cases Added²</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2002</i>
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	84	38	122	51	71
<i>DNA Appeal³</i>	0	12	12	4	8
<i>Habeas Corpus & Extraordinary Matters</i>	25	228	253	240	13
Petitions for Discretionary Review	556	1,951	2,507	2,017	490
Granted Petitions for Discretionary Review	125	146	271	143	128
SUBTOTAL	790	2,375	3,165	2,455	710
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	578	5,606	6,184	5,391	793
11.071 Writs (death penalty)	37	90	127	100	27
Supplemental 11.07 Writs (other than death penalty)	86	470	556	477	79
Supplemental 11.071 Writs (death penalty)	0	1	1	0	1
SUBTOTAL	701	6,167	6,868	5,968	900
Original Proceedings⁴					
Writs of Certiorari	0	3	3	3	0
Writs of Habeas Corpus	0	39	39	37	2
Writs of Mandamus	70	685	755	656	99
Writs of Prohibition	1	5	6	6	0
SUBTOTAL	71	732	803	702	101
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	3	23	26	25	1
Rehearing on Refused Petitions for Discretionary Review	3	19	22	20	2
Rehearing on Granted Petitions for Discretionary Review	4	46	50	49	1
Motions for Reconsideration (for original proceedings & 11.07 writs)	5	14	19	19	0
Motions for Stay of Execution (for 11.071 writs)	1	17	18	17	1
SUBTOTAL	16	119	135	130	5
Motions for Extensions of Time⁵					
	0	1,644	1,644	1,644	0
TOTAL	1,578	11,037	12,615	10,899	1,716

PENDING CASE STATUS: FY 2002

	9/1/2001				8/31/2002			
	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	<i>Total Pending</i>	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	<i>Total Pending</i>
Direct Appeal: Death Penalty	31	9	45	85	35	4	32	71
Direct Appeal: DNA Appeal	0	0	0	0	2	2	4	8
Direct Appeal: Habeas Corpus & Extraordinary Matters	5	1	19	25	1	0	12	13
Granted Petitions for Discretionary Review	14	14	97	125	9	12	107	128
TOTAL	50	24	161	235	47	18	155	220

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2002

<i>Judge</i>	<i>Signed</i>	<i>Per Curiam</i>	<i>Concurring</i>	<i>Dissenting</i>	<i>Concurring & Dissenting</i>	<i>Denial of Rehearing</i>	<i>Grant of Rehearing</i>	TOTAL
Keller	27	42	6	17	0	0	0	92
Meyers	15	34	6	15	0	0	0	70
Price	20	36	4	7	0	0	0	67
Womack	11	29	9	12	0	0	0	61
Johnson	14	22	19	17	1	0	0	73
Keasler	17	36	5	6	0	0	0	64
Hervey	15	22	2	0	0	0	0	39
Holcomb	16	28	3	9	0	0	0	56
Cochran	27	27	15	4	0	0	0	73
TOTALS	162	276	69	87	1	0	0	595

¹ Cases pending at the beginning of the fiscal year (September 1) may not equal cases pending at the end of the previous fiscal year (August 31) due to docket adjustments.

² All cases added were new filings except one death penalty direct appeal added by reinstatement and two added by rehearings granted, as well as two direct appeals involving habeas corpus & extraordinary matters added by rehearings granted.

³ The 77th Legislature passed a law permitting convicted persons to submit a motion to the convicting court for forensic DNA testing of evidence containing biological material. After holding a hearing, the convicting court makes a finding as to whether the results are favorable to the convicting person. If the person was convicted in a capital case, an appeal of the convicting court's finding is a direct appeal to the Court of Criminal Appeals. (Texas Code of Criminal Procedure art. 64.05, effective April 5, 2001.)

⁴ Original proceedings are filed directly with the Court of Criminal Appeals. Applications for writ of habeas corpus, although seeking relief from the Court of Criminal Appeals, must be filed in the trial court, which has 35 days in which to submit findings of fact, conclusions of law, and a recommendation to the Court of Criminal Appeals.

⁵ Motions for extensions of time to file transcripts of court reporter's notes, bill of exceptions, briefs and petitions for discretionary review.

MANNER OF DISPOSITION: Appeals & Original Proceedings, FY 2002

Direct Appeals:

<p><i>Death Penalty</i></p> <table border="0" style="width: 100%;"> <tr><td>Affirmed</td><td style="text-align: right;">49</td></tr> <tr><td>Reversed & remanded</td><td style="text-align: right;">1</td></tr> <tr><td>Prior opinion withdrawn; affirmed</td><td style="text-align: right;">1</td></tr> <tr style="border-top: 1px solid black;"><td>TOTAL: Death Penalty</td><td style="text-align: right;">51</td></tr> </table> <p><i>DNA Appeal</i></p> <table border="0" style="width: 100%;"> <tr><td>Affirmed</td><td style="text-align: right;">1</td></tr> <tr><td>Abated</td><td style="text-align: right;">3</td></tr> <tr style="border-top: 1px solid black;"><td>TOTAL: DNA Appeal</td><td style="text-align: right;">4</td></tr> </table> <p><i>Habeas Corpus & Extraordinary Matters</i></p> <table border="0" style="width: 100%;"> <tr><td>Habeas corpus application granted</td><td style="text-align: right;">223</td></tr> <tr><td>Habeas corpus application denied</td><td style="text-align: right;">7</td></tr> <tr><td>Habeas corpus application dismissed</td><td style="text-align: right;">7</td></tr> <tr><td>Habeas corpus application granted in part & denied in part</td><td style="text-align: right;">1</td></tr> <tr><td>Habeas corpus relief held in abeyance</td><td style="text-align: right;">1</td></tr> <tr><td>Prior opinion withdrawn: relief dismissed</td><td style="text-align: right;">1</td></tr> <tr style="border-top: 1px solid black;"><td>TOTAL: Habeas Corpus & Extraordinary Matters</td><td style="text-align: right;">240</td></tr> </table> <p>TOTAL: Direct Appeals 295</p> <p>Petitions for Discretionary Review</p> <table border="0" style="width: 100%;"> <tr><td>Granted</td><td style="text-align: right;">146</td></tr> <tr><td>Refused</td><td style="text-align: right;">1,810</td></tr> <tr><td>Dismissed</td><td style="text-align: right;">11</td></tr> <tr><td>Untimely</td><td style="text-align: right;">50</td></tr> <tr style="border-top: 1px solid black;"><td>TOTAL: Petitions for Discretionary Review</td><td style="text-align: right;">2,017</td></tr> </table> <p>Granted Petitions for Discretionary Review</p> <table border="0" style="width: 100%;"> <tr><td>Affirmed Court of Appeals</td><td style="text-align: right;">27</td></tr> <tr><td>Affirmed Court of Appeals and remanded to trial court</td><td style="text-align: right;">2</td></tr> <tr><td>Affirmed trial court</td><td style="text-align: right;">1</td></tr> <tr><td>Affirmed Court of Appeals and trial court</td><td style="text-align: right;">1</td></tr> <tr><td>Reversed Court of Appeals</td><td style="text-align: right;">2</td></tr> <tr><td>Reversed Court of Appeals and remanded to Court of Appeals</td><td style="text-align: right;">27</td></tr> <tr><td>Reversed Court of Appeals and remanded to trial court</td><td style="text-align: right;">3</td></tr> <tr><td>Reversed Court of Appeals and affirmed trial court</td><td style="text-align: right;">18</td></tr> <tr><td>Remanded to Court of Appeals</td><td style="text-align: right;">9</td></tr> <tr><td>Dismissed Court of Appeals</td><td style="text-align: right;">3</td></tr> </table>	Affirmed	49	Reversed & remanded	1	Prior opinion withdrawn; 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MANNER OF DISPOSITION: Motions for Rehearing, FY 2002

	<i>With Written Opinion</i>			<i>Without Written Opinion</i>			Total
	<i>Granted</i>	<i>Denied</i>	<i>Dismissed</i>	<i>Granted</i>	<i>Denied</i>	<i>Dismissed</i>	
Rehearing on Direct Appeal	0	0	0	4	21	0	25
Rehearing on Refused Petitions for Discretionary Review	0	0	0	1	20	0	20
Rehearing on Granted Petitions for Discretionary Review	0	0	0	0	49	0	49
TOTAL	0	0	0	4	90	0	94

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2002

<i>County</i>	<i>Filed</i>	<i>Grantea</i>	<i>Refused</i>	<i>Dismissed</i>	<i>County</i>	<i>Filed</i>	<i>Grantea</i>	<i>Refused</i>	<i>Dismissed</i>	<i>County</i>	<i>Filed</i>	<i>Grantea</i>	<i>Refused</i>	<i>Dismissed</i>
Anderson	3	1	2	0	Franklin	2	0	1	0	Maverick	1	0	0	0
Angelina	2	0	3	0	Freestone	5	1	10	0	Midland	7	2	6	0
Aransas	3	0	3	0	Frio	1	0	1	0	Milam	2	0	3	0
Archer	1	0	0	0	Galveston	30	0	21	0	Mitchell	1	0	1	0
Atascosa	1	0	1	0	Gillespie	2	2	0	0	Montague	1	0	0	0
Austin	1	0	1	0	Gonzales	0	0	1	0	Montgomery	12	1	15	0
Bailey	0	0	1	0	Grayson	8	0	7	1	Nacogdoches	9	0	9	0
Bandera	1	0	0	1	Gregg	14	2	13	0	Navarro	8	1	5	0
Bastrop	1	1	1	0	Grimes	1	0	0	0	Newton	2	0	2	0
Bee	5	0	4	0	Hale	4	0	4	0	Nolan	2	0	2	0
Bell	9	1	9	0	Hall	2	0	2	0	Nueces	20	2	17	0
Bexar	66	4	61	1	Hamilton	2	1	2	0	Orange	6	0	3	0
Blanco	1	0	1	0	Hardin	1	0	1	0	Palo Pinto	4	0	9	0
Bosque	1	0	2	0	Harris	569	45	851	3	Parker	4	0	4	0
Bowie	4	0	5	0	Harrison	2	1	3	0	Pecos	1	0	1	0
Brazoria	16	0	15	0	Hays	10	0	10	0	Polk	3	0	3	0
Brazos	14	3	13	0	Henderson	7	1	7	0	Potter	8	1	7	0
Brown	1	0	2	0	Hidalgo	14	6	7	0	Randall	7	0	6	0
Burleson	1	0	1	0	Hill	10	1	8	0	Robertson	1	0	1	0
Burnet	1	0	1	0	Hood	7	1	8	0	Rockwall	5	0	6	0
Caldwell	0	0	1	0	Hopkins	4	0	4	0	Sabine	0	0	2	0
Calhoun	2	0	1	0	Houston	5	0	3	0	San Jacinto	3	0	4	0
Callahan	0	0	1	0	Howard	4	0	3	0	San Patricio	3	1	2	0
Cameron	8	2	5	0	Hudspeth	1	0	1	0	Shelby	1	0	1	0
Cass	1	0	0	0	Hunt	2	0	2	0	Smith	24	4	14	0
Castro	0	1	0	0	Jack	0	0	2	0	Starr	5	0	2	0
Chambers	3	0	4	0	Jackson	5	2	3	0	Stephens	2	0	2	0
Cherokee	2	0	2	0	Jasper	2	0	1	0	Swisher	8	0	1	0
Childress	2	0	2	0	Jefferson	13	0	9	1	Tarrant	196	12	187	1
Clay	0	0	1	0	Jim Wells	2	0	1	0	Taylor	21	2	17	0
Collin	55	3	46	0	Johnson	4	0	4	0	Titus	1	1	1	0
Collingsworth	0	0	1	0	Jones	2	0	2	0	Tom Green	5	0	1	0
Comal	6	0	3	0	Kerr	4	3	1	0	Travis	50	4	41	0
Comanche	1	0	1	0	Kimble	2	0	2	0	Tyler	5	0	5	0
Cooke	1	0	1	0	Kleberg	3	1	2	0	Upshur	4	0	5	0
Coryell	1	0	0	0	Lamar	2	0	1	0	Uvalde	0	0	1	0
Cottle	0	0	1	0	Lamb	1	0	2	0	Wilbarger	3	0	1	0
Dallas	317	14	283	0	Lampasas	2	0	1	0	Williamson	8	0	9	0
Dawson	1	0	1	0	Leon	3	0	3	0	Wilson	3	0	8	0
Denton	38	1	37	0	Liberty	0	0	1	0	Winkler	1	0	2	0
De Witt	2	0	2	0	Live Oak	1	0	1	0	Wise	0	1	0	0
Ector	5	2	2	0	Lubbock	18	0	15	0	Wood	11	0	2	0
Ellis	6	0	3	0	Lynn	1	0	0	0	Young	2	0	3	0
El Paso	30	3	34	1	McLennan	28	1	29	1	Zavala	2	0	1	0
Erath	1	0	1	0	Madison	4	0	2	0	TOTALS	1,951	146	1,810	11
Falls	0	3	0	0	Marion	1	0	1	0					
Fannin	7	0	7	0	Mason	1	0	0	0					
Fort Bend	18	1	14	0	Matagorda	7	0	6	0					

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2002

<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
1 st Houston	230	11	243	2	8 th El Paso	67	7	66	1
2 nd Fort Worth	249	14	240	0	9 th Beaumont	37	0	37	0
3 rd Austin	97	6	83	0	10 th Waco	96	10	92	2
4 th San Antonio	114	10	90	2	11 th Eastland	74	4	75	0
5 th Dallas	323	12	288	1	12 th Tyler	70	7	59	1
6 th Texarkana	69	8	55	1	13 th Corpus Christi	107	17	76	0
7 th Amarillo	86	2	78	0	14 th Houston	332	38	328	1
					TOTAL	1,951	146	1,810	11