

COURT OF CRIMINAL APPEALS DOCKET ACTIVITY: FY 2004

	Pending: 9/1/2003 ¹	Cases Added ²	Total on Docket	Dispositions	Pending: 8/31/2004
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	68	27	95	34	61
<i>DNA Appeal³Death</i>	1	3	4	3	1
<i>DNA Appeals Life</i>	8	0	8	8	0
<i>Habeas Corpus & Extraordinary Matters</i>	15	215	230	208	22
Petitions for Discretionary Review	523	1,637	2,160	1,777	383
Granted Petitions for Discretionary Review	81	119	200	108	92
Redrawn Petitions for Discretionary Review	25	179	204	183	21
SUBTOTAL	721	2,180	2,901	2,321	580
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	790	5,870	6,660	4,980	1,680
11.071 Writs (death penalty)	38	72	110	76	34
Supplemental 11.07 Writs (other than death penalty)	114	389	503	384	119
Supplemental 11.071 Writs (death penalty)	0	11	11	8	3
SUBTOTAL	942	6,342	7,284	5,448	1,836
Original Proceedings⁴					
Writs of Certiorari	2	6	8	8	0
Writs of Habeas Corpus	5	26	31	25	6
Writs of Mandamus	138	797	935	723	212
Writs of Prohibition	1	5	6	5	1
SUBTOTAL	146	834	980	761	219
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	7	18	25	16	9
Rehearing on Refused Petitions for Discretionary Review	3	28	31	30	1
Rehearing on Granted Petitions for Discretionary Review	6	13	19	18	1
Rehearing on Habeas Corpus(Filed & Set)	1	4	5	4	1
Motions for Reconsideration (for original proceedings & 11.07 writs)	1	5	6	6	0
Motions for Stay of Execution (for 11.071 writs)	2	8	10	7	3
SUBTOTAL	20	76	96	81	15
Motions for Extensions of Time⁵	0	1,516	1,516	1,516	0
TOTAL	1,829	10,948	12,777	10,127	2,650

PENDING CASE STATUS: FY 2004

	9/1/2003				8/31/2004			
	Not Set for Submission	Set for Submission	Submitted	Total Pending	Not Set for Submission	Set for Submission	Submitted	Total Pending
Direct Appeal: Death Penalty	41	8	18	67	27	17	17	61
Direct Appeal: DNA Appeal	6	0	3	9	1	0	0	1
Direct Appeal: Habeas Corpus & Extraordinary Matters	2	0	11	13	8	2	12	22
Granted Petitions for Discretionary Review	9	7	64	80	6	17	69	92
TOTAL	58	15	96	169	42	36	98	176

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 2004

Direct Appeals:		Applications for Writ of Habeas Corpus	
<i>Death Penalty</i>		Abuse of writ order previously entered	4
Affirmed	33	Dismissed - direct appeal pending, no action necessary	175
Reversed and remanded	1	Dismissed - Art. 11.07, Section 4	593
TOTAL: Death Penalty	34	Dismissed - Art. 11.07, Tex.Gov. Code, §501.0081	353
<i>DNA Appeal</i>		Dismissed	265
Affirmed	2	Filed & set	211
Affirmed trial court	1	Habeas corpus relief denied without written order	1,387
Dismissed	2	Habeas corpus relief denied with written order	4
Transferred to Court of Appeals	6	Habeas corpus relief denied with hearing	75
TOTAL: DNA Appeal	11	Habeas corpus relief denied without hearing	1,431
<i>Habeas Corpus & Extraordinary Matters</i>		Habeas corpus remanded for evidentiary hearing / aff with order	217
Habeas corpus application granted	195	Habeas corpus dismissed – juvenile matter	1
Habeas corpus application denied	4	Habeas corpus dismissed – misdemeanor offense	2
Habeas corpus application dismissed	1	Habeas corpus dismissed – moot	28
Habeas corpus application remanded to trial court	1	Habeas corpus dismissed – sentence discharged	41
Mandamus dismissed	1	Habeas corpus dismissed – community supervision not revoked	37
Mandamus dismissed with written order	1	Habeas corpus dismissed with written order	4
Mandamus relief conditionally granted	2	Habeas corpus relief moot	18
Other appeals dismissed	1	Habeas corpus returned for non compliance	370
Appeal denying bail dismissed	2	Motion for leave to file denied with written order	3
TOTAL: Habeas Corpus & Extraordinary Matters	208	Motion for leave to file denied without written order	143
TOTAL: Direct Appeals	253	Motion for leave to file held in abeyance with order	2
		11.071 Motion for leave to file denied without written order	1
		11.071 Writ denied with written order	28
		11.071 Writ dismissed with an order	29
		11.071 Writ dismissed	1
		11.071 Writ remanded with order	25
		TOTAL: Applications for Writ of Habeas Corpus	5,448
		Original Proceedings	
Petitions for Discretionary Review		Motion for leave to file original writ of certiorari denied without written order	8
Granted	106	Motion for leave to file original writ of habeas corpus denied without	25
Refused	1,357	Original mandamus dismissed	2
Dismissed	14	Original mandamus filed and set	2
Struck	229	Original mandamus - moot	1
Withdrawn	1	Motion for leave to file original mandamus denied without order	548
Untimely	70	Motion for leave to file original mandamus denied with written order	3
TOTAL: Petitions for Discretionary Review	1,777	Motion for leave to file original mandamus dismissed – misdemeanor offense	1
		Motion for leave to file original mandamus held in abeyance with written order	166
		Motion for leave to file writ of prohibition denied without written order	5
		TOTAL: Original Proceedings	761
		Motions for Reconsideration and Stay of Execution	
Granted Petitions for Discretionary Review		Motion for reconsideration denied	1
Affirmed Court of Appeals	29	Motion for reconsideration denied with written order	1
Dismissed Court of Appeals	1	Motion for reconsideration dismissed	2
Dismissed as improvidently granted	4	Motion for reconsideration remanded for evidentiary hearing/aff	2
Dismissed and remanded to Court of Appeals	2	Motion for stay of execution denied	4
Remanded to Court of Appeals	22	Motion for stay of execution denied with written order	1
Reversed Court of Appeals and remanded to Court of Appeals	4	Motion for stay of execution dismissed with written order	1
Reversed Court of Appeals and remanded to trial court	11	Motion for stay of execution granted	1
Reversed Court of Appeals and affirmed trial court	5		
Reversed in part, affirmed in part; remanded to Court of Appeals	1	TOTAL: Motions for Reconsideration and Stay of Execution	13
Vacated Court of Appeals and dismissed	1		
Vacated Court of Appeals and remanded to Court of Appeals	1		
TOTAL: Granted Petitions for Discretionary Review	108		
Redrawn Petitions for Discretionary Review			
Granted	12		
Refused	167		
Untimely	4		
TOTAL: Redrawn Petitions for Discretionary Review	183		

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2004

<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	16	17	6	11	1	0	0	51
Meyers	16	23	5	8	0	0	0	52
Price	17	22	8	6	0	0	0	53
Womack	13	39	6	4	0	0	0	62
Johnson	9	25	5	7	0	0	0	46
Keasler	21	20	3	3	0	0	0	47
Hervey	21	31	3	9	0	0	0	64
Holcomb	20	16	2	3	0	0	0	41
Cochran	18	24	4	9	0	0	0	55
TOTALS	151	217	42	60	1	0	0	471

MANNER OF DISPOSITION: Motions for Rehearing, FY 2004

	<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	1	0	0	15	0	16
Rehearing on Habeas Corpus and Extraordinary Matters	2	0	0	0	2	0	4
Rehearing on Refused Petitions for Discretionary Review	0	0	0	0	30	0	30
Rehearing on Granted Petitions for Discretionary Review	5	0	0	0	13	0	18
TOTAL	7	1	0	0	60	0	68

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2004

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Anderson	2	0	1	0	Guadalupe	4	0	2	0	Parker	4	0	5	0
Andrews	1	0	1	0	Hale	2	0	2	0	Polk	3	0	2	0
Angelina	7	0	4	0	Hamilton	1	1	0	0	Potter	16	2	16	0
Archer	1	0	0	0	Hardeman	0	0	1	0	Presidio	1	1	0	0
Bailey	1	0	1	0	Hardin	1	0	0	0	Rains	1	0	1	0
Bandera	1	0	1	0	Harris	430	23	396	5	Randall	1	0	2	0
Bastrop	2	0	1	0	Harrison	1	0	1	0	Red River	1	0	1	0
Bee	4	0	4	0	Hays	2	0	2	0	Reeves	0	0	1	0
Bell	13	0	15	0	Henderson	8	2	5	0	Refugio	2	0	0	0
Bexar	69	6	66	1	Hidalgo	7	4	9	0	Robertson	1	0	0	0
Bosque	6	0	1	0	Hood	6	0	9	0	Rockwall	10	0	5	0
Bowie	6	1	3	0	Hopkins	10	0	10	0	Runnels	1	0	2	0
Brazoria	15	1	11	3	Houston	1	0	0	0	Rusk	1	1	0	0
Brazos	13	2	8	1	Howard	0	0	1	0	Sabine	1	0	1	0
Brown	4	0	5	0	Hunt	3	0	5	0	San Jacinto	3	0	3	0
Burleson	1	1	1	0	Hutchinson	3	0	1	0	San Patricio	5	0	5	0
Caldwell	4	1	2	0	Jackson	1	0	1	0	San Saba	1	0	0	0
Calhoun	2	0	3	0	Jasper	1	0	1	0	Shackelford	2	0	2	0
Cameron	5	0	3	0	Jefferson	12	3	13	0	Shelby	5	0	2	0
Carson	0	0	1	0	Jim Wells	1	0	1	0	Smith	19	3	17	0
Cass	2	0	0	0	Johnson	5	0	4	0	Stephens	2	0	2	0
Chambers	3	0	5	0	Jones	1	0	1	0	Swisher	1	0	1	0
Cherokee	4	1	3	0	Kaufman	3	0	4	0	Tarrant	152	9	173	1
Clay	0	0	1	0	Kendall	2	2	0	0	Taylor	20	2	16	0
Collin	35	3	46	0	Kenedy	1	0	0	0	Terry	0	0	1	0
Colorado	2	0	1	0	Kerr	3	1	1	0	Tom Green	6	1	7	0
Comal	2	0	3	0	Kinney	1	1	0	0	Travis	63	12	43	1
Cooke	1	0	4	0	Kleberg	1	0	1	0	Tyler	1	0	1	0
Coryell	1	0	0	0	La Salle	0	1	3	0	Upshur	1	0	0	0
Dallas	285	14	273	0	Lamar	6	0	5	0	Val Verde	1	0	0	0
Dawson	2	0	1	0	Lampasas	1	0	1	0	Victoria	6	0	3	0
De Witt	1	0	0	0	Leon	4	0	3	0	Walker	3	2	4	0
Deaf Smith	1	0	1	0	Limestone	2	0	1	0	Waller	4	0	4	0
Delta	1	0	1	0	Lubbock	18	2	18	0	Washington	2	0	2	0
Denton	28	0	27	1	Lynn	1	0	1	0	Webb	2	0	2	0
Duval	0	0	1	0	Madison	2	0	1	0	Wharton	2	1	0	0
Eastland	4	0	1	0	Matagorda	3	0	3	0	Wheeler	1	0	1	0
Ector	7	3	4	0	Maverick	0	0	1	0	Wichita	5	0	4	0
Edwards	1	0	0	0	McLennan	14	1	17	0	Wilbarger	2	0	1	0
El Paso	26	1	26	0	Menard	1	0	1	0	Willacy	0	1	0	0
Ellis	3	0	4	0	Midland	6	0	9	0	Williamson	7	0	8	0
Erath	3	0	3	0	Milam	1	0	1	0	Wilson	1	1	1	0
Falls	2	0	2	0	Mitchell	1	0	0	0	Wise	2	0	0	0
Fannin	3	1	5	0	Montague	0	0	1	0	Wood	6	0	6	0
Fort Bend	15	3	15	0	Montgomery	13	2	11	0	Yoakum	1	0	0	0
Freestone	1	0	0	0	Nacogdoches	2	0	3	0	Young	3	0	3	0
Gaines	1	0	0	0	Navarro	1	0	1	0	Zapata	1	0	1	0
Galveston	21	0	20	2	Newton	1	0	1	0	TOTALS	1,637	122	1,525	15
Gillespie	1	0	0	0	Nolan	3	0	3	0					
Gonzales	1	0	1	0	Nueces	18	4	7	0					
Gray	1	0	1	0	Orange	3	1	3	0					
Grayson	3	0	1	0	Palo Pinto	4	0	2	0					
Gregg	29	0	26	0	Panola	1	0	0	0					

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2004

<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	226	14	203	9	8 th El Paso	58	6	54	0
2 nd Fort Worth	197	9	220	2	9 th Beaumont	19	4	18	0
3 rd Austin	105	14	88	1	10 th Waco	55	2	50	0
4 th San Antonio	112	13	100	1	11 th Eastland	75	4	62	0
5 th Dallas	278	14	279	0	12 th Tyler	55	6	47	0
6 th Texarkana	94	5	76	0	13 th Corpus Christi	69	13	47	0
7 th Amarillo	72	5	73	0	14 th Houston	222	13	208	2
					TOTAL	1,637	122	1,525	15