

COURT OF CRIMINAL APPEALS ACTIVITY: FY 2009

	<i>Pending: 9/1/2008¹</i>	<i>Cases Added</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2009</i>
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	37	14	51	22	29
<i>DNA Appeal-Death Sentence</i>	1	3	4	0	4
<i>Habeas Corpus & Extraordinary Matters</i>	20	206	226	207	19
Petitions for Discretionary Review	299	1,408	1,707	1,542	165
Granted Petitions for Discretionary Review	89	134	223	104	119
Redrawn Petitions for Discretionary Review	0	161	161	154	7
SUBTOTAL	446	1,926	2,372	2,029	343
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	515	4,423	4,938	4,559	379
11.071 Writs (death penalty)	37	74	111	85	26
Supplemental 11.07 Writs (other than death penalty)	67	368	435	362	73
Supplemental 11.071 Writs (death penalty)	8	7	15	11	4
SUBTOTAL	627	4,872	5,499	5,017	482
Original Proceedings²					
Writs of Certiorari	1	8	9	8	1
Writs of Habeas Corpus	6	47	53	48	5
Supplemental Received Writ of Habeas Corpus	0	1	1	1	0
Writs of Mandamus	57	659	716	672	44
Supplemental Received Writ of Mandamus	14	114	128	119	9
Original & Supplemental 11.071 Matters	3	7	10	9	1
Writs of Prohibition	1	8	9	9	0
Supplemental Received Writ of Prohibition	0	2	2	2	0
SUBTOTAL	82	846	928	868	60
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	2	7	9	8	1
Rehearing on Refused Petitions for Discretionary Review	1	38	39	36	3
Rehearing on Granted Petitions for Discretionary Review	4	28	32	28	4
Rehearing on Habeas Corpus (filed & set)	0	10	10	10	0
Motions for Reconsideration (for original proceedings & 11.07 & 11.071 writs)	0	229	229	225	4
Motions for Stay of Execution (for 11.071 writs)	1	17	18	16	2
SUBTOTAL	8	329	337	323	14
Motions for Extensions of Time³	0	1,466	1,466	1,466	0
TOTAL	1163	9,439	10,602	9,703	899

PENDING CASE STATUS: FY 2009

	9/1/2008				8/31/2009			
	<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	16	4	17	37	17	4	8	29
Direct Appeal: DNA Appeal	0	1	0	1	1	1	2	4
Direct Appeal: Habeas Corpus & Extraordinary Matters	4	3	13	20	5	3	11	19
Granted Petitions for Discretionary Review	24	8	57	89	57	24	38	119
TOTAL	44	16	87	147	80	32	59	171

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 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.

³ 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 2009

Direct Appeals:		Applications for Writ of Habeas Corpus	
<i>Death Penalty</i>		Motion for leave to file denied w/o order	2
Affirmed	22	Abuse of writ order entered	16
TOTAL: Death Penalty	22	Abuse of writ order previously entered	47
		Dismissed - direct appeal pending, no action necessary	163
<i>Habeas Corpus & Extraordinary Matters</i>		Dismissed - Art. 11.07, Section 4	707
Habeas corpus application granted	187	Dismissed - Art. 11.07, Tex.Gov. Code, §501.0081	124
Habeas corpus application denied	11	Dismissed	101
Habeas corpus application dismissed	3	Filed & set	189
Habeas corpus application remanded to trial court	1	Habeas corpus remanded for evidentiary hearing / aff with order	351
Habeas corpus application dismissed/moot	1	Habeas corpus relief denied without written order	946
Mandamus conditionally granted	4	Habeas corpus relief denied with written order	64
TOTAL: Habeas Corpus & Extraordinary Matters	207	Habeas corpus relief denied with hrng on findings of trial court	31
		Habeas corpus relief denied w/o hrng on findings of trial court	1,518
TOTAL: Direct Appeals	229	Habeas corpus denied/dismissed with order	24
		Habeas corpus dismissed – juvenile matter	2
<i>Petitions for Discretionary Review</i>		Habeas corpus dismissed – misdemeanor offense	6
Dismissed	2	Habeas corpus dismissed – moot	72
Granted	120	Habeas corpus dismissed – sentence discharged	212
Refused	1,158	Habeas corpus dismissed – community supervision not revoked	20
Struck	191	Habeas corpus dismissed with written order	12
Untimely	70	Habeas corpus returned for non compliance	251
Rehearing granted	1	Habeas corpus dismissed – Ybarra	58
TOTAL: Petitions for Discretionary Review	1,542	Habeas corpus denied w/order on trial court's findings	3
		Return to District Clerk	2
		TOTAL: APPLICATIONS FOR WRIT OF HABEAS CORPUS	4,921
<i>Granted Petitions for Discretionary Review</i>		11.071 Applications for Writ of Habeas Corpus	
Abated	1	11.071 Motion for leave to file denied w/o written order	1
Affirmed court of appeals	26	11.071 Writ denied with written order	36
Court of appeals affirmed in part/reversed in part	1	11.071 Writ dismissed with order	35
Dismissed	2	11.071 Writ filed and set	5
Dismissed as improvidently granted	5	11.071 Writ remanded with order	19
Reverse in part & affirmed in part	1	TOTAL: 11.071 Applications for Writ of Habeas Corpus	96
Reversed court of appeals & remanded to court of appeals	37	Original Proceedings – Non Capital	
Reversed court of appeals & remanded to trial court	8	Motion for leave to file denied without written order	681
Reversed court of appeals & affirmed trial court	10	Motion for leave to file held in abeyance with written order	109
Reversed court of appeals & trial court, remanded trial court	1	Motion for leave to file dismissed - Padilla	57
Vacated court of appeals & remanded to court of appeals	12	Motion for leave to file denied with written order	3
TOTAL: Granted Petitions for Discretionary Review	104	Dismissed	1
		Filed & set	8
<i>Redrawn Petitions for Discretionary Review</i>		TOTAL: Original Proceedings – Non Capital	859
Granted	5	Original Proceedings – Capital	
Refused	148	Denied with written order	3
Untimely	1	Filed & set	1
TOTAL: Redrawn Petitions for Discretionary Review	154	Motion for leave to file held in abeyance w/ written order	1
		Motion for leave to file denied w/o written order	3
		Motion for leave to file denied w/ written order	1
		TOTAL: Original Proceedings	9
		Motions for Reconsideration and Stay of Execution	
		Motion for reconsideration denied	5
		Motion for reconsideration granted	11
		Motion for reconsideration—no action	209
		Motion for stay of execution denied	10
		Motion for stay of execution granted w/ written order	5
		Motion for stay of execution dismissed w/order	1
		TOTAL: Motions for Reconsideration and Stay of Execution	241

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2009

<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	13	33	7	13	0	0	0	66
Meyers	11	26	2	9	0	0	0	48
Price	13	18	9	3	2	0	0	45
Womack	19	23	8	4	0	0	0	54
Johnson	16	12	9	3	0	0	0	40
Keasler	11	24	3	1	0	0	0	39
Hervey	13	17	2	6	0	0	0	38
Holcomb	15	21	2	4	0	0	0	42
Cochran	20	38	14	2	0	1	0	75
TOTAL	131	212	56	45	2	1	0	447

MANNER OF DISPOSITION: Motions for Rehearing, FY 2009

	<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	1	6	0	7
Rehearing on DNA appeal	0	0	0	0	1	0	1
Rehearing on habeas corpus and extraordinary matters	0	0	0	0	1	0	1
Rehearing on refused petitions for discretionary review	1	0	0	1	35	0	37
Rehearing on granted petitions for discretionary review	0	0	0	9	17	0	26
TOTAL	1	0	0	11	60	0	72

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2009

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Untimely</i>	<i>Struck</i>	<i>Other</i>	<i>Total Disposed</i>
Anderson	5	0	0	0	1	2	0	3
Andrews	2	0	2	0	0	0	0	2
Angelina	6	0	7	0	0	2	0	9
Aransas	2	0	3	0	0	0	0	3
Archer	1	0	1	0	0	0	0	1
Atascosa	7	1	3	0	0	4	0	8
Austin	1	0	1	0	0	0	0	1
Bailey	1	0	1	0	0	0	0	1
Bandera	3	1	1	0	1	0	0	3
Bastrop	5	0	2	0	1	2	0	5
Bell	12	1	15	0	0	0	0	16
Bexar	55	7	35	0	1	12	0	55
Bowie	3	0	3	0	0	1	0	4
Brazoria	13	0	11	0	1	3	0	15
Brazos	14	2	11	0	0	1	0	14
Brown	3	1	2	0	1	0	0	4
Burleson	1	0	0	0	0	1	0	1
Burnet	2	0	2	0	1	0	0	3
Caldwell	3	0	3	0	0	0	0	3
Callahan	1	0	1	0	0	0	0	1
Cameron	7	0	8	0	0	1	0	9
Cass	3	0	3	0	0	0	0	3
Chambers	2	0	4	0	0	0	0	4
Cherokee	2	0	2	0	0	0	0	2
Collin	34	0	30	0	4	5	0	39
Comal	8	1	6	0	1	0	0	8
Comanche	1	0	1	0	0	0	0	1
Cooke	3	0	1	0	0	0	0	1
Coryell	9	1	3	1	0	7	0	12
Dallas	184	6	149	0	23	12	0	190
Dawson	2	0	2	0	0	0	0	2
Deaf Smith	2	0	2	0	0	0	0	2
Denton	19	0	16	1	0	6	0	23
Eastland	6	0	6	0	0	0	0	6
Ector	4	0	5	0	0	0	0	5
El Paso	18	2	14	0	0	2	0	18
Ellis	2	0	2	0	0	3	0	5
Erath	1	0	2	0	0	0	0	2
Falls	2	0	1	0	0	1	0	2
Fannin	12	3	7	0	0	2	0	12
Fisher	1	0	1	0	0	0	0	1
Fort Bend	26	0	18	0	0	3	0	21
Franklin	1	1	0	0	0	0	0	1

Freestone	2	1	1	0	0	0	0	2
Frio	1	0	1	0	0	0	0	1
Gaines	3	0	1	0	0	0	0	1
Galveston	20	1	20	0	0	0	0	21
Garza	1	0	0	0	0	1	0	1
Goliad	1	0	0	0	0	1	0	1
Gray	1	0	1	0	0	0	0	1
Grayson	10	0	10	0	0	2	0	12
Gregg	17	0	19	0	2	1	0	22
Grimes	1	0	1	0	0	1	0	2
Guadalupe	3	0	3	0	0	0	0	3
Hale	4	2	1	0	0	1	0	4
Hamilton	1	0	1	0	0	0	0	1
Harris	264	16	263	0	10	22	0	311
Harrison	5	0	4	0	0	3	0	7
Haskell	0	0	1	0	0	0	0	1
Hays	11	1	8	0	0	0	0	9
Henderson	4	0	4	0	0	3	0	7
Hidalgo	8	0	5	0	2	1	0	8
Hill	2	0	2	0	0	0	0	2
Hockley	1	0	1	0	0	0	0	1
Hood	13	0	8	0	1	2	0	11
Hopkins	6	0	6	0	0	0	0	6
Houston	0	0	1	0	0	0	0	1
Howard	1	0	1	0	0	0	0	1
Hunt	4	0	3	0	1	0	0	4
Jack	1	0	0	0	0	1	0	1
Jackson	6	5	1	0	0	0	0	6
Jasper	4	0	1	0	0	3	0	4
Jefferson	22	0	22	0	0	2	0	24
Jim Wells	2	0	2	0	0	0	0	2
Johnson	5	2	4	0	0	0	0	6
Jones	1	0	3	0	0	0	0	3
Kaufman	3	0	6	0	0	0	0	6
Kerr	6	0	2	0	0	1	0	3
Kimble	1	0	0	0	0	1	0	1
Kleberg	2	0	4	0	0	0	0	4
Lamar	3	0	2	0	0	0	0	2
Lampasas	1	0	3	0	0	0	0	3
Liberty	4	0	2	0	0	0	0	2
Limestone	2	0	2	0	0	0	0	2
Llano	2	0	2	0	0	0	0	2
Lubbock	29	2	19	0	2	2	0	25
Lynn	2	0	1	0	1	0	0	2
Madison	1	0	2	0	0	0	0	2

Marion	1	0	1	0	0	0	0	1
Matagorda	2	0	1	0	0	0	0	1
McLennan	21	4	13	0	1	7	0	25
Medina	1	0	1	0	0	0	0	1
Midland	15	0	11	0	1	0	0	12
Milam	1	1	0	0	1	0	0	2
Montague	3	1	1	0	0	0	0	2
Montgomery	8	1	5	0	0	1	0	7
Moore	0	0	1	0	0	0	0	1
Morris	2	0	1	0	0	1	0	2
Nacogdoches	3	0	4	0	0	0	0	4
Navarro	1	1	0	0	0	0	0	1
Newton	1	0	1	0	0	0	0	1
Nolan	2	1	1	0	0	0	0	2
Nueces	28	3	14	0	4	8	1	30
Ochiltree	1	0	0	0	0	1	0	1
Orange	6	0	6	0	0	0	0	6
Palo Pinto	2	0	2	0	0	0	0	2
Panola	1	0	1	0	0	0	0	1
Parker	2	0	5	0	0	0	0	5
Pecos	1	0	0	0	0	2	0	2
Polk	7	0	5	0	1	1	0	7
Potter	9	1	4	0	0	3	0	8
Randall	5	0	7	0	0	1	0	8
Red River	2	0	1	0	1	0	0	2
Robertson	1	0	0	0	0	1	0	1
Rockwall	2	0	3	0	0	0	0	3
Rusk	3	0	3	0	0	0	0	3
Sabine	1	0	1	0	0	0	0	1
San Jacinto	1	0	1	0	0	0	0	1
San Patricio	5	0	3	0	0	2	0	5
San Saba	0	0	1	0	0	0	0	1
Scurry	1	0	1	0	0	0	0	1
Smith	46	2	32	0	2	8	0	44
Starr	1	0	1	0	0	0	0	1
Stephens	1	0	0	0	0	0	0	0
Sutton	1	0	1	0	0	0	0	1
Swisher	2	1	1	0	0	0	0	2
Tarrant	129	4	105	0	3	29	0	141
Taylor	12	2	9	0	0	1	0	12
Titus	0	0	0	0	0	1	0	1
Tom Green	4	0	2	0	0	0	0	2
Travis	49	35	26	0	1	1	0	63
Trinity	1	0	2	0	0	0	0	2
Upshur	5	0	6	0	0	0	0	6

Val Verde	2	0	2	0	0	0	0	2
Victoria	1	0	2	0	0	0	0	2
Walker	3	0	3	0	0	0	0	3
Washington	4	1	0	0	1	0	0	2
Webb	2	0	2	0	0	1	0	3
Wheeler	1	0	0	0	0	0	0	0
Wichita	13	0	16	0	0	1	0	17
Wilbarger	3	0	0	0	0	3	0	3
Willacy	1	0	2	0	0	0	0	2
Williamson	12	0	12	0	0	0	0	12
Wilson	4	4	2	0	0	0	0	6
Wood	0	1	0	0	0	0	0	1
Yoakum	1	0	1	0	0	0	0	1
Young	1	0	1	0	0	0	0	1
Total	1,408	120	1,158	2	70	191	1	1,542

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2009

<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Untimely</i>	<i>Struck</i>	<i>Other</i>	<i>Total Disposed</i>
1 st - Houston	169	13	161	0	4	12	0	190
2 nd - Fort Worth	173	5	144	1	4	36	0	190
3 rd - Austin	103	39	71	0	5	3	0	118
4 th - San Antonio	85	12	53	0	2	19	0	86
5 th - Dallas	228	6	195	0	27	19	0	247
6 th - Texarkana	74	5	63	0	4	11	0	83
7 th - Amarillo	75	6	55	0	3	13	0	77
8 th - El Paso	26	2	19	0	1	5	0	27
9 th - Beaumont	39	1	28	0	1	7	0	37
10 th - Waco	65	11	46	1	1	20	0	79
11 th - Eastland	74	4	69	0	3	2	0	78
12 th - Tyler	57	2	43	0	1	13	0	59
13 th - Corpus Christi	80	10	58	0	6	15	1	90
14 th - Houston	160	4	153	0	8	16	0	181
Total	1,408	120	1,158	2	70	191	1	1,542