

COURT OF CRIMINAL APPEALS ACTIVITY: FY 2011

	Pending: 9/1/2010 ¹	Cases Added	Total on Docket	Dispositions	Pending: 8/31/2011
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	27	13	40	17	23
<i>DNA Appeal-Death Sentence</i>	1	2	3	3	0
<i>Habeas Corpus & Extraordinary Matters</i>	12	198	210	194	16
<i>Other Appeals</i>	2	0	2	0	2
Petitions for Discretionary Review (<i>includes Granted MRH & Reinstated</i>)	169	1,538	1,707	1,510	197
Granted Petitions for Discretionary Review	74	107	181	110	71
Redrawn Petitions for Discretionary Review	4	158	162	142	20
SUBTOTAL	289	2,016	2,305	1,976	329
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	531	3,901	4,432	3,946	486
11.071 Writs (death penalty)	10	40	50	38	12
Supplemental 11.07 Writs (other than death penalty)	50	328	378	314	64
Supplemental 11.071 Writs (death penalty)	5	7	12	6	6
SUBTOTAL	596	4,276	4,872	4,304	568
Original Proceedings²					
Writs of Certiorari	0	7	7	6	1
Writs of Habeas Corpus	3	52	55	52	3
Supplemental Received Writ of Habeas Corpus	0	0	0	0	0
Writs of Mandamus	63	668	731	664	67
Supplemental Received Writ of Mandamus	10	131	141	124	17
Original & Supplemental 11.071 Matters	1	6	7	6	1
Writs of Prohibition	2	10	12	12	0
Supplemental Received Writ of Prohibition	0	3	3	3	0
SUBTOTAL	79	877	956	867	89
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	0	7	7	6	1
Rehearing on Refused Petitions for Discretionary Review	0	57	57	54	3
Rehearing on Granted Petitions for Discretionary Review	1	16	17	14	3
Rehearing on Habeas Corpus (filed & set)	0	10	10	5	5
Motions for Reconsideration (for original proceedings & 11.07 & 11.071 writs)	3	37	40	38	2
Motions for Stay of Execution (for 11.071 writs)	0	7	7	7	0
SUBTOTAL	4	134	138	124	14
Motions for Extensions of Time³	0	1,449	1,449	1,449	0
TOTAL	968	8,752	9,720	8,720	1,000

PENDING CASE STATUS: FY 2011

	9/1/2010				8/31/2011			
	Not Set for Submission	Set for Submission	Submitted	Total Pending	Not Set for Submission	Set for Submission	Submitted	Total Pending
Direct Appeal: Death Penalty	12	6	9	27	14	2	7	23
Direct Appeal: DNA Appeal	1	0	0	1	0	0	0	0
Direct Appeal: Habeas Corpus & Extraordinary Matters	1	3	8	12	5	2	11	18
Granted Petitions for Discretionary Review	10	10	54	74	16	11	44	71
TOTAL	24	19	71	114	35	15	62	112

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 2011

<p>Direct Appeals:</p> <p><i>Death Penalty</i></p> <hr/> <p>Affirmed 17</p> <p>TOTAL: Death Penalty 17</p> <p><i>Death Penalty – DNA Appeal</i></p> <hr/> <p>Affirmed 2</p> <p>Dismissed 1</p> <p>TOTAL: Other Appeals 3</p> <p><i>Habeas Corpus & Extraordinary Matters</i></p> <p>Habeas corpus application granted 168</p> <p>Habeas corpus application denied 7</p> <p>Habeas corpus application dismissed 1</p> <p>Habeas corpus application dismissed without prejudice 1</p> <p>Mandamus conditionally granted 9</p> <p>Mandamus & prohibition relief conditionally granted 2</p> <p>Prohibition relief granted 3</p> <p>Remanded to trial court 1</p> <p>Withdraw prior opinion – habeas corpus relief granted 1</p> <p>Original writ of prohibition dismissed 1</p> <hr/> <p>TOTAL: Habeas Corpus & Extraordinary Matters 194</p> <p>TOTAL: Direct Appeals 214</p> <p><i>Petitions for Discretionary Review</i></p> <hr/> <p>Dismissed 1</p> <p>Granted 106</p> <p>Refused 1,132</p> <p>Refused with opinion 1</p> <p>Struck 179</p> <p>Untimely 89</p> <p>Withdrawn 2</p> <hr/> <p>TOTAL: Petitions for Discretionary Review 1,510</p> <p><i>Granted Petitions for Discretionary Review</i></p> <p>Affirmed court of appeals 27</p> <p>Affirmed court of appeals & trial court 1</p> <p>Affirmed court of appeals, remanded to trial court 1</p> <p>Dismissed 1</p> <p>Dismissed as improvidently granted 2</p> <p>Reversed in part & affirmed in part 1</p> <p>Reversed court of appeals, trial court reinstated 2</p> <p>Reversed court of appeals, acquittal ordered 2</p> <p>Reversed court of appeals & remanded to court of appeals 29</p> <p>Reversed court of appeals & remanded to trial court 10</p> <p>Reversed court of appeals & affirmed trial court 10</p> <p>Reversed court of appeals & trial court, remanded to trial court 1</p> <p>Reversed court of appeals, trial court reformed to show acquittal 1</p> <p>Remanded to court of appeals 1</p> <p>Refused with opinion 2</p> <p>Vacated court of appeals & remanded to court of appeals 19</p> <hr/> <p>TOTAL: Granted Petitions for Discretionary Review 110</p> <p><i>Redrawn Petitions for Discretionary Review</i></p> <hr/> <p>Granted 1</p> <p>Refused 137</p> <p>Untimely 4</p> <hr/> <p>TOTAL: Redrawn Petitions for Discretionary Review 142</p>	<p>Applications for Writ of Habeas Corpus</p> <p>Abuse of writ order entered 19</p> <p>Abuse of writ order previously entered 89</p> <p>Dismissed - direct appeal pending, no action necessary 149</p> <p>Dismissed - Art. 11.07, Section 4 642</p> <p>Dismissed - Art. 11.07, Tex.Gov. Code §501.0081 90</p> <p>Dismissed 71</p> <p>Filed & set 175</p> <p>Habeas corpus remanded for evidentiary hearing / aff with order 333</p> <p>Habeas corpus remanded application prematurely forwarded 11</p> <p>Habeas corpus remanded live hearing 2</p> <p>Habeas corpus remanded retroactive competency 1</p> <p>Habeas corpus relief denied without written order 680</p> <p>Habeas corpus relief denied with written order 71</p> <p>Habeas corpus relief denied with hrg on findings of trial court 42</p> <p>Habeas corpus relief denied w/o hrg on findings of trial court 1,280</p> <p>Habeas corpus denied/dismissed with order 25</p> <p>Habeas corpus dismissed – juvenile matter 2</p> <p>Habeas corpus dismissed – misdemeanor offense 6</p> <p>Habeas corpus dismissed – moot 41</p> <p>Habeas corpus dismissed – sentence discharged 141</p> <p>Habeas corpus dismissed – community supervision not revoked 29</p> <p>Habeas corpus dismissed with written order 4</p> <p>Habeas corpus dismissed for non compliance 250</p> <p>Habeas corpus dismissed – Ybarra 99</p> <hr/> <p>TOTAL: APPLICATIONS FOR WRIT OF HABEAS CORPUS 4,260</p> <p>11.071 Applications for Writ of Habeas Corpus</p> <p>11.071 Writ denied 2</p> <p>11.071 Writ denied with written order 9</p> <p>11.071 Writ dismissed with order 19</p> <p>11.071 Writ filed and set 6</p> <p>11.071 Writ remanded with order 8</p> <hr/> <p>TOTAL: 11.071 Applications for Writ of Habeas Corpus 44</p> <p>Original Proceedings – Non Capital</p> <p>Motion for leave to file denied without written order 576</p> <p>Motion for leave to file held in abeyance with written order 144</p> <p>Motion for leave to file dismissed – Padilla 117</p> <p>Motion for leave to file denied with written order 8</p> <p>Dismissed 3</p> <p>Filed & set 13</p> <hr/> <p>TOTAL: Original Proceedings – Non Capital 861</p> <p>Original Proceedings – Capital</p> <p>Motion for leave to file held in abeyance w/ written order 3</p> <p>Motion for leave to file denied w/o written order 3</p> <hr/> <p>TOTAL: Original Proceedings 6</p> <p>Motions for Reconsideration and Stay of Execution</p> <p>Motion for reconsideration denied 2</p> <p>Motion for reconsideration granted 17⁴</p> <p>Motion for reconsideration—no action 215</p> <p>Motion for stay of execution denied 3</p> <p>Motion for stay of execution denied w/ order 4</p> <hr/> <p>TOTAL: Motions for Reconsideration and Stay of Execution 241</p>
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⁴ Applications for Writ of Habeas Corpus disposed.

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2011

<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	9	34	9	20	0	0	0	72
Meyers	16	24	2	8	0	0	0	50
Price	15	26	4	9	0	0	0	54
Womack	17	25	3	0	0	0	0	45
Johnson	16	24	9	4	0	0	0	53
Keasler	17	32	7	1	0	0	0	57
Hervey	15	16	1	1	0	0	0	33
Holcomb	6	1	0	0	0	0	0	7
Cochran	18	23	11	2	0	0	0	54
Alcala	0	2	0	1	0	0	0	3
TOTAL	129	207	46	46	0	0	0	428

MANNER OF DISPOSITION: Motions for Rehearing, FY 2011

	<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	0	5	0	5
Rehearing on DNA appeal	0	0	0	0	1	0	1
Rehearing on habeas corpus and extraordinary matters	0	0	0	1	4	0	5
Rehearing on refused petitions for discretionary review	17	0	0	0	37	0	54
Rehearing on granted petitions for discretionary review	0	0	0	0	14	0	14
TOTAL	17	0	0	1	61	0	79

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2011

<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	2	0	3	0	0	5
Angelina	10	1	6	0	1	3	0	11
Aransas	5	0	3	0	0	2	0	5
Archer	1	0	1	0	0	0	0	1
Atascosa	2	0	1	0	0	1	0	2
Austin	5	1	1	0	1	2	0	5
Bailey	1	0	1	0	0	0	0	1
Bandera	2	0	1	0	0	1	0	2
Bee	3	1	1	0	0	1	0	3
Bell	21	1	10	0	5	2	0	18
Bexar	71	4	66	0	2	10	0	82
Bosque	0	0	1	0	0	0	0	1
Bowie	10	1	9	0	0	0	0	10
Brazoria	16	0	14	0	1	0	0	15
Brazos	25	1	25	0	1	6	0	33
Brewster	1	0	1	0	0	0	0	1
Brown	8	0	6	0	0	2	0	8
Burnet	2	0	1	0	0	1	0	2
Caldwell	3	0	3	0	0	0	0	3
Callahan	2	0	1	0	0	1	0	2
Cameron	7	0	7	0	0	0	0	7
Carson	1	0	1	0	0	0	0	1
Cass	3	0	0	0	0	1	0	1
Cherokee	5	0	3	0	0	1	0	4
Childress	1	0	1	0	0	0	0	1
Collin	51	2	34	0	4	2	0	42
Colorado	5	0	3	0	2	0	0	5
Comal	8	1	5	0	1	1	0	8
Comanche	4	0	4	0	0	0	0	4
Coryell	1	0	1	0	0	0	0	1
Cottle	1	0	1	0	0	0	0	1
Dallas	171	10	121	0	18	24	1	174
Deaf Smith	2	1	2	0	0	0	0	3
Delta	0	0	1	0	0	0	0	1
Denton	23	2	30	0	3	0	0	35
Eastland	8	1	6	0	0	0	0	7
Ector	4	1	3	0	0	0	0	4
El Paso	39	4	34	0	1	1	0	40
Ellis	10	1	6	0	3	0	0	10
Erath	3	0	3	0	0	0	0	3
Falls	3	0	3	0	0	0	0	3
Fannin	13	2	8	0	0	1	0	11
Fisher	1	1	0	0	0	0	0	1

Floyd	1	1	0	0	0	0	0	1
Fort Bend	28	1	24	0	0	1	0	26
Franklin	3	0	1	0	0	2	0	3
Freestone	4	1	1	0	0	0	0	2
Galveston	23	0	13	0	0	5	0	18
Gonzales	2	0	2	0	0	0	0	2
Gray	2	0	2	0	0	0	0	2
Grayson	4	0	4	0	0	0	0	4
Gregg	21	0	10	0	0	7	0	17
Grimes	2	0	1	0	0	1	0	2
Guadalupe	2	0	2	0	0	0	0	2
Hale	9	4	5	0	0	1	0	10
Hardeman	5	0	5	0	0	0	0	5
Hardin	1	0	1	0	0	0	0	1
Harris	322	9	262	0	9	23	0	303
Harrison	2	1	1	0	0	0	0	2
Hartley	0	0	2	0	0	0	0	2
Haskell	1	0	1	0	0	0	0	1
Hays	10	0	8	0	1	1	0	10
Henderson	5	1	4	0	0	0	0	5
Hidalgo	23	4	14	0	1	2	0	21
Hill	7	0	3	0	0	2	0	5
Hockley	1	0	1	0	0	0	0	1
Hood	10	0	9	0	0	1	0	10
Hopkins	8	0	7	0	2	0	0	9
Houston	5	0	4	0	0	1	0	5
Howard	1	0	1	0	0	0	0	1
Hudspeth	1	0	1	0	0	0	0	1
Hunt	9	0	6	0	1	2	0	9
Hutchinson	3	1	2	0	0	0	0	3
Jackson	5	0	3	0	0	1	0	4
Jasper	1	0	0	0	0	0	0	0
Jefferson	23	1	16	0	1	7	0	25
Jim Wells	2	0	1	0	0	1	0	2
Johnson	15	2	10	0	0	2	0	14
Jones	7	1	4	0	0	2	0	7
Karnes	2	0	2	0	0	0	0	2
Kaufman	3	2	2	0	0	0	0	4
Kerr	5	1	2	0	1	0	0	4
Kimble	4	0	4	0	0	0	0	4
Kleberg	2	0	2	0	0	0	0	2
La Salle	2	0	2	0	0	0	0	2
Lamar	5	1	2	0	0	1	0	4
Lampasas	2	0	2	0	0	0	0	2
Lee	2	0	0	0	0	0	0	0

Leon	4	1	3	0	0	0	0	4
Liberty	2	0	3	0	0	0	0	3
Limestone	4	0	5	0	0	0	0	5
Llano	1	0	1	0	0	0	0	1
Lubbock	34	0	26	0	2	2	0	30
Marion	4	0	4	0	0	1	0	5
Mason	1	0	0	0	0	0	0	0
Matagorda	4	0	4	0	0	0	0	4
McLennan	29	1	27	0	1	0	0	29
McMullen	2	0	1	0	0	1	0	2
Midland	5	0	5	0	0	0	0	5
Milam	3	0	3	0	0	0	0	3
Mills	1	0	1	0	0	0	0	1
Mitchell	1	0	1	0	0	0	0	1
Montague	1	0	1	0	0	0	0	1
Montgomery	23	0	19	0	4	1	0	24
Moore	1	0	1	0	0	0	0	1
Morris	1	0	1	0	0	0	0	1
Nacogdoches	11	0	6	0	1	4	0	11
Navarro	6	0	2	0	0	1	0	3
Nolan	0	0	1	0	0	0	0	1
Nueces	38	5	26	0	0	8	0	39
Orange	7	0	4	0	1	1	0	6
Palo Pinto	1	0	1	0	0	0	0	1
Panola	8	0	0	0	0	0	0	0
Parker	3	0	2	0	0	1	0	3
Polk	10	2	2	0	0	2	0	6
Potter	23	1	12	0	2	3	0	18
Randall	11	1	10	0	0	1	0	12
Real	1	0	1	0	0	0	0	1
Red River	4	2	0	0	0	1	0	3
Refugio	1	0	1	0	0	0	0	1
Robertson	1	0	0	0	0	0	0	0
Rockwall	0	0	1	0	0	0	0	1
Runnels	1	0	0	0	0	0	0	0
San Patricio	3	1	2	0	0	0	0	3
Schleicher	1	0	0	0	0	0	0	0
Shelby	0	0	1	0	0	0	0	1
Smith	33	1	18	0	6	6	0	31
Starr	5	0	3	0	0	1	0	4
Stephens	3	0	1	0	0	0	0	1
Stonewall	1	0	1	0	0	0	0	1
Sutton	1	0	0	0	1	0	0	1
Swisher	4	0	2	0	1	1	0	4
Tarrant	109	11	90	1	2	9	0	113

Taylor	15	1	14	0	0	0	0	15
Throckmorton	1	0	1	0	0	0	0	1
Titus	1	1	0	0	0	0	0	1
Tom Green	3	0	2	0	0	1	0	3
Travis	48	4	32	0	6	6	1	49
Trinity	3	0	1	0	1	0	0	2
Upshur	3	2	1	0	0	0	0	3
Val Verde	3	2	1	0	0	0	0	3
Van Zandt	0	0	2	0	0	0	0	2
Victoria	5	0	3	0	1	0	0	4
Walker	2	0	2	0	0	0	0	2
Waller	2	0	2	0	0	0	0	2
Ward	2	0	2	0	0	0	0	2
Webb	13	0	9	0	2	1	0	12
Wharton	1	0	1	0	0	0	0	1
Wichita	12	1	11	0	0	0	0	12
Wilbarger	2	0	1	0	0	0	0	1
Williamson	11	1	7	0	0	1	0	9
Wise	4	0	2	0	0	0	0	2
Wood	1	0	0	0	0	0	0	0
Young	5	2	3	0	0	0	0	5
Grand Total	1,696	107	1,270	1	93	179	2	1,652

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2011

<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>	<i>Percentage of Petitions Granted</i>
1 st - Houston	226	7	177	0	8	27	0	219	3.2%
2 nd - Fort Worth	142	12	128	1	5	9	1	156	7.7%
3 rd - Austin	113	7	71	0	13	13	1	105	6.7%
4 th - San Antonio	107	7	83	0	6	16	0	112	6.3%
5 th - Dallas	217	14	153	0	20	25	0	212	6.6%
6 th - Texarkana	109	10	60	0	4	21	0	95	10.5%
7 th - Amarillo	123	9	91	0	5	10	0	115	7.8%
8 th - El Paso	68	4	58	0	4	5	0	71	5.6%
9 th - Beaumont	56	2	38	0	6	10	0	56	3.6%
10 th - Waco	84	6	70	0	3	8	0	87	6.9%
11 th - Eastland	77	9	63	0	0	5	0	77	11.7%
12 th - Tyler	55	2	35	0	10	7	0	54	3.7%
13 th - Corpus Christi	109	12	77	0	4	14	0	107	11.2%
14 th - Houston	210	6	166	0	5	9	0	186	3.2%
Total	1,696	107	1,270	1	93	179	2	1,652	6.5%