

COURT OF CRIMINAL APPEALS

The Court of Criminal Appeals is the highest state court for criminal appeals and is composed of a Presiding Judge, four judges and two permanent commissioners. In addition, pursuant to Article 1811e, V.A.T.S., five special commissioners served the court at various times during the year. The special commissioners included two retired judges who assisted throughout the year and three justices from the courts of civil appeals.

The Court of Criminal Appeals faced another record caseload in 1976. The 2,458 new cases docketed in the Court represent a 32 percent increase over the 1,863 cases docketed in 1975 and were 43 percent higher than the ten-year average of 1,393.

A total of 1,156 applications for writs of habeas corpus and mandamus were filed during 1976. One thousand ninety-two such matters were disposed of in 1976, an increase of 30 percent over the 1975 total of 839 and 47 percent higher than the ten-year average.

In 1976, the Court of Criminal Appeals disposed of 67 percent of the cases docketed during the year or carried over from 1975, compared to 71 percent the previous year. Seventy-five percent were disposed of by per curiam opinions, compared to 76 percent in 1975.

Two thousand one hundred seventy-seven opinions (including dissents and concurrences) were written in 1976, 16 percent more than the 1975 total of 1,869. Twenty-six percent of these were authored opinions.

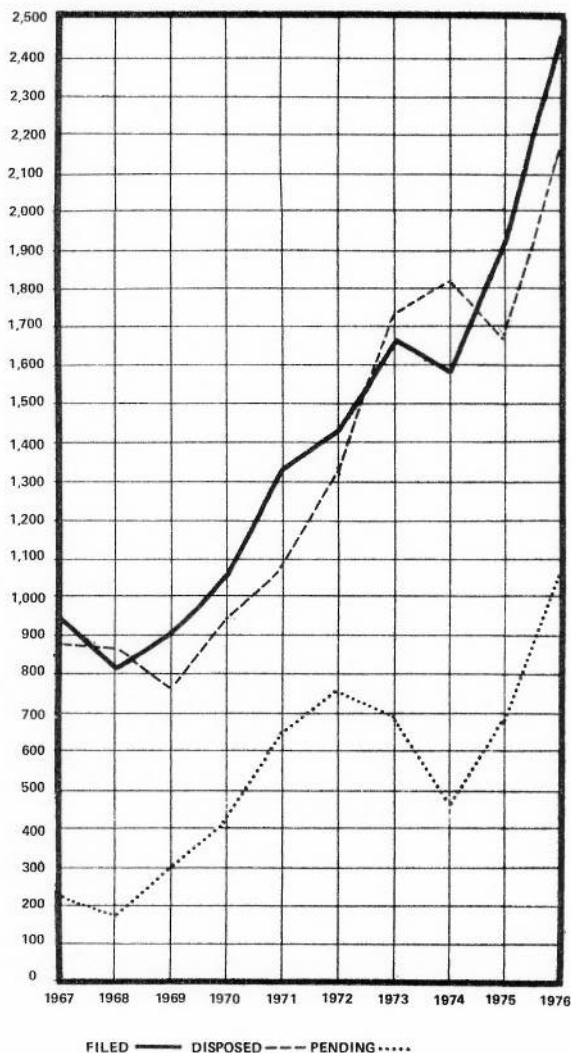
The Court of Criminal Appeals affirmed the trial court's decision in 78 percent of the cases reviewed and dismissed or abated the appeal in an additional 13 percent.

One thousand seventy-five docketed cases were pending at the end of 1976 — 54 percent higher than a year earlier and 97 percent higher than the ten-year average of 546.

Based on the service of five judges and four full-time commissioners, the caseload per judge in the Court of Criminal Appeals was higher than that of the other appellate courts. The number of cases filed per judge or commissioner increased to 273 in 1976 from 207 in 1975.

The intermediate state appellate courts in Texas do not have criminal jurisdiction. As a result, appeals in criminal cases are directly to the Court of Criminal Appeals from the district and county courts. Due to the absence of an intermediate appellate court system for criminal cases, the Court of Criminal Appeals hears cases which in other states would be heard by one or more intermediate courts.

Figure 2. COURTS OF CRIMINAL APPEALS
Cases filed, disposed and pending 1967 - 1976



The Court of Criminal Appeals is also burdened by the provision of Article 44.24 of the Code of Criminal Procedure which requires the Court to deliver a written opinion or certificate with citation of supporting authorities in each case it decides. This rule resulted in the five judges and four commissioners of the Court writing an average of 242 opinions each during 1976. In 1975, the average was 208.

COURT OF CRIMINAL APPEALS 1976 Statistics

| | | |
|---|------|------|
| Cases pending January 1, 1976----- | 696 | |
| Cases filed for the year ending December 31, 1976----- | 2458 | |
| Cases reinstated on the docket----- | 88 | 3242 |
| | | |
| Cases disposed of for the year ending December 31, 1976----- | | 2167 |
| | | |
| <u>Cases pending December 31, 1976:</u> | | |
| Under submission on rehearing----- | 19 | |
| Under original submission----- | 270 | |
| Pending on motion for leave to file motion for rehearing----- | 28 | |
| Waiting to become final or for motion for rehearing----- | 53 | |
| Pending on motion for rehearing----- | 2 | |
| Unsubmitted cases----- | 703 | 1075 |
| Total----- | | 3242 |
| | | |
| <u>Disposition of cases for period mentioned:</u> | | |
| Affirmed----- | | 1646 |
| Reformed and affirmed----- | | 43 |
| Appeals dismissed----- | | 171 |
| Appeals abated----- | | 121 |
| Reversed and remanded----- | | 109 |
| Reversed and dismissed----- | | 17 |
| Reversed and bail granted----- | | 8 |
| Reversed and remanded in part and affirmed in part----- | | 1 |
| Remanded to trial court----- | | 8 |
| Habeas corpus relief granted----- | | 22 |
| Habeas corpus relief denied----- | | 17 |
| Habeas corpus relief granted in part and denied in part----- | | 3 |
| Application for writ of habeas corpus dismissed from the docket----- | | 1 |
| Total----- | | 2167 |
| | | |
| <u>Disposition of motions for leave to file motions for rehearing:</u> | | |
| Leave to file motions for rehearing denied----- | | 257 |
| Leave to file motions for rehearing granted----- | | 42 |
| Total----- | | 299 |
| | | |
| <u>Motions for rehearing disposed of by the Court:</u> | | |
| Motions overruled without written opinion----- | | 13 |
| Motions overruled with written opinion----- | | 24 |
| Motions granted with written opinion----- | | 17 |
| Total----- | | 54 |
| | | |
| <u>Number of opinions written by the Court:</u> | | |
| Original opinions----- | | 2048 |
| Concurring opinions----- | | 30 |
| Dissenting opinions----- | | 60 |
| Opinions dissenting in part and concurring in part----- | | 10 |
| Opinions granting rehearing----- | | 12 |
| Opinions denying rehearing----- | | 17 |
| Total----- | | 2177 |
| | | |
| Applications for writ of habeas corpus, etc. received for the year ending December 31, 1976----- | | 1156 |
| Applications for writ of habeas corpus, etc. pending January 1, 1976----- | | 27 |
| | | |
| <u>Disposition of applications for writ of habeas corpus, etc. for the year ending December 31, 1976:</u> | | |
| Applications for writ of habeas corpus, etc. denied with written order (rehearings included)----- | | 10 |
| Applications for writ of habeas corpus, etc. denied without written order (rehearings included)----- | | 958 |
| Applications for writ of habeas corpus dismissed----- | | 6 |
| Applications for writ of habeas corpus, etc. ordered filed and set for submission----- | | 54 |
| Applications for writ of habeas corpus, etc. marked "no action"----- | | 54 |
| Hearings ordered on applications for writ of habeas corpus, etc.----- | | 5 |
| Out of time appeals granted----- | | 4 |
| Application for writ of mandamus granted in part and denied in part----- | | 1 |
| Total----- | | 1092 |
| | | |
| Applications for writ of habeas corpus, etc. under consideration of the Court----- | | 64 |
| Appealed cases disposed of for the year ending December 31, 1976----- | | 2167 |
| | | |
| Applications for writ of habeas corpus, etc. disposed of for the year ending December 31, 1976----- | | 1092 |
| Total----- | | 3259 |

Court of Criminal Appeals 1976 Statistics (Continued)

OPINIONS WRITTEN BY THE COURT OF CRIMINAL APPEALS IN 1976

| Judge | Per Curiam Opinions | Signed Opinions | Concurring Opinions | Dissenting Opinions | Opinions Concurring In Part & Dissenting In Part | | Opinions Granting Rehearing | | Opinions Denying Rehearing | | Total |
|--|---------------------|-----------------|---------------------|---------------------|--|---------|-----------------------------|-----------|----------------------------|-----------|-------|
| | | | | | In Part | In Part | Rehearing | Rehearing | Rehearing | Rehearing | |
| John F. Onion, Jr. Presiding Judge | 185 | 61 | 7 | 6 | 4 | 4 | 2 | 3 | 3 | 268 | |
| ¹ W. A. Morrison Judge | 41 | 15 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 60 | |
| Leon Douglas Judge | 183 | 35 | 7 | 36 | 2 | 2 | 5 | 5 | 5 | 273 | |
| Truman Roberts Judge | 136 | 42 | 9 | 12 | 1 | 1 | 2 | 3 | 3 | 205 | |
| Wendell A. Odom Judge | 179 | 62 | 5 | 2 | 3 | 3 | 1 | 4 | 4 | 256 | |
| ² Thurman Gupton Judge | 70 | 15 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 87 | |
| ³ W. T. Phillips Judge | 15 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 18 | |
| Tom G. Davis Commissioner | 162 | 53 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 215 | |
| Carl E. F. Dally Commissioner | 154 | 59 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 213 | |
| Howard P. Green Commissioner | 219 | 35 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 255 | |
| Archie S. Brown Commissioner | 195 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 225 | |
| Quentin Keith Commissioner | 56 | 15 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 73 | |
| ⁴ William Cornelius Commissioner | 13 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | |
| ⁵ Charles Reynolds Commissioner | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | |
| Total | 1,619 | 429 | 30 | 60 | 10 | 10 | 12 | 17 | 17 | 2,177 | |

¹Retired March 31, 1976

²Began April 1, 1976 - Retired November 19, 1976

³Began November 20, 1976

⁴Began July 1, 1976

⁵Began July 1, 1976