

COURT OF CRIMINAL APPEALS

1979 Statistics

The Court of Criminal Appeals is the highest State court for criminal appeals and is composed of a Presiding Judge and eight judges. In addition, pursuant to Article 1811e, V.T.C.S., two special commissioners served the Court at various times during the year.

Last year's drop in the recent trend of greatly increased filings was reversed somewhat in 1979. The 3,166 new cases docketed in the Court were two percent more than the 3,104 cases docketed during 1978, and were still 52 percent higher than the ten-year average of 2,081.

A total of 1,737 applications for writs of habeas corpus and mandamus were filed during 1979. One thousand seven hundred eighty matters were disposed of in 1979, an increase of 15 percent over the 1978 total of 1,542.

Article 40.09, sec. 16 C.C.P. gives the Court exclusive power to grant extensions of time for the filing of transcriptions of court reporters' notes, bills of exceptions and briefs in criminal cases. The Court heard and disposed of 3,425 such applications, compared to 2,434 during 1978.

In 1979, the Court of Criminal Appeals disposed of 44 percent of the cases docketed during the year or carried over from 1978, compared to 51 percent the previous year. Seventy-seven percent were disposed of by per curiam opinions, compared to 84 percent in 1978.

Two thousand seven hundred sixty-seven opinions (including dissents and concurrences) were written in 1979, four percent fewer than the 1978 total of 2,878. Thirty percent of these were authored opinions.

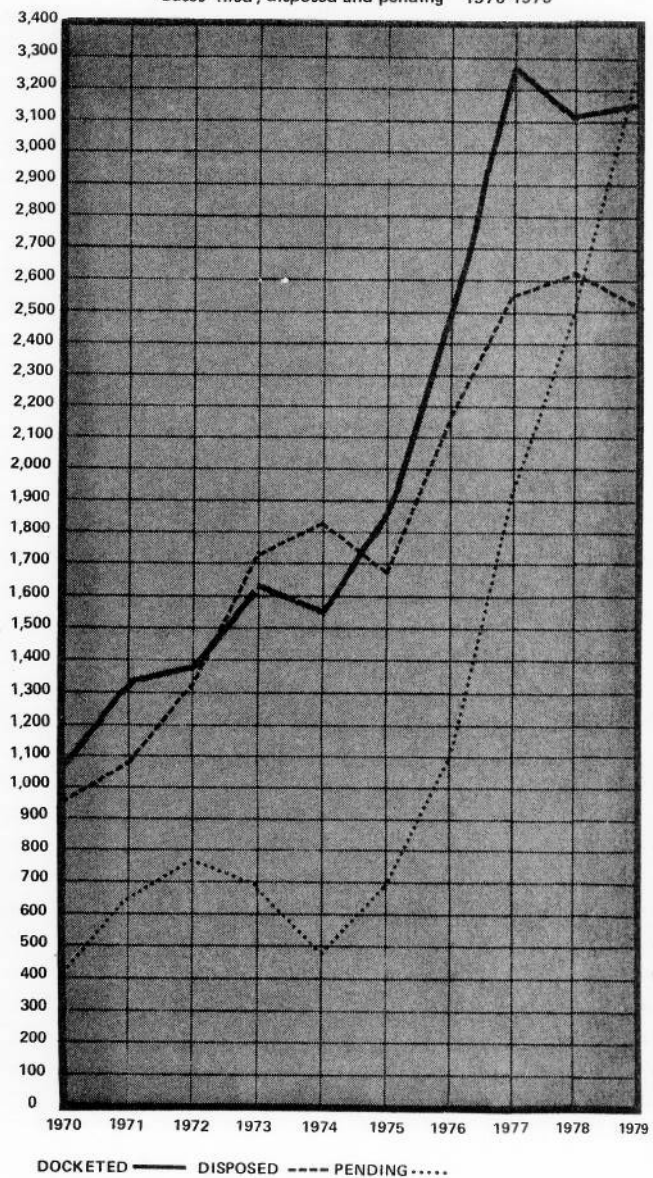
The Court of Criminal Appeals affirmed the trial court's decision in 75 percent of the cases reviewed and dismissed or abated the appeal in an additional 11 percent.

Three thousand two hundred thirty-eight docketed cases were pending at the end of 1979 - 29 percent higher than a year earlier and 161 percent higher than the ten-year average of 1,241.

Based on the service of nine judges, the case-load per judge in the Court of Criminal Appeals remained higher than that of the other appellate courts. The number of cases filed per judge increased slightly to 351 in 1979 from 345 in 1978.

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

Figure 2. COURT OF CRIMINAL APPEALS
Cases filed, disposed and pending 1970-1979



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.

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. The nine judges of the Court wrote an average of 307 opinions each during 1979. In 1978, the average was 316.

Court of Criminal Appeals
1979 Statistics (Continued)

CASES

Cases pending January 1, 1979 -----	2,507
Cases filed for the year ending December 31, 1979-----	3,166
Cases reinstated on the docket-----	<u>87</u>
Total cases on docket during year-----	5,760

Cases disposed of for the year ending December 31, 1979:	
Affirmed-----	1,812
Reformed and affirmed-----	40
Appeals dismissed-----	152
Appeals abated-----	75
Reversed and remanded-----	164
Reversed and dismissed-----	57
Reversed-----	4
Remanded to the trial court for hearings on punishment-----	12
Habeas corpus relief granted-----	157
Habeas corpus relief denied-----	36
Original contempt proceedings granted-----	13
Total Dispositions-----	2,522

Cases pending December 31, 1979:	
Under submission on rehearing-----	60
Under original submission-----	468
Pending on motion for leave to file motion for rehearing or motion for rehearing en banc-----	45
Waiting to become final or for motion for leave to file motion for rehearing or motion for rehearing en banc-----	76
Pending on motion for rehearing-----	4
Unsubmitted cases-----	2,578
On appeal to the United States Supreme Court-----	7
Total Cases Pending December 31, 1979-----	3,238

MOTIONS

Disposition of motions for leave to file motions for rehearing and motions for rehearing en banc:	
Leave to file motions for rehearing denied-----	38
Leave to file motions for rehearing granted-----	7
Motions for rehearing en banc denied-----	428
Motions for rehearing en banc granted-----	<u>130</u>
Total-----	603

Court of Criminal Appeals
1979 Statistics (Continued)

Motions for rehearing disposed of by the Court:	
Motions overruled without written opinion-----	23
Motions overruled with written opinion-----	30
Motions granted with written opinion -----	<u>51</u>
Total-----	104

WRITS OF HABEAS CORPUS, ETC.

Applications for writ of habeas corpus, etc. pending January 1, 1979 -----	91
Applications for writ of habeas corpus, etc. received for the year ending December 31, 1979 -----	1,737

Disposition of applications for writ of habeas corpus, etc for
the year ending December 31, 1979:

Applications for writ of habeas corpus, etc. denied with written order (rehearings included)-----	170
Applications for writ of habeas corpus, etc. denied without written order (rehearings included)-----	1,426
Applications for writ of habeas corpus, etc. dismissed-----	7
Applications for writ of habeas corpus, etc. ordered filed and set for submission-----	123
Applications for writ of habeas corpus, etc. marked "no action"-----	48
Hearings ordered on applications for writ of habeas corpus, etc.-----	32
Out of time appeals granted-----	11
Applications for writ of habeas corpus, etc. granted with written order-----	11
Total-----	1,780

Applications for writ of habeas corpus, etc. pending December 31, 1979-----	48
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EXTENSIONS OF TIME

Applications for extensions of time to file transcriptions of court reporter's notes, bills of exception and briefs considered and disposed of by the Court-----	3,425
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Court of Criminal Appeals
1979 Statistics (Continued)

OPINIONS WRITTEN BY THE COURT IN 1979

Original opinions-----	2,524
Concurring opinions-----	41
Dissenting opinions-----	118
Opinions concurring in part and dissenting in part-----	3
Opinions granting rehearing-----	51
Opinions denying rehearing-----	<u>30</u>
Total-----	2,767

RECAPITULATION

APPEALED CASES DISPOSED OF FOR THE YEAR ENDING DECEMBER 31, 1979:	2,522
APPLICATIONS FOR WRIT OF HABEAS CORPUS, ETC. DISPOSED OF FOR THE YEAR ENDING DECEMBER 31, 1979:	<u>1,780</u>
Total-----	4,302

COURT OF CRIMINAL APPEALS
1979 Statistics (Continued)

OPINIONS WRITTEN BY JUDGES OF THE COURT OF CRIMINAL APPEALS									
JUDGE	Per Curiam Opinions	Signed Opinions	Concurring Opinions	Dissenting Opinions	Opinions Concurring In Part & Dissenting In Part	Opinions Granting Rehearing	Opinions Denying Rehearing	TOTAL	
John F. Onion, Jr. Presiding Judge	235	46	6	1	0	4	2	294	
Leon Douglas, Judge	247	82	1	48	0	12	5	395	
Truman Roberts, Judge	219	67	9	10	0	3	1	309	
Wendell A. Odom, Judge	204	67	4	5	1	7	5	293	
W. T. Phillips, Judge	200	57	2	15	1	4	7	286	
Tom G. Davis, Judge	203	70	0	4	0	13	1	291	
Carl E. F. Dally, Judge	220	60	10	11	0	3	4	308	
W. C. Davis, Judge	183	51	1	8	0	3	1	247	
Sam Houston Clinton, Judge	168	67	8	16	1	2	4	266	
Quentin Keith, Commissioner	36	11	0	0	0	0	0	47	
William Cornelius, Commissioner	20	11	0	0	0	0	0	31	
TOTAL	1,935	589	41	118	3	51	30	2,767	

COURT OF CRIMINAL APPEALS
1979 Statistics (Continued)

COUNTIES FROM WHICH CASES APPEALED

Harris	939	Erath	6	Ochiltree	3	Brown	1
Dallas	696	Freestone	6	Bastrop	2	Burleson	1
Bexar	197	Grayson	6	Bee	2	Castro	1
Tarrant	122	Hill	6	Brooks	2	Chambers	1
El Paso	121	Howard	6	Colorado	2	Cherokee	1
Travis	98	Lamar	6	De Witt	2	Childress	1
Bell	70	Orange	6	Eastland	2	Cooke	1
Jefferson	58	Palo Pinto	6	Fannin	2	Cottle	1
Lubbock	54	Rusk	6	Fort Bend	2	Crockett	1
Potter	53	Scurry	6	Franklin	2	Dawson	1
Nueces	53	Hays	5	Gaines	2	Delta	1
Galveston	47	Hopkins	5	Gonzales	2	Dimmit	1
McLennan	30	Hutchinson	5	Grimes	2	Gillespie	1
Brazoria	24	Johnson	5	Haskell	2	Hardin	1
Gregg	21	Mitchell	5	Henderson	2	Hudspeth	1
Wichita	20	Refugio	5	Hockley	2	Jackson	1
Taylor	19	San Patricio	5	Karnes	2	Jasper	1
Ector	16	Van Zandt	5	Kaufman	2	Jones	1
Midland	16	Williamson	5	Kendall	2	Kimble	1
Smith	16	Angelina	4	Kleberg	2	Kinney	1
Hidalgo	15	Bowie	4	Liberty	2	Lampasas	1
Nacogdoches	15	Ellis	4	Medina	2	Lee	1
Cameron	13	Frio	4	Navarro	2	Limestone	1
Collin	13	Gray	4	Pecos	2	Madison	1
Denton	13	Guadalupe	4	Polk	2	McCulloch	1
Montgomery	13	Lamb	4	Rains	2	Menard	1
Brazos	12	Terry	4	Reeves	2	Milam	1
Hunt	11	Walker	4	San Jacinto	2	Morris	1
Tom Green	11	Wilbarger	4	Schleicher	2	Panola	1
Victoria	11	Anderson	3	Sherman	2	Red River	1
Randall	9	Bosque	3	Terrell	2	Runnels	1
Caldwell	8	Cass	3	Ward	2	San Augustine	1
Hale	8	Comal	3	Webb	2	Trinity	1
Nolan	8	Coryell	3	Wood	2	Upton	1
Parker	8	Deaf Smith	3	Yoakum	2	Wharton	1
Moore	7	Falls	3	Atascosa	1	Willacy	1
Val Verde	7	Harrison	3	Austin	1	Young	1
Aransas	6	Jim Wells	3				