

# COURT OF CRIMINAL APPEALS

## Analysis of 1981 Activity

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., one special commissioner served the Court for a limited time during the year.

Until September 1, 1981, the Court of Criminal Appeals received all criminal cases appealed from the district and county-level trial courts of the state. On September 1, a constitutional amendment and implementing legislation became effective which conferred on the 14 courts of appeals inter-

mediate appellate jurisdiction in all criminal cases except those in which the death penalty was assessed. Appeal of these death penalty cases remains direct to the Court of Criminal Appeals. Decisions by the courts of appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for review by the State or defendant, or the Court may review a decision on its own motion.

### Annual Filings Decline

The 2,275 cases appealed to the Court of Criminal Appeals prior to September 1, 1981, were the lowest number of annual filings in the Court since 1975 and 26 percent less than the 3,072 cases filed in 1980. After September 1, three death penalty cases were received by the Court, and 33 petitions for review were filed.

A total of 2,365 applications for writs of habeas corpus and mandamus were filed during 1981. There were 2,222 matters disposed of in 1981 compared to the 1980 total of 2,122.

In 1981, the Court of Criminal Appeals disposed of 35 percent of the cases docketed during the year or carried over from 1980, compared to 38 percent the previous year. Seventy-six percent were disposed of by per curiam opinions, compared to 83 percent in 1980.

There were 2,266 opinions (including dissents and concurrences) written in 1981, 18 percent fewer than the 1980 total of 2,765. Twenty-five percent of these were authored opinions.

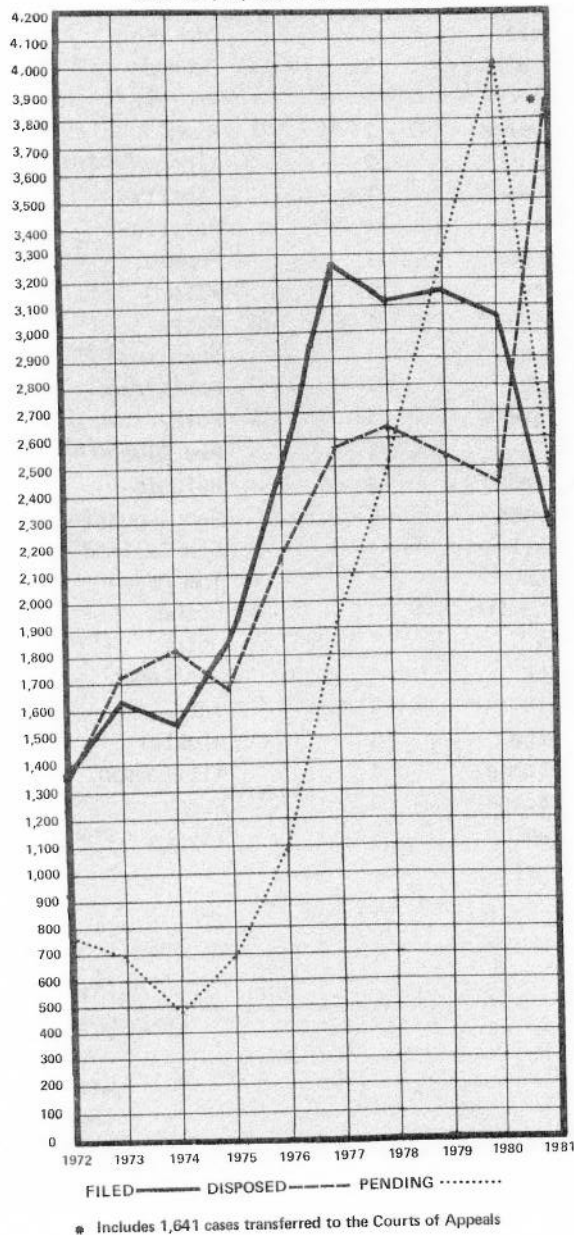
The Court of Criminal Appeals affirmed the decision of the trial court in 81 percent of the cases appealed, and dismissed or abated the appeal in an additional 8.5 percent.

### Pending Caseload Is Reduced

Pursuant to provisions of S.B. 265 of the 67th Legislature, on September 1, 1981, the Court of Criminal Appeals transferred to the courts of appeals 1,641 cases then pending on its docket. Coupled with the 2,229 cases disposed during the year, this reduced the number of cases pending on December 31 to 2,470--38 percent fewer than at the end of 1980.

Based on the service of nine judges, the number of cases filed per judge decreased from 341 in 1980 to 253 in 1981. The nine judges wrote an average of 249 opinions in 1981, compared to 303 in 1980.

Figure 2. COURT OF CRIMINAL APPEALS  
Cases filed, disposed and pending 1972-1981



# COURT OF CRIMINAL APPEALS

## 1981 Statistics

### I. CASES

#### On Docket Within the Year:

Cases pending January 1, 1981 -----	4,011
Cases filed for the year ending December 31, 1981-----	2,275
Cases reinstated on the docket-----	<u>54</u>

TOTAL CASES ON DOCKET DURING YEAR----- 6,340

Cases Transferred to the Courts of Appeals----- 1,641

#### Dispositions:

Affirmed-----	1,642
Reformed and affirmed-----	24
Appeals dismissed-----	126
Appeals abated-----	50
Reversed and remanded-----	133
Reversed and dismissed or reformed to show acquittal-----	84
Remanded to the trial court for hearings-----	11
Habeas corpus relief granted-----	115
Habeas corpus relief denied-----	39
Mandamus relief granted-----	1
Mandamus relief denied-----	1
Prohibition relief denied-----	1
Original contempt proceedings granted-----	1
Original contempt proceedings set aside-----	<u>1</u>

TOTAL DISPOSITIONS----- 2,229

#### Cases Pending at End of Year:

Under submission on rehearing-----	41
Under original submission-----	342
Pending on motion for leave to file motion for rehearing-----	47
Waiting to become final or for motion for leave to file motion for rehearing-----	55
Pending on motion for rehearing-----	11
Unsubmitted cases-----	1,970
On appeal to the United States Supreme Court-----	<u>4</u>

TOTAL CASES PENDING----- 2,470

**COURT OF CRIMINAL APPEALS**  
**1981 Statistics (Continued)**

II. MOTIONS, PETITIONS FOR REVIEW

Motions for Leave to File Motions for Rehearing:

Leave to file motions for rehearing denied-----	376
Leave to file motions for rehearing granted-----	90
TOTAL-----	<u>466</u>

Motions for rehearing disposed of by the Court:

Motions overruled/denied without written opinion-----	16
Motions overruled/denied with written opinion-----	26
Motions granted with written opinion-----	<u>35</u>
TOTAL-----	<u>77</u>

Petitions for Discretionary Review Filed:

Petitions refused-----	5
Petitions granted-----	1
Petitions under consideration-----	6
Petitions pending-----	<u>21</u>
TOTAL-----	<u>33</u>

III. WRITS OF HABEAS CORPUS, ETC.

Applications for Writ of Habeas Corpus, etc. Pending January 1, 1981----- 168

Applications for Writ of Habeas Corpus, etc. Received During Year----- 2,365

Disposition of Applications for Writ of Habeas Corpus, etc.:

Applications for writ of habeas corpus, etc. denied with written order (rehearings included)-----	112
Applications for writ of habeas corpus, etc. denied without written order (rehearings included)-----	1,801
Applications for writ of habeas corpus, etc. dismissed-----	16
Applications for writ of habeas corpus, etc. ordered filed and set for submission-----	132
Applications for writ of habeas corpus, etc. marked "no action"-----	110
Hearings ordered on applications for writ of habeas corpus, etc.-----	45
Out of time appeals granted-----	<u>6</u>
TOTAL-----	<u>2,222</u>

**COURT OF CRIMINAL APPEALS**  
**1981 Statistics (Continued)**

Applications for Writ of Habeas Corpus, Etc. Pending December 31, 1981----- 311

IV. 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----- 1,991

V. OPINIONS WRITTEN BY THE COURT IN 1981

Original opinions----- 2,070  
 Concurring opinions----- 43  
 Dissenting opinions----- 87  
 Opinions concurring in part and dissenting in part----- 5  
 Opinions granting rehearing----- 35  
 Opinions denying rehearing----- 26

TOTAL----- 2,266

R E C A P I T U L A T I O N

APPEALED CASES DISPOSED OF FOR THE YEAR ENDING DECEMBER 31, 1981:----- 2,229

APPLICATIONS FOR WRIT OF HABEAS CORPUS, ETC. DISPOSED OF FOR  
 THE YEAR ENDING DECEMBER 31, 1981:----- 2,222

TOTAL----- 4,451

# COURT OF CRIMINAL APPEALS

## 1981 Statistics (Continued)

### OPINIONS WRITTEN BY JUDGES OF THE COURT OF CRIMINAL APPEALS

JUDGE	Per Curiam Opinions	Signed Opinions	Concurring Opinions	Dissenting Opinions	Concurring		Opinions Granting Rehearing	Opinions Denying Rehearing	TOTAL
					In Part & In Part	Dissenting In Part			
John F. Onion, Jr., Presiding Judge	189	48	3	6	1	5	6	258	
Truman Roberts, Judge	197	37	3	3	0	2	2	244	
Wendell A. Odom, Judge	285	56	2	4	0	9	3	359	
Tom G. Davis, Judge	189	57	0	0	0	5	2	253	
Carl E. F. Dally, Judge	193	38	2	2	0	5	1	241	
W. C. Davis, Judge	230	25	0	2	0	2	7	266	
Sam Houston Clinton, Judge	149	51	18	23	3	1	4	249	
Michael J. McCormick, Judge	121	34	5	25	0	2	0	187	
Marvin O. Teague, Judge	118	30	10	22	1	2	1	184	
Quentin Keith, Commissioner	18	5	0	0	0	2	0	25	
TOTAL	1,689	381	43	87	5	35	26	2,266	

# COURT OF CRIMINAL APPEALS

## 1981 Statistics (Continued)

### COUNTIES FROM WHICH CASES APPEALED

Harris	613	Parker	7	Colorado	2	Franklin	1
Dallas	569	Fort Bend	6	Deaf Smith	2	Gray	1
Tarrant	88	Lamar	6	Delta	2	Hamilton	1
Bexar	87	Rains	6	Ellis	2	Harrison	1
El Paso	60	Victoria	6	Frio	2	Hill	1
Jefferson	57	Brown	5	Hays	2	Hockley	1
Lubbock	53	Comal	5	Henderson	2	Hood	1
Nueces	49	Freestone	5	Howard	2	Houston	1
Bell	47	Midland	5	Hudspeth	2	Hutchinson	1
Potter	46	Moore	5	Hunt	2	Jim Wells	1
Travis	43	Waller	5	Jasper	2	Kendall	1
Taylor	25	Williamson	5	Kerr	2	Kimble	1
Cameron	24	Bee	4	Lampasas	2	Kleberg	1
Galveston	24	Kaufman	4	Matagorda	2	Knox	1
Collin	21	Navarro	4	Palo Pinto	2	Lee	1
Hopkins	21	Walker	4	Parmer	2	Liberty	1
Tom Green	19	Anderson	3	Rusk	2	Lipscomb	1
McLennan	17	Austin	3	Trinity	2	Live Oak	1
Brazoria	16	Bailey	3	Uvalde	2	Medina	1
Gregg	15	Cass	3	Washington	2	Mitchell	1
Smith	15	Cooke	3	Aransas	1	Nolan	1
Wichita	15	Falls	3	Bastrop	1	Ochiltree	1
Brazos	13	Guadalupe	3	Bosque	1	Reeves	1
Denton	13	Haskell	3	Brooks	1	Sabine	1
Hale	13	Johnson	3	Burnet	1	Sutton	1
Orange	12	Nacogdoches	3	Calhoun	1	Upshur	1
Milam	10	Scurry	3	Clay	1	Upton	1
Randall	10	Val Verde	3	Cochran	1	Wharton	1
San Patricio	10	Van Zandt	3	Comanche	1	Willacy	1
Bowie	9	Webb	3	Coryell	1	Wood	1
Ector	9	Angellina	2	Crosby	1	Yoakum	1
Grayson	8	Atascosa	2	Dallam	1	Zapata	1
Hidalgo	8	Caldwell	2	Dickens	1		
Montgomery	7	Chambers	2	Fisher	1		