

COURT OF CRIMINAL APPEALS

Analysis of 1983 Activity

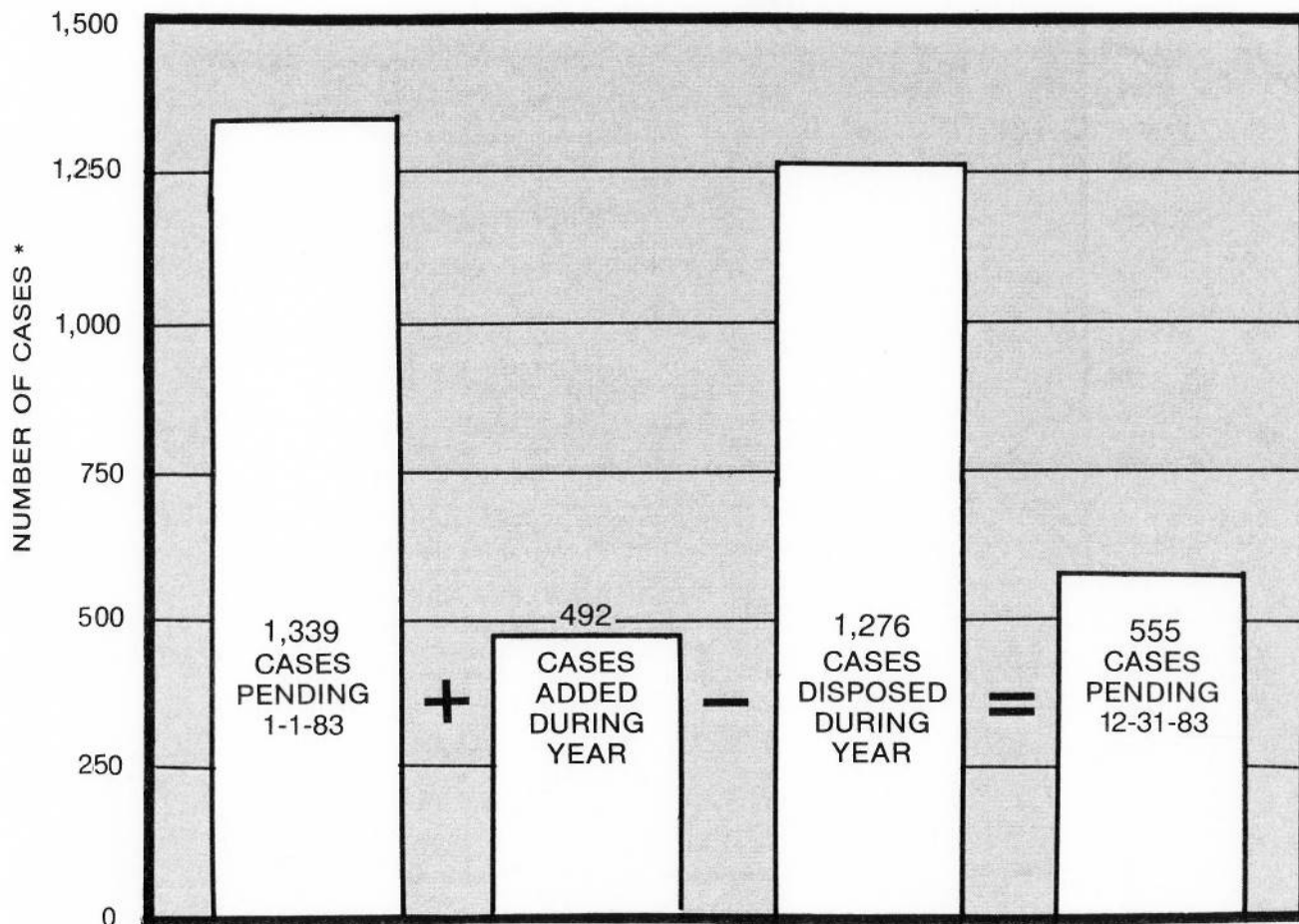
The Court of Criminal Appeals is the highest state court for criminal appeals and is composed of a Presiding Judge and eight judges. Additionally, pursuant to article 1811e, V.T.C.S., special commissioners may be designated to serve as needed to aid and assist the Court.

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 that date, a constitutional amendment together with implementing legislation became effective which conferred on the 14 Courts of Appeals intermediate 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 discretionary review by the State or defendant, or the Court may review a decision on its own motion.

Jurisdiction Change Reduces Filings

Conferring of criminal jurisdiction on the Courts of Appeals greatly reduced the number of new cases filed in the Court of Criminal Appeals in 1982 and 1983. There was a total of 414 cases added to the Court's docket during calendar year 1982, 200 of those cases being added by petition for discretionary review granted by the Court. In 1983, a total of 492 new cases were filed, 319 of them by petition for discretionary review. The 492 new cases represents an increase of 19 percent from the preceding year. In addition to those cases which were added to the docket, the Court also reviewed 707 other petitions for discretionary review which were refused. This reduction in the number of cases presented to the Court of Criminal Appeals has enabled the Court to make a substantial reduction of the backlog of pending cases. There were 2,471 cases pending with the Court at the beginning of 1982. This

Figure 4.
TOTAL WORKLOAD, COURT OF CRIMINAL APPEALS*
1983



*Includes direct appeals and cases where petition for discretionary review is granted

number had been reduced to 1,400 pending cases at the end of that year, and to 555 at the end of 1983. This represented a decrease in the backlog of 44 percent during 1982 and 60 percent more during 1983.

The number of applications for writs of habeas corpus increased in 1983. There was a total of 2,008 applications filed during 1983 as compared with 1,745 applications filed in the preceding year, for an increase of 15 percent.

Rate of Dispositions Rises

The impact of conferring of criminal jurisdiction on the Courts of Appeals can be further demonstrated by comparing the disposition rate for new cases and cases carried over from preceding years for 1982 with the rate for previous years. The Court of Criminal Appeals was able to dispose of 70 percent of the cases filed during the year or carried over from 1982. The disposition rate for 1982 was 52 percent and the rate for 1981 was 35 percent of the cases filed or carried over from preceding years.

Of the total dispositions, 58 percent in 1983 and 54 percent in 1982 were disposed of by per

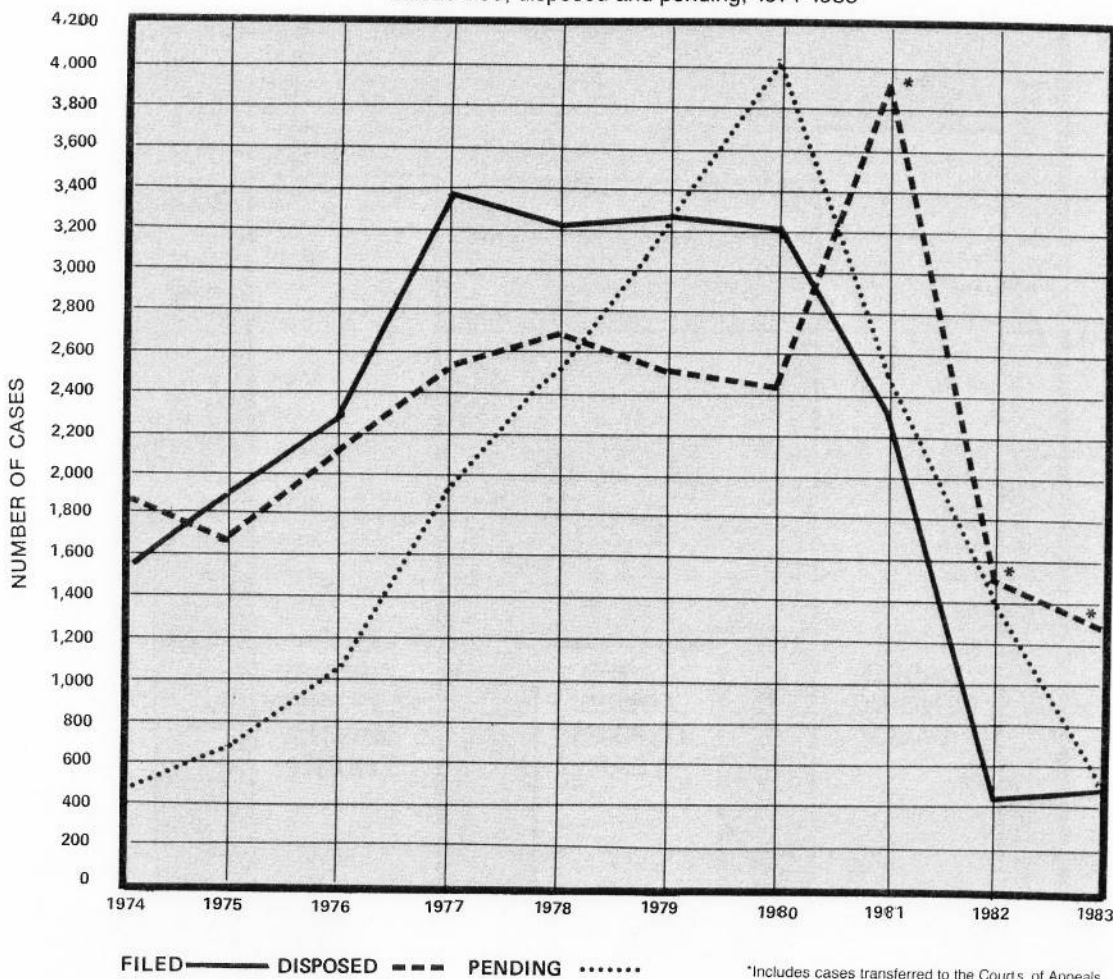
curiam opinion, as compared with 76 percent in 1981 and 83 percent in 1980. There were 1,404 opinions (including dissents and concurrences) written in 1983 as compared with 1,397 opinions written in 1982. Forty-seven percent of the opinions written in 1983 were authored opinions, compared to 43 percent of opinions written in 1982.

In the 10 years from 1973 to 1982, judges and commissioners serving on the Court of Criminal Appeals wrote a total of 22,669 opinions--an average of 2,267 per year. The 2,878 opinions written by the Court in 1978 was the largest number in any single year.

Petitions for discretionary review were received by the Court from 104 counties. Harris and Dallas Counties accounted for almost 50 percent of the petitions filed, with 285 petitions being received from Harris County and 282 petitions originating from Dallas County.

During 1983 there were 54 death penalty cases reaching the Court under the automatic review provisions of article 37.071, Code of Criminal Procedure. In 1982 there were 46 death penalty cases reaching the Court on appeal.

Figure 5.
COURT OF CRIMINAL APPEALS
Cases filed, disposed and pending, 1974-1983



COURT OF CRIMINAL APPEALS

1983 Statistics

SUMMARY OF DOCKET ACTIVITY DURING 1983

A. Cases Passed on during 1983:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs disposed of by the Court in 1983	979
Cases disposed of after granting petitions for discretionary review	222
Petitions for discretionary review disposed of by the Court in 1983	1,029
Applications for writs of habeas corpus, etc., disposed of by the Court in 1983	<u>2,078</u>
TOTAL CASES PASSED ON BY THE COURT IN 1983.	4,308

B. Motions and Applications Passed on during 1983:

Motions for leave to file motions for rehearing	228
Motions for rehearing of direct appeals	74
Motions for rehearing of petitions for discretionary review	193
Applications for extensions of time to file transcriptions of court reporters' notes, bills of exceptions, briefs, and petitions for discretionary review considered and disposed of	<u>490</u>
TOTAL MOTIONS AND APPLICATIONS PASSED ON IN 1983.	<u>985</u>

GRAND TOTAL OF MATTERS PASSED ON IN 1983 5,293

C. Matters Pending December 31, 1983:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs	339
Cases on granted discretionary review pending	216
Petitions for discretionary review pending.	302
Applications for writ of habeas corpus, etc., pending	<u>146</u>
TOTAL MATTERS PENDING	<u>1,003</u>

COURT OF CRIMINAL APPEALS

1983 Statistics (Continued)

CASES

A. Cases Pending January 1, 1983:

1. Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs	1,237
2. Cases with granted petitions for discretionary review	<u>102</u>
TOTAL CASES PENDING	
	1,339

B. Cases Added to Docket during 1983:

1. Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs filed	149
2. Direct appeals reinstated on docket	7
3. Granted petitions for discretionary review	319
4. Rehearings granted on cases considered under discretionary review	<u>17</u>
TOTAL CASES ADDED DURING 1983	
	<u>492</u>
TOTAL CASES ON DOCKET DURING 1983	
	<u><u>1,831</u></u>

C. Disposition of Cases during Year 1983:

1. Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs:	
Affirmed.	633
Reformed and affirmed	5
Reversed and remanded	119
Reversed and dismissed or reformed to show acquittal.	69
Remanded to trial courts for hearing.	5
Appeals abated.	20
Appeals dismissed	19
Habeas corpus relief granted.	68
Habeas corpus relief denied	33
Habeas corpus applications dismissed.	1
Mandamus relief granted	1
Mandamus relief denied.	3
Prohibition relief granted.	1
Mandamus and prohibition relief conditionally granted	<u>2</u>
SUB-TOTAL	
	979

COURT OF CRIMINAL APPEALS

1983 Statistics (continued)

2. Direct appeals transferred to Fifth Court of Appeals.	75	
3. On granted petition for discretionary review:		
Court of Appeals affirmed	82	
Court of Appeals and trial court affirmed	3	
Court of Appeals affirmed; remanded to trial court.	4	
Court of Appeals reversed; remanded to Court of Appeals	27	
Court of Appeals reversed; remanded to trial court.	10	
Court of Appeals and trial court reversed; remanded to Court of Appeals	1	
Court of Appeals and trial court reversed; remanded to trial court.	5	
Court of Appeals and trial court reversed; remanded	4	
Remanded to Court of Appeals.	24	
Court of Appeals reversed (or in part); trial court affirmed (or in part).	18	
Reversed in part; affirmed in part.	1	
Reversed and prosecution/indictment dismissed	5	
Dismissed	7	
Dismissed/refused as improvidently granted.	14	
Court of Appeals vacated; remanded.	14	
Abated.	<u>3</u>	
SUB-TOTAL	<u>222</u>	
TOTAL DISPOSITIONS	<u>1,276</u>	

D. Cases Pending December 31, 1983:

1. Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs:		
Under original submission	188	
Under submission on rehearing	31	
Pending on motions for rehearing.	4	
Pending on motions for leave to file motions for rehearing	25	
Waiting to become final or for motions for leave to file motions for rehearing	14	
On appeal to U.S. Supreme Court	9	
Unsubmitted	<u>68</u>	
SUB-TOTAL	339	
2. Pending on granted discretionary review:		
Under original submission	84	
Unsubmitted	119	
Pending on motions for rehearing.	<u>13</u>	
SUB-TOTAL	<u>216</u>	
TOTAL CASES PENDING END OF YEAR	<u>555</u>	

COURT OF CRIMINAL APPEALS

1983 Statistics (Continued)

PETITIONS FOR DISCRETIONARY REVIEW

A. <u>Petitions for Discretionary Review Pending January 1, 1983</u>	154
B. <u>Petitions for Discretionary Review Filed within the Year 1983</u>	<u>1,177*</u>
TOTAL PETITIONS ON DOCKET WITHIN THE YEAR 1983	<u>1,331</u>
C. <u>Disposition of Petitions for Discretionary Review:</u>	
Granted.	319
Refused.	707
Dismissed.	<u>3</u>
TOTAL PETITIONS DISPOSED	<u>1,029</u>
D. <u>Petitions for Discretionary Review Pending December 31, 1983</u>	<u>302</u>

APPLICATIONS FOR WRITS OF HABEAS CORPUS

A. <u>Applications Pending January 1, 1983</u>	216
B. <u>Applications Filed within the Year 1983</u>	<u>2,008</u>
TOTAL APPLICATIONS ON DOCKET WITHIN THE YEAR 1983.	<u>2,224</u>
C. <u>Disposition of Applications for Writs of Habeas Corpus, etc.:</u>	
Applications ordered filed and set for submission.	85
Hearings ordered on applications	71
Applications granted with written orders	11
Applications denied with written orders.	106
Applications denied without written orders	1,692
Applications dismissed	10
Applications marked "no action".	85
Out of time appeals granted.	<u>18</u>
TOTAL APPLICATIONS DISPOSED.	<u>2,078</u>
D. <u>Applications for Writ of Habeas Corpus Pending December 31, 1983</u>	<u>146</u>

*Because more than one petition for discretionary review may be filed in a case, this figure is higher than the actual number of cases brought to the court on petition for discretionary review.

COURT OF CRIMINAL APPEALS

1983 Statistics (Continued)

MOTIONS FOR REHEARING AND APPLICATIONS FOR EXTENSION OF TIME

<u>A. Motions for Rehearing of Direct Appeals</u>	
Motions granted with written opinions	23
Motions overruled/denied with written opinions.	41
Motions overruled/denied without written opinions	10
Leave to file motions for rehearing granted	41
Leave to file motions for rehearing denied.	<u>187</u>
SUB-TOTAL	302
<u>B. Motions for Rehearing of Discretionary Review Cases or Petitions</u>	
Motions denied.	176
Motions granted	<u>17</u>
SUB-TOTAL	193
<u>C. Applications for Extension of Time to File Transcriptions of Court Reporters' Notes, Bills of Exceptions, Briefs, and Petitions for Discretionary Review Considered and Disposed of by the Court.</u>	
	<u>490</u>
TOTAL MOTIONS AND APPLICATIONS.	<u>985</u>

OPINIONS DELIVERED BY THE COURT IN 1983

Original Opinions (Per curiam).	749	
	(Signed).	388
Concurring opinions	68	
Dissenting opinions	127	
Opinions concurring in part, dissenting in part	8	
Opinions granting rehearing	23	
Opinions denying rehearing.	<u>41</u>	
TOTAL OPINIONS WRITTEN.	<u>1,404</u>	

COURT OF CRIMINAL APPEALS

1983 Statistics (Continued)

OPINIONS WRITTEN BY JUDGES OF THE COURT OF CRIMINAL APPEALS

JUDGES	DECIDING OPINIONS				Concurring In Part & Dissenting In Part	Opinions Granting Rehearing	Opinions Denying Rehearing	TOTAL
	Per Curiam Opinions	Signed Opinions	Concurring Opinions	Dissenting Opinions				
JOHN F. ONION, JR. Presiding Judge	68	40	9	10	3	2	3	135
WENDELL A. ODOM Judge	56	36	1	8	0	3	14	118
TOM G. DAVIS Judge	66	43	0	0	0	2	2	113
W. C. DAVIS Judge	88	34	1	1	0	2	3	129
SAM HOUSTON CLINTON Judge	83	62	35	42	0	3	6	231
MICHAEL J. McCORMICK Judge	67	35	7	21	0	5	1	136
MARVIN O. TEAGUE Judge	95	34	12	33	4	1	10	189
CHUCK MILLER Judge	33	42	3	8	1	1	1	89
CHARLES F. CAMPBELL Judge	66	32	0	3	0	4	1	106
TRUMAN ROBERTS Judge	1*	0	0	0	0	0	0	1
CARL E. F. DALLY Commissioner	126	30	0	1*	0	0	0	157
TOTAL	749	388	68	127	8	23	41	1,404

* Delivered January 5, 1983, by Panel No. 1, Second Quarter, 1981.

COURT OF CRIMINAL APPEALS

1983 Statistics (Continued)

COUNTIES FROM WHICH PETITIONS FOR DISCRETIONARY REVIEW

WERE FILED DURING 1983

County	Cases	County	Cases	County	Cases	County	Cases
Harris	285	San Patricio	5	Nolan	2	Hopkins	1
Dallas	282	Smith	5	Reeves	2	Hutchinson	1
Tarrant	68	Grayson	4	Victoria	2	Kimble	1
Bexar	61	Eastland	3	Walker	2	Kleberg	1
Travis	44	Ector	3	Webb	2	Knox	1
El Paso	33	Hays	3	Wilson	2	Lamb	1
Nueces	32	Johnson	3	Angelina	1	Leon	1
Jefferson	23	Lamar	3	Aransas	1	Limestone	1
Lubbock	19	Lampasas	3	Austin	1	Madison	1
Bell	14	Montague	3	Brooks	1	Maverick	1
Brazoria	13	Navarro	3	Calhoun	1	Menard	1
Cameron	13	Parker	3	Cass	1	Milam	1
Taylor	12	Shelby	3	Coleman	1	Moore	1
McLennan	11	Terry	3	Collingsworth	1	Palo Pinto	1
Williamson	11	Wichita	3	Comal	1	Runnels	1
Hidalgo	10	Atascosa	2	Cooke	1	Starr	1
Caldwell	8	Bowie	2	Dallam	1	Swisher	1
Collin	8	Brown	2	Deaf Smith	1	Terrell	1
Galveston	8	Falls	2	Delta	1	Tom Green	1
Brazos	7	Fayette	2	Dimmit	1	Trinity	1
Gregg	7	Fisher	2	Erath	1	Upshur	1
Midland	7	Hale	2	Freestone	1	Uvalde	1
Potter	7	Henderson	2	Goliad	1	Val Verde	1
Randall	7	Hill	2	Gonzales	1	Waller	1
Willacy	7	Hudspeth	2	Gray	1	Washington	1
Denton	6	Hunt	2	Hansford	1	Wise	1
Montgomery	6	Jackson	2	Hardin	1	Wood	1
Orange	6	Kerr	2	Harrison	1		
Van Zandt	6	Liberty	2	Haskell	1	TOTAL	1,177
Ellis	5	Live Oak	2	Hockley	1		
Fort Bend	5	Nacogdoches	2	Hood	1		

CASES IN WHICH PETITIONS FOR DISCRETIONARY REVIEW WERE FILED IN 1983

AS RECEIVED FROM THE COURTS OF APPEALS BY COURT

FIRST, Houston	150	EIGHTH, El Paso	50
SECOND, Fort Worth	116	NINTH, Beaumont	43
THIRD, Austin	83	TENTH, Waco	55
FOURTH, San Antonio	64	ELEVENTH, Eastland	62
FIFTH, Dallas	236	TWELFTH, Tyler	28
SIXTH, Texarkana	26	THIRTEENTH, Corpus Christi	81
SEVENTH, Amarillo	48	FOURTEENTH, Houston	<u>135</u>
		TOTAL	1,177