

## Court of Criminal Appeals Activity Detail: FY 2018

	<i>Pending: 9/1/2017*</i>	<i>Cases Added</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2018</i>
<b>Regular Appeals</b>					
Direct Appeals: Death Penalty	12	13	25	10	15
DNA Appeal - Death Sentence	2	0	2	2	0
Other Appeals	1	1	2	1	1
Granted Petitions for Discretionary Review	73	85	158	90	68
Petitions for Discretionary Review (Includes Granted MRH & Reinstated)	290	1,067	1357	1,152	205
Redrawn Petitions for Discretionary Review	2	18	20	19	1
<b>Subtotal</b>	<b>380</b>	<b>1,184</b>	<b>1,564</b>	<b>1,274</b>	<b>290</b>
<b>Applications for Writ of Habeas Corpus</b>					
11.071 Writs (death penalty) Received	21	27	48	36	11
Habeas Corpus & Extraordinary Matters (filed & set)	35	174	209	195	13
Habeas Corpus Received	453	3,439	3892	3,574	318
Supplemental 11.07 Writs (other than death penalty)	93	428	521	433	81
Supplemental 11.071 Writs (death penalty)	11	7	18	8	10
<b>Subtotal</b>	<b>613</b>	<b>4,075</b>	<b>4,688</b>	<b>4,254</b>	<b>433</b>
<b>Original Proceedings**</b>					
Capital (Mandamus & Prohibitions)	1	3	4	4	0
SUPPLEMENTAL ORIGINAL-OR/HC	0	1	1	0	1
SUPPLEMENTAL ORIGINAL-OR/PRO	0	1	1	0	1
Supplemental Received Writ of Mandamus	9	114	123	111	12
Writs of Certiorari	1	6	7	7	0
Writs of Habeas Corpus	3	73	76	68	8
Writs of Mandamus	41	485	526	497	29
Writs of Procedendo	0	4	4	4	0
Writs of Prohibition	1	12	13	12	1
<b>Subtotal</b>	<b>56</b>	<b>699</b>	<b>755</b>	<b>703</b>	<b>52</b>
<b>Motions for Rehearing &amp; Reconsideration</b>					
Motions for Reconsideration (for original proceedings & 11.07 & 11.071 writs)	16	326	342	302	40
Motions for Stay of Execution (for 11.071 writs)	1	15	16	16	0
Rehearing Filed - 11.071	0	1	1	1	0
REHEAR GRANTED - 11.071	1	0	1	1	0
Rehearing on Direct Appeal	3	2	5	4	1
Rehearing on Granted Petitions for Discretionary Review	6	19	25	22	3
Rehearing on Habeas Corpus (filed & set)	1	4	5	5	0

Rehearing on Refused Petitions for Discretionary Review	3	29	32	29	3
<b>Subtotal</b>	<b>31</b>	<b>396</b>	<b>427</b>	<b>380</b>	<b>47</b>
Motions***	24	2,709	2733	2,677	56
<b>Total</b>	<b>1,104</b>	<b>9,063</b>	<b>10,167</b>	<b>9,288</b>	<b>878</b>

\* 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.

\*\* Original proceedings are filed directly with the Court of Criminal Appeals.

\*\*\* Motions for extension of time and other motions.

**PENDING CASE STATUS: FY 2018**

	<b>9/1/2017</b>				<b>8/31/2018</b>			
	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	<b><i>Total Pending</i></b>	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	<b><i>Total Pending</i></b>
Direct Appeal: Death Penalty	1	1	13	<b>15</b>	9	1	4	<b>14</b>
Direct Appeal: Death Penalty & Other	0	0	2	<b>2</b>	1	0	0	<b>1</b>
Granted Petitions for Discretionary Review	0	0	90	<b>90</b>	12	2	54	<b>68</b>
Habeas Corpus & Extraordinary Matters	0	0	29	<b>29</b>	0	0	13	<b>13</b>
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>134</b>	<b>136</b>	<b>22</b>	<b>3</b>	<b>71</b>	<b>96</b>

## **MANNER OF DISPOSITION: Appeals & Original Proceedings, FY 2018**

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### **Direct Appeals:**

#### *Death Penalty*

Abated and remanded	4
Affirmed	6
<b>TOTAL: Death Penalty</b>	<b>10</b>

#### *Death Penalty - DNA Appeal*

Abated and remanded	1
Affirmed Trial Court	1
<b>TOTAL: Death Penalty - DNA Appeal</b>	<b>2</b>

#### *Other Appeals*

Affirmed	1
<b>TOTAL: Other Appeals</b>	<b>1</b>

**TOTAL: Direct Appeals** 13

### **Petitions for Discretionary Review**

Dismissed	4
Granted	83
Refused	1035
Struck	26
Untimely	4
<b>TOTAL: Petitions for Discretionary Review</b>	<b>1152</b>

### **Granted Petitions for Discretionary Review**

Affirmed as modified	2
Affirmed court of appeals	18
Affirmed in part and remanded to the Court of Appeals	1
COA Reversed, Trial Court Reinstated	4
Court of Appeals Reversed; TC vacated	2
Dismissed as improvidently granted	7
Judgment of the Court of Appeals Reversed	4

Remanded to court of appeals	1
Reversed COA & Trial Court; Remanded to Trial Court	1
Reversed COA; Affirmed the Trial Court	5
Reversed COA; Judgment of Trial Court Modified	4
Reversed court of appeals & remanded to court of appeals	20
Reversed court of appeals & remanded to trial court	7
Reversed court of appeals & trial court reformed	3
Reversed court of appeals, acquittal ordered	2
Vacated COA; Remanded COA	9
<b>TOTAL: Granted Petitions for Discretionary Review</b>	<b>90</b>

#### **Redrawn Petitions for Discretionary Review**

Refused	19
<b>TOTAL: Redrawn Petitions for Discretionary Review</b>	<b>19</b>

#### **Haheas Corpus & Extraordinary Matters (Filed & Set)**

Denied with opinion	6
Dismissed	2
Dismissed - Art. 11.07, Section 4	5
Habeas corpus dismissed - moot	2
Habeas corpus relief denied	1
Habeas corpus relief denied	8
Habeas corpus relief granted	168
Mandamus relief conditionally granted	1
Mandamus relief denied	1
Motion for leave to file denied w/o written order - Padilla v. McDaniel	1
<b>TOTAL: Haheas Corpus &amp; Extraordinary Matters (Filed &amp; Set)</b>	<b>195</b>

#### **Applications for Writ of Habeas Corpus Received**

Abuse of writ order entered	27
Abuse of writ order previously entered	85
Dismissed	104
Dismissed - Art. 11.07, Section 4	622

Dismissed - Art. 11.07, Tex.Gov. Code 501.0081	24
Dismissed - direct appeal pending, no action	94
File and set	160
Granted	1
Habeas corpus denied/dismissed with order	35
Habeas corpus dismissed - community supervision not revoked	22
Habeas corpus dismissed - juvenile matter	2
Habeas corpus dismissed - misdemeanor Offense	4
Habeas corpus dismissed - moot	21
Habeas corpus dismissed - sentence discharged	85
Habeas corpus dismissed - Ybarra	56
Habeas corpus dismissed for non-compliance	339
Habeas corpus dismissed with written order	6
Habeas corpus relief denied on findings of trial court with hearing	60
Habeas corpus relief denied on findings of trial court without hearing	1011
Habeas corpus relief denied without written order	800
Habeas corpus remanded application prematurely forwarded	6
Habeas corpus returned to district clerk	1
HC relief denied with written order/opinion	21
HC Remanded for Records	2
HC remanded TC - evidentiary hearing or affidavits	416
Motion for leave to file denied WITHOUT order	3
<b>TOTAL: Applications for Writ of Habeas Corpus Received</b>	<b>4007</b>

#### **11.071 Applications for Writ of Habeas Corpus**

11.071 writ denied with written order	6
DENIED/DISMISSED WITH ORDER	1
Dismissed with written order	22
File and set	2
Remand tr ct w/order Art. 11.071, Sec. 6	13
<b>TOTAL: 11.071 Applications for Writ of Habeas Corpus</b>	<b>44</b>

#### **Original Proceedings - Non Capital**

Dismissed	1
DISMISSED AS MOOT	1

DISMISSED; APPLICANT SEEKING PRETRIAL JAIL TIME CREDIT	1
File and set	3
Motion for leave to file denied with written order	6
Motion for leave to file denied without written order	1
Motion for leave to file denied without written order	533
Motion for leave to file dismissed - Padilla	44
Motion for leave to file held in abeyance with written order	109
<b>TOTAL: Original Proceedings - Non Capital</b>	<b>699</b>

#### **Original Proceedings - Capital**

Motion for leave to file denied without written order	3
Motion for leave to file held in abeyance with written order	1
<b>TOTAL: Original Proceedings - Capital</b>	<b>4</b>

#### **Motions for Reconsideration**

File and set	1
HC denied W/O written order on TC Fndgs-w/o Hear	1
Motion for reconsideration - denied/dismissed with written order	3
Motion for reconsideration - dismissed	14
Motion for reconsideration - dismissed	54
Motion for reconsideration - dismissed	121
Motion for reconsideration - habeas corpus relief denied with written order	6
Motion for reconsideration - remanded to trial court for evidentiary hearing/affidavits	1
Motion for reconsideration denied	8
Motion for reconsideration denied	33
Motion for reconsideration denied	47
Motion for reconsideration granted	1
Motion for reconsideration granted	11
Remand tr ct w/order Art. 11.071, Sec. 6	1
<b>TOTAL: Motions for Reconsideration</b>	<b>302</b>

#### **Motions for Stay of Execution**

DENIED	9
DISMISSED AS MOOT	1

Motion for stay of execution denied with order	3
Motion for stay of execution granted	3
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<b>TOTAL: Motions for Stay of Execution</b>	<b>16</b>



**MANNER OF DISPOSITION: Motions for Rehearing, FY 2018**

	<i>With Written Opinion</i>			<i>Without Written Opinion</i>			<b>Total</b>
	<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	1	3	0	<b>4</b>
Rehearing on Granted Petitions for Discretionary Review	0	0	0	2	20	0	<b>22</b>
Rehearing on Habeas Corpus (filed & set)	1	0	0	1	4	0	<b>6</b>
Rehearing on Refused Petitions for Discretionary Review	0	0	0	0	29	0	<b>29</b>
Rehearings on habeas corpus (capital and non-capital) and Extraordinary matters	0	0	0	0	1	0	<b>1</b>
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>57</b>	<b>0</b>	<b>62</b>

**OPINION SUMMARY**  
**Direct Appeals, Habeas, Petitions for Discretionary Review**  
**FY 2018**

<i>Judge</i>	<i>Signed Opinions on the Merits</i>	<i>PerCuriam</i>	<i>Concurring</i>	<i>Dissenting</i>	<i>Concurring / Dissenting</i>	<i>Other</i>	<b>TOTAL</b>
Keller	15	33	9	15			72
Keasler	11	31	7	4			53
Hervey	18	13	6				37
Alcala	10	15	11	13	5	1	55
Richardson	17	18	4	3			42
Yeary	6	25	12	41			84
Newell	14	16	12	6	1		49
Keel	8	12	2	1		1	24
Walker	5	19	2	6			32
<b>TOTAL</b>	<b>104</b>	<b>182</b>	<b>65</b>	<b>89</b>	<b>6</b>	<b>2</b>	<b>448</b>

**PETITIONS FOR REVIEW FILED BY COUNTY  
FY 2018**

<b>County</b>	<b>Filed</b>	<b>Granted</b>	<b>Refused</b>	<b>Dismissed</b>	<b>Untimely</b>	<b>Struck</b>	<b>Other</b>	<b>Total Disposed</b>
Anderson	3	1	2	0	0	0	0	3
Andrews	1	0	0	0	0	0	0	0
Angelina	9	0	10	0	0	0	1	11
Aransas	8	0	7	0	0	0	0	7
Austin	2	0	2	0	0	0	0	2
Bee	3	2	0	0	0	0	0	2
Bell	12	0	11	0	1	0	1	13
Bexar	50	8	33	0	0	1	2	44
Bowie	10	3	8	0	0	1	0	12
Brazoria	9	1	6	0	0	1	0	8
Brazos	11	1	5	0	0	0	1	7
Brown	12	2	7	0	0	0	0	9
Burleson	1	0	1	0	0	0	0	1
Burnet	5	1	5	0	0	0	1	7
Caldwell	2	0	2	0	0	0	0	2
Calhoun	1	0	0	0	0	0	0	0
Cameron	5	2	5	0	0	0	0	7
Camp	2	0	1	0	0	0	0	1
Cass	1	0	3	0	0	1	0	4
Chambers	1	0	1	0	0	0	0	1
Collin	20	3	22	0	0	0	0	25
Colorado	1	0	0	0	0	0	0	0
Comal	11	0	9	0	0	1	1	11
Comanche	4	0	4	0	0	0	0	4
Cooke	2	0	2	0	0	0	0	2
Coryell	7	1	7	0	0	0	0	8
Dallam	1	0	0	0	0	0	0	0
Dallas	111	6	95	0	0	2	4	107
Dawson	1	0	1	0	0	0	0	1
Deaf Smith	2	0	3	0	0	0	0	3
Denton	15	0	17	0	0	0	0	17
Eastland	3	0	3	0	0	0	0	3
Ector	8	0	10	0	0	0	1	11
El Paso	13	3	13	0	0	0	0	16
Ellis	3	0	3	0	0	0	0	3
Erath	2	0	2	0	0	0	0	2
Falls	1	0	2	0	0	0	0	2
Fannin	1	0	1	0	0	0	0	1
Floyd	1	0	1	0	0	0	0	1
Foard	1	0	1	0	0	0	0	1
Fort Bend	15	0	10	0	0	0	0	10
Freestone	1	0	1	0	0	0	0	1
Gaines	1	0	2	0	0	0	0	2
Galveston	28	0	26	0	0	0	2	28
Gonzales	1	1	1	0	0	0	0	2
Gray	2	0	2	0	0	0	0	2
Grayson	2	0	1	0	0	0	0	1
Gregg	6	1	6	0	0	0	0	7
Guadalupe	3	0	3	0	0	0	0	3
Hale	0	0	2	0	0	0	0	2

Hamilton	0	0	1	0	0	0	0	1
Hardeman	3	0	3	0	0	0	0	3
Hardin	0	1	0	0	0	0	0	1
Harris	175	14	183	0	1	8	3	209
Harrison	8	0	7	0	0	0	1	8
Haskell	3	0	5	0	0	0	0	5
Hays	6	0	8	0	0	0	0	8
Henderson	2	0	2	0	0	0	0	2
Hidalgo	15	6	9	0	0	0	1	16
Hill	4	0	7	0	0	0	0	7
Hood	2	0	2	0	0	0	1	3
Hopkins	5	0	3	0	0	2	0	5
Houston	5	0	4	0	0	0	0	4
Hunt	12	1	11	1	0	0	0	13
Hutchinson	1	0	1	0	0	0	0	1
Jackson	2	0	2	0	0	0	0	2
Jefferson	19	1	18	1	0	0	0	20
Johnson	4	0	9	0	0	0	0	9
Jones	1	0	1	0	0	0	0	1
Karnes	0	1	0	0	0	0	0	1
Kaufman	1	0	3	0	0	0	0	3
Kendall	0	0	2	0	0	0	0	2
Kerr	6	0	6	0	0	0	0	6
Kleberg	4	0	4	0	0	0	0	4
Lamar	3	1	1	0	0	0	0	2
Leon	3	0	1	1	0	0	0	2
Liberty	11	0	10	0	0	0	1	11
Limestone	5	0	3	0	0	2	0	5
Live Oak	2	0	2	0	0	0	0	2
Llano	0	0	1	0	0	0	0	1
Lubbock	7	0	11	0	1	0	0	12
Madison	1	0	0	0	0	0	0	0
Marion	2	1	1	0	0	0	0	2
Matagorda	2	0	2	0	0	0	0	2
Maverick	1	0	1	0	0	0	0	1
McCulloch	1	0	0	0	0	0	0	0
McLennan	28	3	26	0	0	3	0	32
Medina	1	0	2	0	0	0	0	2
Midland	9	0	10	0	1	0	2	13
Milam	1	0	1	0	0	0	0	1
Mitchell	1	0	1	0	0	0	0	1
Montague	4	0	3	0	0	0	0	3
Montgomery	35	4	31	0	0	0	5	40
Nacogdoches	1	0	1	0	0	0	0	1
Navarro	9	0	6	0	0	0	0	6
Nolan	1	0	4	0	0	0	0	4
Nueces	23	1	18	0	0	0	0	19
Oldham	1	0	1	0	0	0	0	1
Orange	2	0	3	0	0	0	0	3
Palo Pinto	2	0	1	0	0	0	0	1
Panola	2	0	2	0	0	0	0	2
Parker	10	0	10	0	0	0	0	10
Parmer	1	0	1	0	0	0	0	1

Polk	7	0	7	0	0	0	0	7
Potter	17	0	15	0	0	0	1	16
Presidio	1	0	0	0	0	0	0	0
Randall	4	0	2	0	0	0	0	2
Red River	2	0	1	0	0	0	1	2
Rockwall	2	0	3	0	0	0	0	3
Rusk	1	0	2	0	0	0	0	2
San Augustine	1	0	0	0	0	0	0	0
San Patricio	4	0	1	0	0	0	0	1
San Saba	1	0	1	0	0	0	0	1
Shackelford	1	0	1	0	0	0	0	1
Sherman	1	0	1	0	0	0	0	1
Smith	14	1	15	0	0	0	0	16
Somervell	0	0	1	0	0	0	0	1
Starr	1	0	0	0	0	0	0	0
Swisher	1	0	1	0	0	0	0	1
Tarrant	112	8	115	1	0	0	1	125
Taylor	11	2	9	0	0	0	0	11
Tom Green	8	0	7	0	0	0	0	7
Travis	19	0	22	0	0	3	0	25
Tyler	2	0	2	0	0	0	0	2
Upshur	1	0	1	0	0	0	0	1
Van Zandt	2	0	2	0	0	0	0	2
Victoria	7	1	6	0	0	0	0	7
Walker	3	0	5	0	0	0	0	5
Waller	2	0	2	0	0	0	0	2
Washington	1	0	2	0	0	0	0	2
Webb	5	0	3	0	0	1	0	4
Wichita	7	1	7	0	0	0	0	8
Willacy	2	0	2	0	0	0	1	3
Williamson	2	0	3	0	0	0	0	3
Wilson	1	0	0	0	0	0	0	0
Wise	5	0	7	0	0	0	0	7
Wood	3	0	3	0	0	0	0	3
Young	1	0	1	0	0	0	0	1
<b>Total</b>	<b>1,114</b>	<b>83</b>	<b>1,054</b>	<b>4</b>	<b>4</b>	<b>26</b>	<b>32</b>	<b>1,203</b>

**PETITIONS FOR REVIEW FILED BY COURT OF APPEALS  
FY 2018**

<b>Court</b>	<b>Filed</b>	<b>Granted</b>	<b>Refused</b>	<b>Dismissed</b>	<b>Untimely</b>	<b>Struck</b>	<b>Other</b>	<b>Total Disposed</b>	<b>Percentage of Petitions Granted</b>
1st - Houston	123	7	114	0	1	3	2	127	5.5%
2nd - Fort Worth	129	9	135	1	0	0	1	146	6.2%
3rd - Austin	56	1	62	0	1	2	3	69	1.4%
4th - San Antonio	67	8	50	0	0	1	2	61	13.1%
5th - Dallas	132	8	119	0	0	2	4	133	6.0%
6th - Texarkana	70	8	66	2	0	4	3	83	9.6%
7th - Amarillo	65	1	69	0	1	1	1	73	1.4%
8th - El Paso	41	3	33	0	0	2	5	43	7.0%
9th - Beaumont	60	6	58	1	0	0	1	66	9.1%
10th - Waco	57	3	52	0	0	4	1	60	5.0%
11th - Eastland	61	4	59	0	1	0	3	67	6.0%
12th - Tyler	40	2	42	0	0	0	1	45	4.4%
13th - Corpus Christi	99	15	76	0	0	1	2	94	16.0%
14th - Houston	114	8	119	0	0	6	3	136	5.9%
<b>Total</b>	<b>1,114</b>	<b>83</b>	<b>1,054</b>	<b>4</b>	<b>4</b>	<b>26</b>	<b>32</b>	<b>1,203</b>	<b>6.9%</b>

**GRANTED PETITIONS FOR REVIEW DISPOSED BY COURT OF APPEALS  
FY 2018**

<b>Opinion Issued</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>5th</b>	<b>6th</b>	<b>7th</b>	<b>8th</b>	<b>9th</b>	<b>10th</b>	<b>11th</b>	<b>12th</b>	<b>13th</b>	<b>14th</b>	<b>Total</b>
Affirmed as modified	1	1													2
Affirmed COA	3	1	2		3		1		2		5		1		18
Affirmed in part and remanded to the Court of Appeals													1		1
COA Reversed, Trial Court Reinstated						1	1	1				1			4
Court of Appeals Reversed; TC vacated									1				1		2
Dismissed as improvidently granted			1	1	3			1		1					7
Judgment of the Court of Appeals Reversed		1		1							1		1		4
Remanded to COA					1										1
Reversed COA & Trial Court; Remanded to Trial Court													1		1
Reversed Coa; Acquittal Ordered						2									2
Reversed COA; Affirmed the Trial Court				1				1	1					2	5
Reversed COA; Judgment of Trial Court Modified	2	1												1	4
Reversed COA; Judgment of Trial Court Reformed		2									1				3
Reversed COA; Remanded COA	4	5	1			1		2		1		1	2	3	20
Reversed COA; Remanded Trial Court					3	1			1				2		7
Vacated COA; Remanded COA		1		1	2	2		1	1		1				9
<b>Total</b>	<b>10</b>	<b>12</b>	<b>4</b>	<b>4</b>	<b>12</b>	<b>7</b>	<b>2</b>	<b>6</b>	<b>6</b>	<b>2</b>	<b>8</b>	<b>2</b>	<b>9</b>	<b>6</b>	<b>90</b>