

Court of Criminal Appeals Activity Detail: FY 2023

	<i>Pending: 9/1/2022*</i>	<i>Cases Added</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2023</i>
Regular Appeals					
Direct Appeals: Death Penalty	13	6	19	8	11
DNA Appeal - Death Sentence	1	1	2	0	2
Other Appeals	1	0	1	0	1
Granted Petitions for Discretionary Review	64	46	110	55	55
Petitions for Discretionary Review (Includes Granted MRH & Reinstated)	86	661	747	646	101
Redrawn Petitions for Discretionary Review	3	2	5	5	0
Subtotal	168	720	888	714	170
Applications for Writ of Habeas Corpus					
11.071 Writs (death penalty) Received	12	18	30	18	12
Habeas Corpus & Extraordinary Matters (filed & set)	17	117	134	123	11
Habeas Corpus Received	358	2,040	2398	2,175	223
Overdue Remand	0	27	27	24	3
Show Cause Order	5	11	16	0	16
Supplemental 11.07 Writs (other than death penalty)	93	365	458	384	73
Supplemental 11.071 Writs (death penalty)	10	5	15	6	9
Subtotal	495	2,583	3,078	2,730	347
Original Proceedings**					
Capital (Mandamus & Prohibitions)	4	8	12	10	2
Supplemental Received Writ of Prohibition	0	4	4	4	0
Supplemental Received Writ of Mandamus	5	57	62	58	4
Writs of Certiorari	0	1	1	1	0
Writs of Habeas Corpus	11	88	99	93	6
Writs of Mandamus	38	292	330	299	31
Writs of Prohibition	1	13	14	13	1
Subtotal	59	463	522	478	44
Motions for Rehearing & Reconsideration					
Motions for Reconsideration (for original proceedings & 11.07 & 11.071 writs)	67	297	364	312	52
Motions for Stay of Execution (for 11.071 writs)	0	10	10	10	0
Rehearing on Direct Appeal	1	4	5	4	1

Rehearing on Granted Petitions for Discretionary Review	4	10	14	13	1
Rehearing on Habeas Corpus (filed & set)	0	5	5	4	1
Rehearing on Refused Petitions for Discretionary Review	8	42	50	49	1
Subtotal	80	368	448	392	56
Motions***	141	2,361	2,502	2,352	150
Total	943	6,495	7,438	6,670	767

* 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 2023

	9/1/2022				8/31/2023			
	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	<i>Total Pending</i>	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	<i>Total Pending</i>
Direct Appeal: Death Penalty	1	0	15	16	7	0	4	11
Direct Appeal: Death Penalty & Other	0	0	2	2	2	0	1	3
Granted Petitions for Discretionary Review	0	0	90	90	16	1	38	55
Habeas Corpus & Extraordinary Matters	0	0	29	29	3	1	7	11
TOTAL	1	0	136	137	28	2	50	80

MANNER OF DISPOSITION: Appeals & Original Proceedings, FY 2023

Direct Appeals:

Death Penalty

Abated and remanded	2
Affirmed	5
Remanded to the Trial Court	1
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TOTAL: Death Penalty	8

Death Penalty - DNA Appeal

Other Appeals

TOTAL: Direct Appeals 8

Petitions for Discretionary Review

Dismissed	1
Granted	44
Previous filing is withdrawn	1
Refused	589
Struck	4
Untimely	7
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TOTAL: Petitions for Discretionary Review	646

Granted Petitions for Discretionary Review

Affirmed court of appeals	8
Affirmed court of appeals & trial court	2
Affirmed in part & reversed in part court of appeals	1
Affirmed in part and remanded to the Court of Appeals	1
Dismissed	2
Dismissed as improvidently granted	2
Judgment of the Court of Appeals Reversed	2
Reversed COA; Affirmed the Trial Court	6
Reversed court of appeals & remanded to court of appeals	15
Reversed court of appeals & remanded to trial court	6
Vacated COA; Remanded COA	2

Vacated COA; Remanded COA	8
TOTAL: Granted Petitions for Discretionary Review	55

Redrawn Petitions for Discretionary Review

Refused	5
TOTAL: Redrawn Petitions for Discretionary Review	5

Habeas Corpus & Extraordinary Matters (Filed & Set)

Dismissed	2
Dismissed as improvidently granted	1
Habeas corpus relief denied	7
Habeas corpus relief granted	57
HC Denied in part and dismissed in part	1
Mandamus relief conditionally granted	5
Mandamus Relief granted	2
Out of Time Appeal Granted	23
Out of Time PDR Granted	22
Prohibition relief granted	3
TOTAL: Habeas Corpus & Extraordinary Matters (Filed & Set)	123

Applications for Writ of Habeas Corpus Received

Abuse of writ order entered	10
Abuse of writ order previously entered	43
Denied with written order	3
Dismissed	88
Dismissed - Art. 11.07, Section 4	413
Dismissed - Art. 11.07, Tex.Gov. Code 501.0081	11
Dismissed - direct appeal pending, no action	50
File and set	106
Habeas corpus denied/dismissed with order	14
Habeas corpus dismissed - community supervision not revoked	15
Habeas corpus dismissed - juvenile matter	4
Habeas corpus dismissed - misdemeanor Offense	7
Habeas corpus dismissed - moot	24
Habeas corpus dismissed - sentence discharged	59

Habeas corpus dismissed - Ybarra	24
Habeas corpus dismissed for non-compliance	240
Habeas corpus dismissed with written order	5
Habeas corpus dismissed/Daniel	3
Habeas corpus relief denied on findings of trial court with hearing	56
Habeas corpus relief denied on findings of trial court without hearing	630
Habeas corpus relief denied without written order	484
HC relief denied with written order/opinion	14
HC remanded TC - evidentiary hearing or affidavits	248
Motion for leave to file denied WITHOUT order	8
TOTAL: Applications for Writ of Habeas Corpus Received	2559

11.071 Applications for Writ of Habeas Corpus

11.071 writ denied with written order	1
Denied/dismissed with order	2
Dismissed as moot	1
Dismissed with written order	12
File and set	4
HC relief denied with written order/opinion	1
Remand trial court w/order Art. 11.071, Sec. 6	3
TOTAL: 11.071 Applications for Writ of Habeas Corpus	24

Original Proceedings - Non-Capital

Dismissed	1
Dismissed as moot	2
Dismissed as moot with written order	2
File and set	1
Motion for leave to file denied without written order	370
Motion for leave to file dismissed - Padilla	36
Motion for leave to file held in abeyance with written order	55
TOTAL: Original Proceedings - Non Capital	468

Original Proceedings - Capital

Dismissed as moot	2
File and set	3
Motion for leave to file denied without written order	3
Motion for leave to file held in abeyance with written order	2
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TOTAL: Original Proceedings - Capital	10

Motions for Reconsideration/Rehearing Granted

Dismissed as moot	1
HC relief denied WITHOUT written order.	5
Motion for reconsideration - dismissed	111
Motion for reconsideration - dismissed with written order	5
Motion for reconsideration - habeas corpus relief denied with written order	4
Motion for reconsideration - remanded to trial court for evidentiary hearing/affidavits	2
Motion for reconsideration denied	162
Motion for reconsideration denied with written order	1
Motion for reconsideration granted	18
No action taken	3
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TOTAL: Motions for Reconsideration	312

Motions for Stay of Execution

Denied	9
Dismissed	1
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TOTAL: Motions for Stay of Execution	10

MANNER OF DISPOSITION: Motions for Rehearing, FY 2023

	<i>With Written Opinion</i>			<i>Without Written Opinion</i>			Total
	<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	0	4	0	4
Rehearing on Granted Petitions for Discretionary Review	0	6	0	2	14	0	22
Rehearing on Habeas Corpus (filed & set)	0	0	0	0	4	0	4
Rehearing on Refused Petitions for Discretionary Review	0	0	0	1	48	0	49
Total	0	6	0	3	70	0	79

OPINION SUMMARY
Direct Appeals, Habeas, Petitions for Discretionary Review
FY 2023

<i>Judge</i>	<i>Signed Opinions on the Merits</i>	<i>PerCuriam</i>	<i>Concurring</i>	<i>Dissenting</i>	<i>Concurring / Dissenting</i>	TOTAL
Keller	8	8	9	14	1	40
Hervey	6	15				21
Richardson	5	11	1			17
Yeary	5	14	59	31		109
Newell	12	7	11	5		35
Keel		12	3	1		16
Walker	3	19	2	7		31
Slaughter	9	12	20	7		48
Mcclure	13	11				24
TOTAL	61	109	105	65	1	341

**PETITIONS FOR REVIEW FILED BY COUNTY
FY 2023**

County	Filed	Granted	Refused	Dismissed	Untimely	Struck	Other	Total Disposed
Andrews	1	0	1	0	0	0	0	1
Aransas	2	0	2	0	0	0	0	2
Atascosa	2	0	1	0	0	0	1	2
Austin	1	0	0	0	0	0	0	0
Bastrop	1	0	1	0	0	0	0	1
Baylor	1	0	1	0	0	0	0	1
Bee	1	0	0	0	0	0	0	0
Bell	0	1	1	0	0	0	0	2
Bexar	9	2	10	0	0	0	2	14
Bowie	6	3	3	0	0	0	0	6
Brazoria	9	0	9	0	0	0	0	9
Brazos	14	0	10	1	0	0	2	13
Brewster	1	0	1	0	0	0	0	1
Brown	4	0	3	0	0	0	0	3
Burnet	1	0	1	0	0	0	0	1
Callahan	0	0	1	0	0	0	0	1
Cameron	7	0	5	0	0	0	0	5
Camp	1	0	1	0	0	0	0	1
Castro	1	0	1	0	0	0	0	1
Chambers	2	0	0	0	2	0	0	2
Cherokee	1	0	1	0	0	0	0	1
Coleman	2	0	1	0	0	0	0	1
Collin	36	1	31	0	0	0	1	33
Collingsworth	2	0	2	0	0	0	0	2
Colorado	2	0	2	0	0	0	0	2
Comal	6	1	5	0	1	0	0	7
Comanche	2	0	2	0	0	0	0	2
Coryell	7	0	6	0	0	0	0	6
Culberson	1	0	1	0	0	0	0	1
Dallas	57	2	46	0	0	2	1	51
De Witt	1	0	2	0	0	0	0	2
Deaf Smith	1	0	0	0	0	0	0	0
Denton	11	0	9	0	0	0	0	9
Donley	1	0	1	0	0	0	0	1
Eastland	0	0	0	0	0	0	0	0
Ector	6	0	5	0	0	0	0	5
El Paso	26	3	20	0	1	0	1	25

Ellis	1	0	2	0	0	0	0	2
Erath	0	0	0	0	0	0	0	0
Falls	1	0	3	0	0	0	0	3
Fannin	5	0	5	0	0	0	0	5
Fort Bend	4	0	3	0	1	0	0	4
Freestone	1	0	1	0	0	0	0	1
Gaines	1	0	1	0	0	0	0	1
Galveston	10	1	8	0	0	0	2	11
Garza	1	0	1	0	0	0	0	1
Grayson	3	0	3	0	0	0	0	3
Gregg	4	1	5	0	0	0	0	6
Grimes	3	2	0	0	1	0	0	3
Guadalupe	1	0	1	0	0	0	0	1
Hale	2	0	1	0	0	1	0	2
Hall	2	0	3	0	0	0	0	3
Hardin	3	0	3	0	0	0	0	3
Harris	87	8	77	0	1	0	9	95
Harrison	1	0	1	0	0	0	0	1
Hays	2	0	2	0	0	0	0	2
Henderson	2	0	2	0	0	0	0	2
Hidalgo	4	0	6	0	0	0	0	6
Hockley	1	0	0	0	0	0	0	0
Hood	3	0	2	0	0	0	0	2
Hopkins	5	0	3	0	0	0	1	4
Houston	1	0	1	0	0	0	0	1
Hunt	4	0	5	0	0	0	0	5
Irion	2	0	1	0	0	0	0	1
Jack	1	0	1	0	0	0	0	1
Jackson	1	0	1	0	0	0	0	1
Jefferson	12	0	11	0	0	0	1	12
Johnson	4	0	4	0	0	0	0	4
Jones	4	0	2	0	0	0	3	5
Kaufman	5	0	3	0	0	0	0	3
Kendall	1	0	3	0	0	0	0	3
Kerr	1	1	0	0	0	0	0	1
Kinney	1	0	0	0	0	0	0	0
Kleberg	9	1	7	0	0	0	0	8
Lamar	4	1	3	0	0	0	0	4
Liberty	1	0	1	0	0	0	0	1
Limestone	1	0	1	0	0	0	0	1
Lipscomb	1	0	1	0	0	0	0	1

Lubbock	8	0	5	0	0	0	1	6
Madison	4	0	4	0	0	0	0	4
Marion	1	0	1	0	0	0	0	1
Matagorda	1	0	1	0	0	0	0	1
Maverick	2	1	1	0	0	0	0	2
McLennan	16	4	13	0	0	0	4	21
Medina	3	0	2	0	0	0	0	2
Menard	1	1	0	0	0	0	0	1
Midland	5	0	5	0	0	0	0	5
Milam	4	0	3	0	0	0	1	4
Mitchell	2	0	2	0	0	0	0	2
Montgomery	7	0	7	0	0	0	0	7
Motley	2	0	1	0	0	0	1	2
Nacogdoches	1	0	1	0	0	0	0	1
Nolan	3	0	3	0	0	0	0	3
Nueces	5	1	3	0	0	0	2	6
Orange	3	0	3	0	0	0	0	3
Parker	1	0	1	0	0	0	0	1
Pecos	2	0	2	0	0	0	0	2
Polk	1	0	0	0	0	0	0	0
Potter	16	0	10	0	0	0	1	11
Rains	2	0	2	0	0	0	0	2
Randall	3	0	4	0	0	0	0	4
Red River	1	0	1	0	0	0	0	1
Rockwall	11	2	6	0	0	0	4	12
Rusk	1	0	0	0	0	0	0	0
San Augustine	1	0	1	0	0	0	0	1
San Patricio	3	0	3	0	0	0	0	3
Smith	26	0	23	0	0	0	0	23
Sterling	0	0	1	0	0	0	0	1
Tarrant	63	8	46	0	0	1	2	57
Taylor	16	0	14	0	0	0	2	16
Tom Green	3	0	2	0	0	0	1	3
Travis	9	0	7	0	0	0	2	9
Trinity	1	0	1	0	0	0	0	1
Tyler	1	0	1	0	0	0	0	1
Upshur	2	0	2	0	0	0	0	2
Victoria	4	0	3	0	0	0	2	5
Walker	1	0	1	0	0	0	1	2
Waller	1	0	0	0	0	0	0	0
Ward	2	0	2	0	0	0	0	2

Wharton	1	0	1	0	0	0	0	1
Wichita	30	0	28	0	0	0	2	30
Wilbarger	2	0	2	0	0	0	0	2
Williamson	4	0	6	0	0	0	0	6
Winkler	1	0	4	0	0	0	0	4
Wise	1	0	1	0	0	0	0	1
Young	1	0	0	0	0	0	0	0
Total	705	45	594	1	7	4	50	701

**PETITIONS FOR REVIEW FILED BY COURT OF APPEALS
FY 2023**

Court	Filed	Granted	Refused	Dismissed	Untimely	Struck	Other	Total Disposed	Percentage of Petitions Granted
1st - Houston	63	8	51	0	6	0	1	66	12.1%
2nd - Fort Worth	100	7	81	0	0	1	4	93	7.5%
3rd - Austin	23	1	21	0	0	0	4	26	3.8%
4th - San Antonio	18	3	17	0	0	0	2	22	13.6%
5th - Dallas	117	5	95	0	0	2	6	108	4.6%
6th - Texarkana	34	5	26	0	0	0	1	32	15.6%
7th - Amarillo	60	0	44	0	0	1	5	50	0.0%
8th - El Paso	44	3	41	0	1	0	2	47	6.4%
9th - Beaumont	30	2	27	0	0	0	1	30	6.7%
10th - Waco	34	4	35	0	0	0	4	43	9.3%
11th - Eastland	40	0	35	0	0	0	5	40	0.0%
12th - Tyler	35	0	32	0	0	0	0	32	0.0%
13th - Corpus Christi	53	4	42	1	0	0	5	52	7.7%
14th - Houston	54	3	47	0	0	0	10	60	5.0%
Total	705	45	594	1	7	4	50	701	6.4%

**GRANTED PETITIONS FOR REVIEW DISPOSED BY COURT OF APPEALS
FY 2023**

Opinion Issued	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	13th	14th	Total
Affirmed COA									2	1	2	3		8
Affirmed COA & Trial Court										1			1	2
Affirmed in part and remanded to the Court of Appeals											1			1
COA Affirmed in part/Reversed in part					1									1
Dismissed								1					1	2
Dismissed as improvidently granted		1										1		2
Judgment of the Court of Appeals Reversed							2							2
Reversed COA; Affirmed the Trial Court	1	1		1		1					1		1	6
Reversed COA; Remanded COA	3	1	2	1		3							5	15
Reversed COA; Remanded Trial Court					4							1	1	6
Vacated COA; Remanded COA		1			1	1				1		2	4	10
Total	4	4	2	2	6	5	2	1	2	3	4	7	13	55

Average time from filing to disposition for cases involving:

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Capital punishment	616	646	698	656	468	790	590	545	467	803	593	807
Application for writ of habeas corpus	24	40	39	37	49	39	45	41	45	63	54	46
Application for writ of habeas corpus (filed & set)			8	24	32	48	78	30	21	26	27	58
Petition for discretionary review	60	65	73	61	82	70	75	60	52	68	60	45
Granted petition for discretionary review			198	250	310	310	319	336	313	300	370	439

Case Filed by County Summary
All Civil and Criminal Cases Filed From 9/1/2022 to 8/31/2023,
Counties Selected All, Transfers Included
Sort Order: County,CaseNumber,DateFiled

<u>County</u>	<u>Criminal</u>	<u>Total</u>
	19	19
Anderson	7	7
Angelina	6	6
Aransas	3	3
Atascosa	6	6
Austin	2	2
Bandera	3	3
Bastrop	2	2
Baylor	1	1
Bee	3	3
Bell	39	39
Bexar	112	112
Bosque	1	1
Bowie	21	21
Brazoria	27	27
Brazos	27	27
Brown	25	25
Burleson	2	2
Burnet	3	3
Caldwell	4	4
Calhoun	3	3
Cameron	7	7
Carson	3	3
Cass	7	7
Chambers	3	3
Cherokee	5	5

Case Filed by County Summary
All Civil and Criminal Cases Filed From 9/1/2022 to 8/31/2023,
Counties Selected All, Transfers Included
Sort Order: County,CaseNumber,DateFiled

<u>County</u>	<u>Criminal</u>	<u>Total</u>
Childress	1	1
Coleman	3	3
Collin	49	49
Collingsworth	1	1
Colorado	4	4
Comal	29	29
Comanche	1	1
Concho	1	1
Cooke	10	10
Coryell	11	11
Crane	1	1
Culberson	3	3
Dallas	261	261
Dawson	2	2
De Witt	8	8
Deaf Smith	3	3
Delta	1	1
Denton	34	34
Duval	2	2
Eastland	4	4
Ector	26	26
El Paso	25	25
Ellis	11	11
Erath	1	1
Falls	2	2
Fannin	3	3
Fayette	4	4

Case Filed by County Summary
All Civil and Criminal Cases Filed From 9/1/2022 to 8/31/2023,
Counties Selected All, Transfers Included
Sort Order: County,CaseNumber,DateFiled

<u>County</u>	<u>Criminal</u>	<u>Total</u>
Fort Bend	29	29
Franklin	1	1
Gaines	6	6
Galveston	30	30
Garza	2	2
Gonzales	2	2
Grayson	17	17
Gregg	28	28
Grimes	3	3
Guadalupe	3	3
Hale	6	6
Hamilton	1	1
Hardin	4	4
Harris	414	414
Harrison	9	9
Haskell	4	4
Hays	9	9
Henderson	8	8
Hidalgo	27	27
Hill	6	6
Hockley	1	1
Hood	9	9
Hopkins	4	4
Houston	6	6
Howard	6	6
Hunt	23	23
Hutchinson	2	2

Case Filed by County Summary
All Civil and Criminal Cases Filed From 9/1/2022 to 8/31/2023,
Counties Selected All, Transfers Included
Sort Order: County,CaseNumber,DateFiled

<u>County</u>	<u>Criminal</u>	<u>Total</u>
Jackson	7	7
Jasper	5	5
Jefferson	61	61
Johnson	15	15
Jones	8	8
Karnes	2	2
Kaufman	8	8
Kendall	1	1
Kerr	6	6
Kinney	2	2
Kleberg	1	1
Lamar	23	23
Lampasas	3	3
Leon	6	6
Liberty	7	7
Limestone	9	9
Lipscomb	1	1
Live Oak	4	4
Llano	3	3
Lubbock	25	25
Madison	1	1
Marion	3	3
Matagorda	12	12
McCulloch	1	1
McLennan	25	25
Midland	28	28
Milam	1	1

Case Filed by County Summary
All Civil and Criminal Cases Filed From 9/1/2022 to 8/31/2023,
Counties Selected All, Transfers Included
Sort Order: County,CaseNumber,DateFiled

<u>County</u>	<u>Criminal</u>	<u>Total</u>
Mitchell	1	1
Montague	4	4
Montgomery	57	57
Nacogdoches	5	5
Navarro	5	5
Nolan	5	5
Nueces	39	39
Orange	10	10
Palo Pinto	8	8
Panola	1	1
Parker	7	7
Polk	6	6
Potter	24	24
Presidio	2	2
Randall	8	8
Reagan	1	1
Red River	8	8
Reeves	2	2
Refugio	1	1
Robertson	2	2
Rockwall	6	6
Runnels	1	1
Rusk	1	1
San Augustine	2	2
San Jacinto	1	1
San Patricio	1	1
Schleicher	1	1

Case Filed by County Summary
All Civil and Criminal Cases Filed From 9/1/2022 to 8/31/2023,
Counties Selected All, Transfers Included
Sort Order: County,CaseNumber,DateFiled

<u>County</u>	<u>Criminal</u>	<u>Total</u>
Scurry	1	1
Shelby	2	2
Smith	101	101
Starr	3	3
Stephens	3	3
Swisher	3	3
Tarrant	167	167
Taylor	15	15
Terry	1	1
Throckmorton	1	1
Titus	1	1
Tom Green	9	9
Travis	76	76
Trinity	2	2
Tyler	6	6
Upshur	3	3
Uvalde	1	1
Val Verde	1	1
Van Zandt	7	7
Victoria	8	8
Walker	22	22
Waller	5	5
Webb	3	3
Wharton	3	3
Wheeler	1	1
Wichita	9	9
Wilbarger	3	3

Case Filed by County Summary
All Civil and Criminal Cases Filed From 9/1/2022 to 8/31/2023,
Counties Selected All, Transfers Included
Sort Order: County,CaseNumber,DateFiled

<u>County</u>	<u>Criminal</u>	<u>Total</u>
Willacy	2	2
Williamson	21	21
Wilson	2	2
Wise	4	4
Wood	7	7
Young	2	2
Zapata	1	1
Total	2475	2475