COURT OF CRIMINAL APPEALS DOCKET ACTIVITY: FY 2002

	Pending: 9/1/2001 ¹	Cases Added²	Total on Docket	Dispositions	Pending: 8/31/2002
Regular Appeals					
Direct Appeals: Death Penalty	84	38	122	51	71
DNA Appeal ³	0	12	12	4	8
Habeas Corpus & Extraor dinary Matters	25	228	253	240	13
Petitions for Discretionary Review	556	1,951	2,507	2,017	490
Granted Petitions for Discretionary Review	125	146	271	143	128
SUBTOTAL	790	2,375	3,165	2,455	710
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	578	5,606	6,184	5,391	793
11.071 Writs (death penalty)	37	90	127	100	27
Supplemental 11.07 Writs (other than death penalty)	86	470	556	477	79
Supplemental 11.071 Writs (death penalty)	0	1	1	0	1
SUBTOTAL	701	6,167	6,868	5,968	900
Original Proceedings ⁴					
Writs of Certiorari	0	3	3	3	0
Writs of Habeas Corpus	0	39	39	37	2
Writs of Mandamus	70	685	755	656	99
Writs of Prohibition	1	5	6	6	0
SUBTOTAL	71	732	803	702	101
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	3	23	26	25	1
Rehearing on Refused Petitions for Discretionary Review	3	19	22	20	2
Rehearing on Granted Petitions for Discretionary Review	4	46	50	49	1
Motions for Reconsideration (for original proceedings & 11.07 writs)	5	14	19	19	0
Motions for Stay of Execution (for 11.071 writs)	1	17	18	17	1
SUBTOTAL	16	119	135	130	5
Motions for Extensions of Time ⁵	0	1,644	1,644	1,644	0
TOTAL	1,578	11,037	12,615	10,899	1,716

PENDING CASE STATUS: FY 2002

	9/1/2001					8/31/2	2002	
	Not Set for Submission	Set for Submission	Submitted	Total Pending	Not Set for Submission	Set for Submission	Submitted	Total Pending
Direct Appeal: Death Penalty	31	9	45	85	35	4	32	71
Direct Appeal: DNA Appeal	0	0	0	0	2	2	4	8
Direct Appeal: Habeas Corpus & Extraordinary Matters	5	1	19	25	1	0	12	13
Granted Petitions for Discretionary Review	14	14	97	125	9	12	107	128
TOTAL	50	24	161	235	47	18	155	220

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2002

Judge	Signed	Per Curiam	Concurring	Dissenting	Concurring & Dissenting	Denial of Rehearing	Grant of Rehearing	TOTAL
Keller	27	42	6	17	0	0	0	92
Meyers	15	34	6	15	0	0	0	70
Price	20	36	4	7	0	0	0	67
Womack	11	29	9	12	0	0	0	61
Johnson	14	22	19	17	1	0	0	73
Keasler	17	36	5	6	0	0	0	64
Hervey	15	22	2	0	0	0	0	39
Holcomb	16	28	3	9	0	0	0	56
Cochran	27	27	15	4	0	0	0	73
TOTALS	162	276	69	87	1	0	0	595

¹ 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.

¹ 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.

² All cases added were new filings except one death penalty direct appeal added by reinstatement and two added by rehearings granted, as well as two direct appeals involving habeas corpus & extraordinary matters added by rehearings granted.

³ The 77^h Legislature passed a law permitting convicted persons to submit a motion to the convicting court for forensic DNA testing of evidence containing biological material. After holding a hearing, the convicting court makes a finding as to whether the results are favorable to the convicting person. If the person was convicted in a capital case, an appeal of the convicting court's finding is a direct appeal to the Court of Criminal Appeals. (Texas Code of Criminal Procedure are 64-05, effective April 5, 2001.)

Original proceedings are filed directly with the Court of Criminal Appeals. Applications for writ of habeas corpus, although seeking relief from the Court of Criminal Appeals, must be filed in the trial court, which has 35 days in which to submit findings of fact, conclusions of law, and a recommendation to the Court of Criminal Appeals.
 Motions for extensions of time to file transcripts of court reporter's notes, bill of exceptions, briefs and petitions for discretionary review.

MANNER OF DISPOSITION: Appeals & Original Proceedings, FY 2002

virect Appeals:			
Death Penalty		Granted Petitions for Discretionary Review (continued)	
Affirmed	49	Dismissed as improvidently granted	1
Reversed & remanded	1	Abated Court of Appeals	
Prior opinion withdrawn; affirmed	1	Vacated and remanded to Court of Appeals	3
TOTAL: Death Penalty	51	TOTAL: Granted Petitions for Discretionary Review	14
DNA Appeal		Applications for Writ of Habeas Corpus, Original Proceedin Motions for Stay of Execution, and Motions for Reconsidera	0 /
Affirmed	1	Abuse of Writ Order previously entered	1
Abated	3	Dismissed - Direct appeal pending, no action necessary	15
TOTAL: DNA Appeal	4	Dismissed - Art. 11.07, Section 4	58
		Dismissed - Art. 11.07, Tex.Gov. Code, §501.0081	51
Habeas Corpus & Extraordinary Matters		Dismissed	26
Habeas corpus application granted	223	Filed & set	22
Habeas corpus application denied	7	Habeas corpus relief granted without written order	
Habeas corpus application dismissed	7	Habeas corpus relief denied without written order	1,91
Habeas corpus application granted in part & denied in part	1	Habeas corpus relief denied with written order	
Habeas corpus relief held in abeyance	1	Habeas corpus relief denied with hearing	2
Prior opinion withdrawn: relief dismissed	1	Habeas corpus relief denied without hearing	1,71
TOTAL: Habeas Corpus & Extraordinary Matters	240	Habeas corpus remanded for evidentiary hearing / aff	28
		Motion for leave to file granted/ with order	
TOTAL: Direct Appeals	295	Motion for leave to file granted/ without order	
		Motion for leave to file denied without written order	66
Petitions for Discretionary Review		Motion for leave to file denied with written order	
Granted	146	Motion for leave to file held in abeyance with order	20
Refused	1,810	11.071 Writ denied with written order	5
	,	11.071 Writ remanded for evidentiary hearing / aff	
Dismissed	11	11.071 Writ dismissed	4
Untimely	50	11.071 Writ filed & set	
TOTAL: Petitions for Discretionary Review	2,017	11.071 Writ remanded with order	
		Motion for reconsideration denied	1
Granted Petitions for Discretionary Review		Motion for stay of execution granted	
Affirmed Court of Appeals	27	Motion for stay of execution denied	1
Affirmed Court of Appeals and remanded to trial court	2	Motion for stay of execution dismissed	
Affirmed trial court	1	TOTAL: Applications for Writs of Habeas Corpus, etc.	6,70
Affirmed Court of Appeals and trial court	1		
Reversed Court of Appeals	2		
Reversed Court of Appeals and remanded to Court of Appeals	27		
Reversed Court of Appeals and remanded to trial court	3		
Reversed Court of Appeals and affirmed trial court	18		
Remanded to Court of Appeals	9		
Dismissed Court of Appeals	3		

MANNER OF DISPOSITION: Motions for Rehearing, FY 2002

	With Written Opinion Granted Denied Dismissed			Withou	Total		
				Granted Denied Dismissed			
Rehearing on Direct Appeal	0	0	0	4	21	0	25
Rehearing on Refused Petitions for Discretionary Review	0	0	0	1	20	0	20
Rehearing on Granted Petitions for Discretionary Review	0	0	0	0	49	0	49
TOTAL	0	0	0	4	90	0	94

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2002

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County	Filed			Dismissed
Anderson	3	1	2	0
Angelina	2	0	3	0
Aransas	3	0	3	0
Archer	1	0	0	0
Atascosa	1	0	1	0
Austin	1	0	1	0
Bailey	0	0	1	0
Bandera	1	0	0	1
Bastrop	1	1	1	0
Bee	5	0	4	0
Bell	9	1	9	0
Bexar	66	4	61	1
Blanco	1	0	1	0
Bosque	1	0	2	0
Bowie	4	0	5	0
Brazoria	16	0	15	0
Brazos	14	3	13	0
Brown	1	0	2	0
Burleson	1	0	1	0
Burnet	1	0	1	0
Caldwell	0	0	1	0
Calhoun	2	0	1	0
Callahan	0	0	1	0
Cameron	8	2	5	0
Cass	1	0	0	0
Castro	0	1	0	0
Chambers	3	0	4	0
Cherokee	2	0	2	0
Childress	2	0	2	0
Clay	0	0	1	0
Collin	55	3	46	0
Collingsworth	0	0	1	0
Comal	6	0	3	0
Comanche	1	0	1	0
Cooke	1	0	1	0
Coryell	1	0	0	0
Cottle	0	0	1	0
Dallas	317	14	283	0
Dawson	1	0	1	0
Denton	38	1	37	0
De Witt	2	0	2	0
Ector	5	2	2	0
Ellis	6	0	3	0
El Paso	30	3	34	1
Erath	1	0	1	0
Falls	0	3	0	0
Fannin	7	0	7	0
Fort Bend	18	1	14	0

Freestone 5 1 10 0 Frio 1 0 1 0 Galveston 30 0 21 0 Gillespie 2 2 0 0 Gonzales 0 0 1 0 Gregg 14 2 13 0 Grimes 1 0 0 0 Hale 4 0 4 0 Hall 2 0 2 0 Harrison 2 1 2 0 Harrison 2 1 3 0 Hays 10 0 10 0 Henderson 7 1 7 0 Haidalgo 14 6 7 0 Hill 10 1 8 0 Howard 4 0 4 0 Howard 4 0 3 0	County	Filed	Grantea	Refused	Dismissed
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Gonzales 0 0 1 1 0 Grayson 8 0 7 1 1 Gregg 14 2 13 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Galveston	30	0	21	0
Grayson 8 0 7 Gregg 14 2 13 0 Grimes 1 0 0 0 Hale 4 0 4 0 Hall 2 0 2 0 Hamilton 2 1 2 0 Harrison 2 1 3 0 Harrison 2 1 3 0 Hays 10 0 10 0 Henderson 7 1 7 0 Hidalgo 14 6 7 0 Hidalgo 14 6 7 0 Howard 7 1 8 0 Howard 4 0 4 0 Howard 4 0 3 0 Hunt 2 0 2 0 Jackson 5 2 3 0 Jackson </td <td>Gillespie</td> <td>2</td> <td>2</td> <td>0</td> <td>0</td>	Gillespie	2	2	0	0
Gregg 14 2 13 6 Grimes 1 0 0 0 Hale 4 0 4 Hall 2 0 2 1 Hamilton 2 1 2 0 Hardin 1 0 1 Harris 569 45 851 3 Harrison 2 1 3 0 Hadeson 7 1 7 0 Hidalgo 14 6 7 0 Hill 10 1 8 0 Hood 7 1 8 0 Howard 4 0 4 Houston 5 0 3 0 Howard 4 0 3 Houston 5 2 3 Jack 0 0 2 0 Jackson 5 2 3 Jack 0 0 2 0 Jackson 5 2 3 Jasper 2 0 1 0 Jefferson 13 0 9 Jim Wells 2 0 2 Kerr 4 3 1 0 Lamb 1 0 2	Gonzales	0	0	1	0
Grimes 1 0 0 0 1 Hale 4 0 4 0 4 Hall 2 0 2 0 2 0 Hamilton 2 1 2 0 Hardin 1 0 1 2 0 Harriss 569 45 851 3 Harrison 2 1 3 0 Hays 10 0 10 0 Henderson 7 1 7 0 Hidalgo 14 6 7 0 Hill 10 1 8 0 Hood 7 1 8 0 Howard 4 0 4 0 Howard 4 0 3 0 Huth 2 0 2 0 Jack 0 0 2 0 Jack 0 0 0 2 0 Jack 0 0 0 2 0 Jackson 5 2 3 0 Jasper 2 0 1 0 Jefferson 13 0 9 Jim Wells 2 0 1 0 Johnson 4 0 4 0 Jones 2 0 2 0 Kerr 4 3 1 0 Kimble 2 0 2 0 Lamar 2 0 1 0 Lamar 2 0 1 0	Grayson	8	0	7	1
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Houston 5 0 3 0 0 1 1	Hood	7	1	8	0
Howard 4 0 3 0 0 1 1 0	Hopkins	4	0	4	0
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Jackson 5 2 3 0 Jasper 2 0 1 0 Jefferson 13 0 9 1 Jim Wells 2 0 1 0 Johnson 4 0 4 0 Jones 2 0 2 0 Kerr 4 3 1 0 Kimble 2 0 2 0 Kleberg 3 1 2 0 Lamar 2 0 1 0 Lamb 1 0 2 0	Hunt	2	0	2	0
Jasper 2 0 1 0 Jefferson 13 0 9 1 Jim Wells 2 0 1 0 Johnson 4 0 4 0 Jones 2 0 2 0 Kerr 4 3 1 1 Kimble 2 0 2 0 Kleberg 3 1 2 0 Lamar 2 0 1 0 Lamb 1 0 2 0	Jack	0	0	2	0
Jefferson 13 0 9 Jim Wells 2 0 1 0 Johnson 4 0 4 0 4 0 Jones 2 0 2 0 2 0 2 0 2 0 1 0 1 0 1 0 1 0 1 0 1 0 2 0 1 0 1 0 2 0 1 0 1 0 2 0 1 0	Jackson	5	2	3	0
Jim Wells 2 0 1 0 Johnson 4 0 4 0 Jones 2 0 2 0 Kerr 4 3 1 0 Kimble 2 0 2 0 Kleberg 3 1 2 0 Lamar 2 0 1 0 Lamb 1 0 2 0	Jasper	2	0	1	0
Johnson 4 0 4 0 Jones 2 0 2 0 Kerr 4 3 1 0 Kimble 2 0 2 0 Kleberg 3 1 2 0 Lamar 2 0 1 0 Lamb 1 0 2 0	Jefferson	13	0	9	1
Jones 2 0 2 0 Kerr 4 3 1 0 Kimble 2 0 2 0 Kleberg 3 1 2 0 Lamar 2 0 1 0 Lamb 1 0 2 0	Jim Wells	2	0	1	0
Kerr 4 3 1 0 Kimble 2 0 2 0 Kleberg 3 1 2 0 Lamar 2 0 1 0 Lamb 1 0 2 0	Johnson	4	0	4	0
Kimble 2 0 2 0 Kleberg 3 1 2 0 Lamar 2 0 1 0 Lamb 1 0 2 0	Jones	2	0	2	0
Kleberg 3 1 2 0 Lamar 2 0 1 0 Lamb 1 0 2 0	Kerr	4	3	1	0
Lamar 2 0 1 0 Lamb 1 0 2 0	Kimble	2	0	2	0
Lamb 1 0 2	Kleberg	3	1	2	0
	Lamar	2	0	1	0
	Lamb	1	0	2	0
Lampasas 2 0 1 (Lampasas	2	0	1	0
Leon 3 0 3 (Leon	3	0	3	0
Liberty 0 0 1 (Liberty	0	0	1	0
Live Oak 1 0 1 (Live Oak	1	0	1	0
Lubbock 18 0 15 (Lubbock	18	0	15	0
Lynn 1 0 0 (Lynn	1	0	0	0
McLennan 28 1 29	McLennan	28	1	29	1
Madison 4 0 2 0	Madison	4	0	2	0
Marion 1 0 1 (Marion	1	0	1	0
Mason 1 0 0 0	Mason	1	0	0	0
Matagorda 7 0 6	Matagorda	7	0	6	0

Maverick Midland Milam Mitchell Montague Montgomery Nacogdoches Navarro Newton Nolan Nueces	1 7 2 1 1 12 9 8 2 2	0 2 0 0 0 0 1 0	0 6 3 1 0	0 0 0 0 0
Milam Mitchell Montague Montgomery Nacogdoches Navarro Newton Nolan Nueces	2 1 1 12 9 8 2	0 0 0 1 0	3 1 0 15 9	0 0 0
Mitchell Montague Montgomery Nacogdoches Navarro Newton Nolan Nueces	1 1 12 9 8 2	0 0 1 0 1	1 0 15 9	0 0
Montague Montgomery Nacogdoches Navarro Newton Nolan Nueces	1 12 9 8 2	0 1 0 1	0 15 9	0
Montgomery Nacogdoches Navarro Newton Nolan Nueces	12 9 8 2	1 0 1	15 9	0
Nacogdoches Navarro Newton Nolan Nueces	9 8 2	0	9	-
Navarro Newton Nolan Nueces	8	1		
Newton Nolan Nueces	2	-		0
Nolan Nueces	_	Λ	5	0
Nueces	2	U	2	0
	_	0	2	0
	20	2	17	0
Orange	6	0	3	0
Palo Pinto	4	0	9	0
Parker	4	0	4	0
Pecos	1	0	1	0
Polk	3	0	3	0
Potter	8	1	7	0
Randall	7	0	6	0
Robertson	1	0	1	0
Rockwall	5	0	6	0
Sabine	0	0	2	0
San Jacinto	3	0	4	0
San Patricio	3	1	2	0
Shelby	1	0	1	0
Smith	24	4	14	0
Starr	5	0	2	0
Stephens	2	0	2	0
Swisher	8	0	1	0
Tarrant	196	12	187	1
Taylor	21	2	17	0
Titus	1	1	1	0
Tom Green	5	0	1	0
Travis	50	4	41	0
Tyler	5	0	5	0
Upshur	4	0	5	0
Uvalde	0	0	1	0
Wilbarger	3	0	1	0
Williamson	8	0	9	0
Wilson	3	0	8	0
Winkler	1	0	2	0
Wise	0	1	0	0
Wood	11	0	2	0
Young	2	0	3	0
Zavala	2	0	1	0
	,951	146	1,810	11

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2002

Court of Appeals	Filed	Granted	Refused	Dismissed	Court of Appeals	Filed	Granted	Refused	Dismissed
1 st Houston	230	11	243	2	8 th El Paso	67	7	66	1
2 nd Fort Worth	249	14	240	0	9 th Beaumont	37	0	37	0
3 rd Austin	97	6	83	0	10 th Waco	96	10	92	2
4 th San Antonio	114	10	90	2	11 th Eastland	74	4	75	0
5 th Dallas	323	12	288	1	12 th Tyler	70	7	59	1
6 th Texarkana	69	8	55	1	13 th Corpus Christi	107	17	76	0
7 th Amarillo	86	2	78	0	14 th Houston	332	38	328	1
					TOTAL	1.951	146	1.810	11