

COURT OF CRIMINAL APPEALS DOCKET ACTIVITY: FY 2003

	<i>Pending: 9/1/2002¹</i>	<i>Cases Added</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2003</i>
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	69	43	112	45	67
<i>DNA Appeal², Death Sentence</i>	8	4	12	11	1
<i>DNA Appeal², Life Sentence</i>	0	8	8	0	8
<i>Habeas Corpus & Extraordinary Matters</i>	10	253	263	250	13
Petitions for Discretionary Review	490	1,742	2,232	1,708	524
Granted Petitions for Discretionary Review	128	111	239	159	80
Redrawn Petitions for Discretionary Review	0	186	186	161	25
SUBTOTAL	705	2,347	3,052	2,334	718
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	791	6,034	6,825	6,033	792
11.071 Writs (death penalty)	28	106	134	95	39
Supplemental 11.07 Writs (other than death penalty)	80	516	596	479	117
Supplemental 11.071 Writs (death penalty)	0	4	4	4	0
SUBTOTAL	899	6,660	7,559	6,611	948
Original Proceedings³					
Writs of Certiorari	0	3	3	1	2
Writs of Habeas Corpus	2	36	38	33	5
Writs of Mandamus	108	718	826	687	139
Writs of Prohibition	0	1	1	0	1
SUBTOTAL	110	758	868	721	147
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	0	19	19	12	7
Rehearing on Refused Petitions for Discretionary Review	1	27	28	26	2
Rehearing on Granted Petitions for Discretionary Review	2	18	20	16	4
Rehearing on Habeas Corpus (filed & set)	1	6	7	5	2
Motions for Reconsideration (for original proceedings & 11.07 writs)	0	9	9	9	0
Motions for Stay of Execution (for 11.071 writs)	0	21	21	19	2
SUBTOTAL	4	100	104	87	17
Motions for Extensions of Time⁴	0	1,392	1,392	1,392	0
TOTAL	1,718	11,257	12,975	11,145	1,830

PENDING CASE STATUS: FY 2003

	8/31/2003			<i>Total Pending</i>
	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	
Direct Appeal: Death Penalty	41	8	18	67
Direct Appeal: DNA Appeal, Death Sentence	0	0	1	1
Direct Appeal: DNA Appeal, Life Sentence	6	0	2	8
Direct Appeal: Habeas Corpus & Extraordinary Matters	2	0	11	13
Granted Petitions for Discretionary Review	9	7	64	80
TOTAL	58	15	96	169

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 The 77th 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 art. 64.05, effective April 5, 2001.)

³ 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.

⁴ 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 2003

Direct Appeals:		Redrawn Petitions for Discretionary Review	
<i>Death Penalty</i>		Granted	3
Affirmed	44	Refused	157
Remanded to trial court	1	Untimely	1
TOTAL: Death Penalty	45	TOTAL: Redrawn Petitions for Discretionary Review	161
<i>DNA Appeal, Death Sentence</i>		Applications for Writ of Habeas Corpus, Original Proceedings,	
Affirmed	5	Motions for Stay of Execution, and Motions for Reconsideration	
Abated	4	Abuse of Writ Order previously entered	13
Dismissed	2	Dismissed - Direct appeal pending, no action necessary	199
TOTAL: DNA Appeal, Death Sentence	11	Dismissed - Art. 11.07, Section 4	651
 		Dismissed - Art. 11.07, Texas Gov. Code, §501.0081	427
<i>Habeas Corpus & Extraordinary Matters</i>		Dismissed	396
Habeas corpus application granted	245	Filed & set	255
Habeas corpus application denied	2	Habeas corpus relief denied without written order	1,856
Habeas corpus application dismissed	1	Habeas corpus relief denied with written order	4
Habeas corpus application granted in part & denied in part	1	Habeas corpus relief denied with hearing	26
Appeal denying bail dismissed	1	Habeas corpus relief denied without hearing	1,829
TOTAL: Habeas Corpus & Extraordinary Matters	250	Habeas corpus remanded for evidentiary hearing/affidavits	2
 		Motion for leave to file granted/with order	1
TOTAL: Direct Appeals	306	Habeas corpus remanded for evidentiary hearing/affidavits with order	280
 		Motion for leave to file denied without written order	203
Petitions for Discretionary Review		Habeas corpus returned for noncompliance	360
Granted	109	Motion for leave to file held in abeyance with order	4
Refused	1,252	11.071 Writ denied with written order	49
Dismissed	10	11.071 Writ dismissed with an order	4
Struck	240	11.071 Writ dismissed	26
Withdrawn	2	11.071 Writ filed & set	2
Untimely	95	11.071 Writ remanded with order	18
TOTAL: Petitions for Discretionary Review	1,708	Motion for reconsideration denied	5
 		Motion for reconsideration granted	2
Granted Petitions for Discretionary Review		Motion for reconsideration remanded for evidentiary hearing/affidavits	2
Affirmed Court of Appeals	48	Original mandamus dismissed- Art. 11.07, Section 4	1
Affirmed Court of Appeals and trial court reversed	1	Motion for leave to file original mandamus denied without order	506
Affirmed and remanded to trial court for punishment	1	Original mandamus dismissed	2
Affirmed Court of Appeals in part and reversed in part	1	Motion for leave to file original mandamus held in abeyance with written order	177
Dismissed Court of Appeals	6	Motion for leave to file original mandamus denied with written order	1
Dismissed as improvidently granted	9	Motion for stay of execution granted	2
Remanded to Court of Appeals	5	Motion for stay of execution denied	17
Reversed Court of Appeals and trial court reformed	1	Motion for leave to file original writ of certiorari denied without written order	1
Reversed Court of Appeals	2	Mandamus held in abeyance	1
Reversed Court of Appeals and remanded to Court of Appeals	40	Mandamus dismissed	2
Reversed Court of Appeals and remanded to trial court	4	Mandamus relief conditionally granted	1
Reversed Court of Appeals and affirmed trial court	16	Mandamus relief granted	1
Reversed Court of Appeals and trial court reinstated	1	Mandamus and prohibition relief conditionally granted	1
Vacated Court of Appeals and remanded to Court of Appeals	24	Original writ of habeas corpus returned for noncompliance	1
TOTAL: Granted Petitions for Discretionary Review	159	Motion for leave to file original writ of habeas corpus denied without written order	29
 		Motion for leave to file original writ of habeas corpus held in abeyance with written order	3
 		TOTAL: Applications for Writs of Habeas Corpus, etc.	7,360

MANNER OF DISPOSITION: Motions for Rehearing, FY 2003

	<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	1	1	0	0	17	0	19
Rehearing on Refused Petitions for Discretionary Review	0	1	0	0	26	0	27
Rehearing on Granted Petitions for Discretionary Review	1	0	0	1	15	0	17
TOTAL	2	2	0	1	58	0	63

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2003

<i>Judge</i>	<i>Signed</i>	<i>Per Curiam</i>	<i>Concurring</i>	<i>Dissenting</i>	<i>Concurring & Dissenting</i>	<i>Denial of Rehearing</i>	<i>Grant of Rehearing</i>	TOTAL
Keller	15	41	10	9	0	0	0	75
Meyers	24	35	6	11	0	1	0	77
Price	17	29	2	3	1	0	0	52
Womack	20	34	8	5	0	1	0	68
Johnson	30	40	11	8	1	0	0	90
Keasler	17	29	3	18	2	0	0	69
Hervey	20	29	5	5	0	0	0	59
Holcomb	16	19	0	9	0	0	0	44
Cochran	27	31	8	12	0	0	0	78
TOTALS	186	287	53	80	4	2	0	612

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2003

<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
1 st Houston	328	19	269	1	8 th El Paso	69	5	55	0
2 nd Fort Worth	217	13	177	1	9 th Beaumont	32	3	25	0
3 rd Austin	104	8	81	0	10 th Waco	64	6	60	2
4 th San Antonio	84	10	74	3	11 th Eastland	101	5	83	0
5 th Dallas	289	12	178	1	12 th Tyler	49	3	39	0
6 th Texarkana	70	5	61	0	13 th Corpus Christi	74	13	63	1
7 th Amarillo	74	2	67	1	14 th Houston	187	9	179	6
					TOTAL	1,742	113	1,411	16

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2003

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Anderson	1	0	2	0
Andrews	1	0	1	0
Angelina	5	0	3	0
Aransas	2	0	1	0
Archer	0	0	1	0
Austin	3	1	2	0
Bandera	1	0	1	0
Bee	0	1	1	0
Bell	17	0	12	0
Bexar	55	7	39	2
Borden	1	0	1	0
Bosque	2	0	1	0
Bowie	3	1	2	0
Brazoria	4	0	9	0
Brazos	5	1	5	0
Brown	3	1	2	0
Burleson	2	0	3	0
Caldwell	3	0	3	0
Calhoun	1	0	1	0
Cameron	5	0	7	0
Carson	1	0	0	0
Cass	0	0	1	0
Chambers	14	1	12	0
Cherokee	6	0	4	0
Childress	2	0	3	0
Clay	1	0	0	0
Coleman	1	0	1	0
Collin	60	2	32	1
Collingsworth	1	0	1	0
Comal	1	0	2	0
Concho	0	0	1	0
Cooke	4	0	0	0
Coryell	7	0	6	1
Crockett	1	0	1	0
Dallas	313	15	211	0
Dawson	1	0	1	0
De Witt	1	0	1	0
Denton	29	0	29	0
Duval	1	0	0	0
Ector	5	0	5	0
Edwards	1	0	1	0
El Paso	27	3	24	0
Ellis	4	1	5	0
Erath	5	0	3	0
Fannin	4	0	0	0
Fort Bend	15	2	10	0
Franklin	0	0	1	0
Galveston	17	2	20	0
Gillespie	1	0	1	1
Gray	1	0	1	0

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Grayson	2	0	1	0
Gregg	28	2	20	0
Grimes	4	0	5	0
Guadalupe	2	0	1	0
Hale	2	0	2	0
Hall	1	0	1	0
Hamilton	6	0	5	0
Hardeman	1	0	0	0
Hardin	2	0	2	0
Harris	513	29	448	8
Harrison	1	0	1	0
Hays	3	0	4	0
Hemphill	1	0	1	0
Henderson	5	0	2	0
Hidalgo	8	1	6	0
Hill	1	0	3	0
Hood	9	2	2	0
Hopkins	0	0	1	0
Houston	0	0	2	0
Howard	2	0	2	0
Hunt	5	0	3	0
Jackson	2	1	2	0
Jasper	0	0	1	0
Jefferson	25	2	16	0
Jim Wells	0	0	1	0
Johnson	2	0	0	0
Jones	3	0	2	0
Kaufman	2	0	0	0
Kendall	1	0	1	0
Kerr	2	2	3	0
Knox	2	0	2	0
La Salle	4	0	0	0
Lamar	5	1	3	0
Lampasas	2	0	3	0
Leon	1	0	1	0
Liberty	1	0	1	0
Live Oak	1	0	1	0
Lubbock	15	0	11	0
Lynn	0	1	0	0
Madison	0	0	2	0
Marion	0	0	1	0
Matagorda	0	0	1	0
Maverick	2	0	2	0
McLennan	17	0	13	1
Midland	8	0	6	0
Montague	3	0	2	0
Montgomery	10	1	6	0
Moore	1	0	1	0
Nacogdoches	4	0	4	0
Navarro	4	4	3	0

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Newton	1	0	1	0
Nolan	1	0	1	0
Nueces	18	4	11	0
Orange	5	0	5	0
Palo Pinto	14	0	14	0
Panola	2	0	2	0
Parker	6	0	4	0
Parmer	1	0	1	0
Polk	3	1	2	0
Potter	13	0	11	1
Presidio	1	0	1	0
Rains	1	0	0	0
Randall	3	0	4	0
Red River	1	0	1	0
Reeves	1	0	0	0
Rockwall	3	0	0	0
Runnels	2	0	0	0
San Jacinto	1	0	0	0
San Patricio	3	0	3	0
Smith	22	2	14	0
Starr	0	0	2	0
Stephens	3	1	1	0
Stonewall	1	0	1	0
Swisher	0	0	7	0
Tarrant	164	11	138	1
Taylor	7	0	11	0
Terry	1	0	0	0
Titus	1	0	1	0
Tom Green	8	0	8	0
Travis	47	7	34	0
Val Verde	1	0	2	0
Victoria	3	1	2	0
Walker	9	0	5	0
Waller	6	1	6	0
Ward	1	0	0	0
Washington	1	0	1	0
Webb	1	0	4	0
Wharton	0	0	1	0
Wichita	10	0	11	0
Wilbarger	3	0	5	0
Willacy	2	0	1	0
Williamson	9	1	4	0
Wilson	2	0	1	0
Wood	5	0	12	0
Young	2	0	1	0
Zapata	1	0	1	0
Zavala	1	0	1	0

TOTALS **1,742** **113** **1,411** **16**