

COURT OF CRIMINAL APPEALS ACTIVITY: FY 2005

	<i>Pending: 9/1/2004¹</i>	<i>Cases Added</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2005</i>
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	61	24	85	36	49
<i>DNA Appeal-Death Sentence</i>	1	3	4	2	2
<i>Habeas Corpus & Extraordinary Matters</i>	22	212	234	201	33
Petitions for Discretionary Review	384	1,639	2,023	1,635	388
Granted Petitions for Discretionary Review	92	126	218	122	96
Redrawn Petitions for Discretionary Review	20	132	152	129	23
SUBTOTAL	580	2,136	2,716	2,125	591
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	1,678	5,593	7,271	6,171	1,100
11.071 Writs (death penalty)	36	83	119	84	35
Supplemental 11.07 Writs (other than death penalty)	113	355	468	341	127
Supplemental 11.071 Writs (death penalty)	3	15	18	13	5
SUBTOTAL	1,830	6,046	7,876	6,609	1,267
Original Proceedings²					
Writs of Certiorari	0	1	1	1	0
Writs of Habeas Corpus	6	21	27	26	1
Writs of Mandamus	211	560	771	674	97
Writs of Prohibition	1	1	2	1	1
SUBTOTAL	218	583	801	702	99
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	9	12	21	19	2
Rehearing on Refused Petitions for Discretionary Review	1	32	33	26	7
Rehearing on Granted Petitions for Discretionary Review	2	17	19	17	2
Rehearing on Habeas Corpus (filed & set)	2	10	12	9	3
Motions for Reconsideration (for original proceedings & 11.07 writs)	2	7	9	8	1
Motions for Stay of Execution (for 11.071 writs)	2	11	13	11	2
SUBTOTAL	18	89	107	90	15
Motions for Extensions of Time³					
	0	1,292	1,292	1,292	0
TOTAL	2,646	10,146	12,792	10,818	1,972

PENDING CASE STATUS: FY 2005

	9/1/2004				8/31/2005			
	<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	27	17	17	61	25	4	20	49
Direct Appeal: DNA Appeal	1	0	0	1	1	1	0	2
Direct Appeal: Habeas Corpus & Extraordinary Matters	8	2	12	22	5	9	19	33
Granted Petitions for Discretionary Review	6	17	69	92	22	22	52	96
TOTAL	42	36	98	176	53	36	91	180

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 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.

³ 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 2005

Direct Appeals:		Habeas corpus remanded for evidentiary hearing / aff with order	349
<i>Death Penalty</i>		Habeas corpus relief denied without written order	1,529
Affirmed	33	Habeas corpus relief denied with written order	10
Affirmed and remanded to trial court	1	Habeas corpus relief denied with hearing	45
Modified to life; trial court affirmed	1	Habeas corpus relief denied without hearing	1,891
Abated	1	Habeas corpus denied/dismissed with order	39
TOTAL: Death Penalty	36	Habeas corpus dismissed – juvenile matter	1
		Habeas corpus dismissed – misdemeanor offense	11
		Habeas corpus dismissed - moot	115
<i>DNA Appeal</i>		Habeas corpus dismissed – sentence discharged	184
Affirmed	1	Habeas corpus dismissed – community supervision not revoked	39
Reversed and remanded	1	Habeas corpus dismissed with written order	29
TOTAL: DNA Appeal	2	Habeas corpus relief moot	31
		Habeas corpus returned for non compliance	228
<i>Habeas Corpus & Extraordinary Matters</i>		Motion for leave to file denied with written order	2
Habeas corpus application granted	181	Motion for leave to file denied without written order	137
Habeas corpus application denied	8	Motion for leave to file held in abeyance with order	1
Habeas corpus application dismissed	7	11.071 Motion for leave to file denied without written order	9
Habeas corpus application remanded to trial court	1	11.071 Writ denied with written order	32
Habeas corpus application dismissed as moot	1	11.071 Writ dismissed with order	29
Mandamus relief conditionally granted	2	11.071 Motion for leave to file denied with written order	1
Appeal denying bail remanded to trial court	1	11.071 Writ filed and set	9
TOTAL: Habeas Corpus & Extraordinary Matters	201	11.071 Writ remanded with order	15
TOTAL: Direct Appeals	239	TOTAL: Applications for Writ of Habeas Corpus	6,609
		Original Proceedings	
Petitions for Discretionary Review		Motion for leave to file original writ of certiorari denied w/o written order	1
Granted	119	Motion for leave to file original writ of habeas corpus – leave to file denied	1
Refused	1,280	Motion for leave to file original writ of habeas corpus – habeas corpus relief denied	1
Dismissed	10	Motion for leave to file original writ of habeas corpus denied with order	1
Struck	154	Motion for leave to file original writ of habeas corpus denied without written order	19
Untimely	72	Motion for leave to file original writ of habeas corpus dismissed	3
TOTAL: Petitions for Discretionary Review	1,635	Motion for leave to file original writ of habeas corpus held in abeyance	1
		Original mandamus dismissed	3
Granted Petitions for Discretionary Review		Original mandamus filed and set	0
Affirmed Court of Appeals	44	Original mandamus - moot	1
Dismissed Court of Appeals	1	Motion for leave to file original mandamus denied without order	551
Dismissed as improvidently granted	7	Motion for leave to file original mandamus denied with written order	2
Reversed Court of Appeals	1	Motion for leave to file original mandamus denied w/o hearing	1
Remanded to Court of Appeals	3	Motion for leave to file original mandamus held in abeyance w/ written order	115
Reversed Court of Appeals and remanded to Court of Appeals	36	Motion for leave to file original mandamus- prior order withdrawn	1
Reversed Court of Appeals and remanded to trial court	12	Motion for leave to file writ of prohibition denied w/o written order	1
Reversed Court of Appeals and affirmed trial court	11	TOTAL: Original Proceedings	702
Reversed in part, affirmed in part; remanded to Court of Appeals	1	Motions for Reconsideration and Stay of Execution	
Reversed Court of Appeals; trial court rendered	1	Motion for reconsideration denied	1
Vacated Court of Appeals and remanded to Court of Appeals	5	Motion for reconsideration remanded with written order	1
TOTAL: Granted Petitions for Discretionary Review	122	Motion for reconsideration granted	1
		Motion for reconsideration remanded for evidentiary hearing/aff	1
Redrawn Petitions for Discretionary Review		Motion for reconsideration denied on courts own motion	3
Granted	8	Motion for reconsideration filed and set	1
Refused	121	Motion for stay of execution denied	5
TOTAL: Redrawn Petitions for Discretionary Review	129	Motion for stay of execution denied with written order	2
		Motion for stay of execution granted with written order	1
Applications for Writ of Habeas Corpus		Motion for stay of execution granted	3
Abuse of writ order entered	8	TOTAL: Motions for Reconsideration and Stay of Execution	19
Abuse of writ order previously entered	29		
Dismissed - direct appeal pending, no action necessary	240		
Dismissed - Art. 11.07, Section 4	723		
Dismissed - Art. 11.07, Tex.Gov. Code, §501.0081	400		
Dismissed	274		
Filed & set	199		

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2005

<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	19	17	7	17	1	0	0	61
Meyers	20	26	5	4	0	0	0	55
Price	20	13	9	1	0	0	1	44
Womack	11	27	7	3	0	0	1	49
Johnson	21	22	5	7	1	0	0	56
Keasler	16	13	0	7	0	0	0	36
Hervey	29	31	1	5	0	0	0	66
Holcomb	12	21	0	8	0	0	0	41
Cochran	18	29	13	6	0	0	0	66
TOTALS	166	199	47	58	2	0	2	474

MANNER OF DISPOSITION: Motions for Rehearing, FY 2005

	<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	1	0	0	18	0	19
Rehearing on Habeas Corpus and Extraordinary Matters	0	0	0	0	9	0	9
Rehearing on Refused Petitions for Discretionary Review	0	0	0	2	24	0	26
Rehearing on Granted Petitions for Discretionary Review	0	0	0	0	17	0	17
TOTAL	0	1	0	2	68	0	71

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2005

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Anderson	5	0	5	0	Gaines	2	0	2	0	Montague	3	0	1	0
Andrews	1	0	1	0	Galveston	19	2	16	0	Montgomery	18	1	16	0
Angelina	10	1	10	0	Gillespie	1	0	1	0	Nacogdoches	5	0	5	0
Aransas	1	0	0	0	Gonzales	1	0	1	0	Navarro	2	0	1	0
Archer	0	0	1	0	Gray	1	0	1	0	Newton	1	0	1	0
Atascosa	3	0	3	0	Grayson	2	0	2	0	Nolan	2	0	1	0
Austin	1	0	0	0	Gregg	21	3	19	0	Nueces	28	3	29	0
Bailey	1	0	0	0	Grimes	2	1	0	0	Orange	5	0	4	0
Bandera	1	0	1	0	Guadalupe	2	0	2	0	Palo Pinto	1	0	3	0
Bastrop	2	0	0	0	Hale	2	0	1	0	Parker	6	0	3	0
Bee	2	0	1	0	Hall	1	0	1	0	Pecos	4	2	1	0
Bell	12	1	8	0	Hamilton	4	0	2	0	Polk	10	2	5	0
Bexar	71	6	58	0	Hansford	1	0	1	0	Potter	13	2	6	0
Bosque	0	1	5	0	Hardeman	2	0	2	0	Randall	5	0	3	0
Bowie	8	1	8	0	Hardin	1	0	2	0	Reagan	1	0	1	0
Brazoria	11	1	7	0	Harris	423	29	395	0	Red River	2	0	1	0
Brazos	15	1	4	0	Harrison	4	0	4	0	Refugio	1	2	1	0
Briscoe	1	0	0	0	Hays	5	0	2	0	Robertson	1	0	2	0
Brown	1	0	0	0	Hemphill	1	0	0	0	Rockwall	2	0	8	0
Burleson	2	0	2	0	Henderson	9	2	5	0	Sabine	1	0	0	0
Caldwell	4	0	2	0	Hidalgo	15	3	8	0	San Jacinto	2	0	3	0
Cameron	6	2	2	0	Hill	1	0	1	0	San Patricio	4	0	5	0
Carson	1	0	1	0	Hockley	1	0	0	0	San Saba	0	1	0	0
Cass	1	0	1	0	Hood	6	0	7	0	Shelby	1	2	2	0
Castro	3	0	2	0	Hopkins	14	0	10	0	Smith	13	0	22	0
Chambers	7	1	5	0	Houston	2	0	1	0	Somervell	1	0	1	0
Cherokee	2	0	3	0	Howard	2	0	2	0	Starr	1	0	1	0
Childress	2	0	1	0	Hunt	2	0	1	0	Stephens	1	0	2	0
Coleman	3	0	3	0	Hutchinson	0	0	1	0	Tarrant	169	9	134	0
Collin	34	3	30	0	Jackson	1	0	1	0	Taylor	12	3	8	0
Comal	1	0	1	0	Jefferson	15	0	13	0	Throckmorton	2	0	1	0
Comanche	1	0	1	0	Jim Wells	1	0	1	0	Tom Green	3	0	3	0
Cooke	0	0	1	0	Johnson	9	0	6	0	Travis	36	1	41	0
Cottle	1	0	1	0	Jones	2	0	2	0	Trinity	1	0	1	0
Crockett	1	0	1	0	Karnes	1	0	1	0	Upshur	3	0	2	0
Dallas	229	13	205	0	Kaufman	1	0	2	0	Val Verde	1	0	1	0
Dawson	1	1	1	0	Kendall	2	0	0	0	Van Zandt	3	0	2	0
De Witt	4	0	4	0	Kenedy	0	0	1	0	Victoria	2	0	5	0
Deaf Smith	1	0	1	0	Kerr	11	0	0	10	Walker	3	1	1	0
Denton	25	1	20	0	Kleberg	2	0	2	0	Waller	1	0	2	0
Donley	1	0	1	0	Lamar	5	2	4	0	Ward	1	0	1	0
Duval	1	0	0	0	Leon	3	1	1	0	Washington	3	0	1	0
Eastland	1	0	4	0	Liberty	7	0	2	0	Webb	7	1	6	0
Ector	8	0	9	0	Limestone	4	1	3	0	Wharton	1	1	1	0
Edwards	1	1	1	0	Live Oak	3	1	2	0	Wheeler	1	0	1	0
El Paso	32	2	26	0	Lubbock	18	1	14	0	Wichita	9	0	6	0
Ellis	5	1	1	0	Lynn	1	0	1	0	Wilbarger	2	0	3	0
Erath	4	0	3	0	Madison	0	1	0	0	Williamson	6	0	5	0
Falls	4	1	3	0	Marion	4	0	3	0	Wilson	4	0	2	0
Fannin	2	1	1	0	Matagorda	2	0	2	0	Wise	0	2	0	0
Fisher	2	0	2	0	Maverick	1	0	0	0	Wood	2	0	3	0
Floyd	1	0	1	0	McLennan	35	4	21	0	Yoakum	0	1	0	0
Fort Bend	10	1	10	0	Medina	2	0	1	0	Young	1	0	1	0
Franklin	3	0	2	0	Midland	2	0	3	0	TOTALS	1,639	127	1,401	10
Freestone	3	1	2	0	Mitchell	0	0	0	0					

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2005

<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	212	14	203	0	8 th - El Paso	68	11	57	0
2 nd - Fort Worth	215	12	171	0	9 th - Beaumont	46	1	39	0
3 rd - Austin	70	4	62	0	10 th - Waco	109	14	66	0
4 th - San Antonio	117	10	87	10	11 th - Eastland	67	6	70	0
5 th - Dallas	223	6	208	0	12 th - Tyler	56	6	59	0
6 th - Texarkana	63	8	54	0	13 th - Corpus Christi	99	14	86	0
7 th - Amarillo	76	5	54	0	14 th - Houston	218	16	185	0
					TOTAL	1,639	127	1,401	10

