

COURT OF CRIMINAL APPEALS ACTIVITY: FY 2012

	<i>Pending: 9/1/2011¹</i>	<i>Cases Added</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2012</i>
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	23	8	31	14	17
<i>DNA Appeal-Death Sentence</i>	0	5	5	5	0
<i>Habeas Corpus & Extraordinary Matters</i>	16	240	256	241	15
<i>Other Appeals</i>	2	3	5	3	2
Petitions for Discretionary Review (<i>includes Granted MRH & Reinstated</i>)	197	1,651	1,848	1,520	328
Granted Petitions for Discretionary Review	71	107	178	114	64
Redrawn Petitions for Discretionary Review	20	114	134	125	9
SUBTOTAL	329	2,128	2,457	2,022	435
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	488	4,312	4,800	4,201	599
11.071 Writs (death penalty)	13	40	53	32	21
Supplemental 11.07 Writs (other than death penalty)	65	337	402	323	79
Supplemental 11.071 Writs (death penalty)	7	12	19	12	7
SUBTOTAL	573	4,701	5,274	4,568	706
Original Proceedings²					
Writs of Certiorari	1	3	4	4	0
Writs of Habeas Corpus	2	36	38	36	2
Supplemental Received Writ of Habeas Corpus	0	0	0	0	0
Writs of Mandamus	67	687	754	678	76
Supplemental Received Writ of Mandamus	16	191	207	180	27
Original & Supplemental 11.071 Matters	2	4	6	6	0
Writs of Prohibition	0	9	9	8	1
Supplemental Received Writ of Prohibition	0	1	1	0	1
SUBTOTAL	88	931	1,019	912	107
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	1	4	5	4	1
Rehearing on Refused Petitions for Discretionary Review	3	42	45	42	3
Rehearing on Granted Petitions for Discretionary Review	4	22	26	21	5
Rehearing on Habeas Corpus (filed & set)	5	11	16	15	1
Motions for Reconsideration (for original proceedings & 11.07 & 11.071 writs)	3	33	36	32	4
Motions for Stay of Execution (for 11.071 writs)	0	9	9	8	1
SUBTOTAL	16	121	137	122	15
Motions for Extensions of Time³					
	0	1,593	1,593	1,593	0
TOTAL	1,006	9,474	10,480	9,217	1,263

PENDING CASE STATUS: FY 2012

	9/1/2011				8/31/2012			
	<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	14	2	7	23	9	2	6	17
Direct Appeal: DNA Appeal	0	0	0	0	0	0	0	0
Direct Appeal: Habeas Corpus & Extraordinary Matters	5	2	11	18	6	5	4	15
Granted Petitions for Discretionary Review	16	11	44	71	12	11	41	64
TOTAL	35	15	62	112	27	18	51	96

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 2012

Direct Appeals:		Applications for Writ of Habeas Corpus	
<i>Death Penalty</i>		Abuse of writ order entered	12
Affirmed	14	Abuse of writ order previously entered	41
TOTAL: Death Penalty	14	Dismissed - direct appeal pending, no action necessary	182
<i>Death Penalty – DNA Appeal</i>		Dismissed - Art. 11.07, Section 4	744
Affirmed	3	Dismissed - Art. 11.07, Tex.Gov. Code §501.0081	82
Dismissed	2	Dismissed	103
TOTAL: Other Appeals	5	Filed & set	227
<i>Habeas Corpus & Extraordinary Matters</i>		Habeas corpus remanded for evidentiary hearing/aff with order	311
Habeas corpus application granted	221	Habeas corpus remanded application prematurely forwarded	8
Habeas corpus application denied	11	Habeas corpus remanded live hearing	1
Habeas corpus application dismissed	3	Habeas corpus denied w/order on trial court findings	1
Habeas corpus application dismissed without prejudice	0	Habeas corpus relief denied without written order	882
Mandamus conditionally granted	1	Habeas corpus relief denied with written order	53
Mandamus & prohibition relief conditionally granted	0	Habeas corpus relief denied with hrg on findings of trial court	71
Prohibition relief granted	0	Habeas corpus relief denied w/o hrg on findings of trial court	1,173
Remanded to trial court	3	Habeas corpus denied/dismissed with order	33
Withdraw prior opinion – habeas corpus relief granted	2	Habeas corpus dismissed – juvenile matter	0
Original writ of prohibition dismissed	0	Habeas corpus dismissed – misdemeanor offense	13
TOTAL: Habeas Corpus & Extraordinary Matters	241	Habeas corpus dismissed – moot	47
TOTAL: Direct Appeals	260	Habeas corpus dismissed – sentence discharged	176
		Habeas corpus dismissed – community supervision not revoked	48
		Habeas corpus dismissed with written order	10
		Habeas corpus dismissed for non compliance	245
		Habeas corpus dismissed – Ybarra	61
		TOTAL: APPLICATIONS FOR WRIT OF HABEAS CORPUS	4,524
Petitions for Discretionary Review		11.071 Applications for Writ of Habeas Corpus	
Dismissed	9	11.071 Writ denied/dismiss with order	1
Granted	104	11.071 Writ denied with written order	9
Refused	1,219	11.071 Writ dismissed with order	19
Refused with opinion	0	11.071 Writ filed & set	6
Struck	142	11.071 Writ remanded with order	9
Untimely	46	TOTAL: 11.071 Applications for Writ of Habeas Corpus	44
Withdrawn	0	Original Proceedings – Non Capital	
TOTAL: Petitions for Discretionary Review	1,520	Motion for leave to file denied without written order	627
		Motion for leave to file held in abeyance with written order	203
Granted Petitions for Discretionary Review		Motion for leave to file dismissed – Padilla	72
Affirmed court of appeals	36	Motion for leave to file denied with written order	1
Affirmed court of appeals & trial court	4	Dismissed	1
Affirmed court of appeals, remanded to trial court	3	Filed & set	2
Dismissed	2	TOTAL: Original Proceedings – Non Capital	906
Dismissed as improvidently granted	7	Original Proceedings – Capital	
Court of appeals, as modified, affirmed	1	Motion for leave to file denied w/ written order	2
Reversed court of appeals, trial court reinstated	3	Motion for leave to file denied w/o written order	3
Reversed court of appeals, acquittal ordered	1	Motion for leave to file dismissed	1
Reversed court of appeals & remanded to court of appeals	27	TOTAL: Original Proceedings	6
Reversed court of appeals & remanded to trial court	8	Motions for Reconsideration and Stay of Execution	
Reversed court of appeals & affirmed trial court	4	Motion for reconsideration denied	1
Reversed court of appeals & trial court, remanded to trial court	2	Motion for reconsideration granted	16 ⁴
Remanded to court of appeals	2	Motion for reconsideration—no action	193
Vacated court of appeals & remanded to court of appeals	14	Motion for stay of execution denied	2
TOTAL: Granted Petitions for Discretionary Review	114	Motion for stay of execution granted/order	1
		Motion for stay of execution denied w/ order	3
<i>Redrawn Petitions for Discretionary Review</i>		Motion for stay of execution dismissed/moot	2
Dismiss	1	TOTAL: Motions for Reconsideration and Stay of Execution	218
Granted	1		
Refused	117		
Untimely	6		
TOTAL: Redrawn Petitions for Discretionary Review	125		

⁴ Applications for Writ of Habeas Corpus disposed.

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2012

<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	17	26	9	21	0	0	0	73
Meyers	11	33	3	17	0	0	0	64
Price	13	34	8	4	0	0	0	59
Womack	20	18	1	1	1	0	0	41
Johnson	16	26	3	4	1	0	0	50
Keasler	9	31	1	2	0	0	0	43
Hervey	17	15	2	2	0	0	0	36
Cochran	17	43	10	2	0	0	0	72
Alcala	13	21	6	2	0	0	0	42
TOTAL	133	247	43	55	2	0	0	480

MANNER OF DISPOSITION: Motions for Rehearing, FY 2012

	<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 DNA appeal	0	0	0	0	0	0	0
Rehearing on habeas corpus and extraordinary matters	0	0	0	2	13	0	15
Rehearing on refused petitions for discretionary review	9	0	0	0	33	0	42
Rehearing on granted petitions for discretionary review	0	0	0	2	18	1	21
TOTAL	9	0	0	4	68	1	82

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2012

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Untimely</i>	<i>Struck</i>	<i>Other</i>	<i>Total Disposed</i>
Anderson	3	0	1	0	0	0	0	1
Angelina	10	0	8	0	0	1	0	9
Atascosa	1	0	1	0	0	0	0	1
Bastrop	4	0	3	0	0	1	0	4
Bee	2	0	1	0	0	0	0	1
Bell	13	1	10	0	3	1	0	15
Bexar	69	2	41	1	1	3	0	48
Bosque	2	0	2	0	0	0	0	2
Bowie	13	2	7	0	0	1	0	10
Brazoria	12	0	8	0	0	2	0	10
Brazos	14	1	14	0	0	1	0	16
Brooks	1	0	0	0	0	0	0	0
Brown	9	2	6	0	0	0	0	8
Caldwell	3	0	1	0	1	0	0	2
Calhoun	2	0	1	0	0	1	0	2
Cameron	8	1	4	0	1	1	0	7
Cass	5	1	3	0	0	0	0	4
Chambers	2	0	2	0	0	0	0	2
Cherokee	3	0	3	0	0	0	0	3
Childress	1	0	1	0	0	0	0	1
Coleman	2	0	2	0	0	0	0	2
Collin	39	3	29	7	0	1	0	40
Colorado	1	0	1	0	0	0	0	1
Comal	11	0	8	0	1	1	0	10
Comanche	1	0	1	0	0	0	0	1
Cooke	3	0	2	0	0	0	0	2
Coryell	1	0	0	0	0	0	0	0
Dallas	227	4	158	0	7	20	0	189
Dawson	1	0	1	0	0	0	0	1
De Witt	3	0	1	0	0	0	0	1
Denton	40	4	26	0	0	8	0	38
Donley	1	0	1	0	0	0	0	1
Eastland	5	0	6	0	0	0	0	6
Ector	4	0	4	0	0	0	0	4
El Paso	31	6	21	0	1	1	0	29
Ellis	6	0	6	0	0	0	0	6
Erath	4	0	3	0	0	1	0	4
Falls	4	0	3	0	0	0	0	3
Fannin	16	3	9	0	0	5	0	17
Fisher	2	0	2	0	0	0	0	2
Fort Bend	29	3	21	0	0	1	0	25
Franklin	5	0	3	0	0	0	0	3
Freestone	3	0	5	0	0	0	0	5
Gaines	1	0	0	0	0	0	0	0
Galveston	25	3	14	0	5	5	0	27
Glasscock	1	0	0	0	0	0	0	0
Goliad	2	0	0	0	0	1	0	1
Gonzales	2	1	1	0	0	0	0	2
Gray	5	0	5	0	0	0	0	5

Grayson	9	1	7	0	0	0	0	8
Gregg	12	1	16	0	0	0	0	17
Grimes	2	0	2	0	0	0	0	2
Guadalupe	2	0	2	0	0	0	0	2
Hale	8	0	5	0	0	1	0	6
Hall	1	0	1	0	0	0	0	1
Harris	349	18	279	2	13	23	0	335
Harrison	2	0	2	0	0	0	0	2
Hays	8	0	5	0	0	0	0	5
Hemphill	1	1	0	0	0	0	0	1
Henderson	7	0	7	0	0	1	0	8
Hidalgo	13	0	11	0	2	2	0	15
Hill	0	0	2	0	0	0	0	2
Hockley	1	0	0	0	0	0	0	0
Hood	15	0	12	0	0	3	0	15
Hopkins	3	0	3	0	0	0	0	3
Houston	2	1	1	0	0	0	0	2
Howard	1	0	1	0	0	0	0	1
Hunt	7	0	5	0	0	1	0	6
Hutchinson	2	0	1	0	0	1	0	2
Jackson	2	0	3	0	0	0	0	3
Jasper	2	0	3	0	0	0	0	3
Jefferson	34	3	28	0	0	6	0	37
Jim Wells	1	0	0	0	0	0	0	0
Johnson	7	0	7	0	0	1	0	8
Karnes	1	0	1	0	0	0	0	1
Kaufman	11	2	4	0	0	0	0	6
Kendall	3	0	2	0	0	0	0	2
Kerr	4	1	4	0	0	0	0	5
Kleberg	2	0	1	0	0	0	0	1
La Salle	1	0	0	0	0	0	0	0
Lamar	10	0	8	0	0	1	0	9
Lamb	3	0	1	0	0	1	0	2
Lampasas	0	0	1	0	0	0	0	1
Lee	0	0	2	0	0	0	0	2
Liberty	3	0	2	0	0	0	0	2
Limestone	5	0	5	0	0	0	0	5
Llano	2	0	1	0	0	1	0	2
Lubbock	16	3	14	0	0	0	0	17
Madison	1	0	0	0	1	0	0	1
Marion	3	0	3	0	0	0	0	3
Mason	0	0	1	0	0	0	0	1
Matagorda	9	0	7	0	0	0	0	7
McCulloch	2	0	2	0	0	0	0	2
McLennan	36	1	30	0	2	2	0	35
Midland	12	2	6	0	0	2	0	10
Milam	4	0	4	0	0	0	0	4
Montague	3	1	2	0	0	0	0	3
Montgomery	27	3	14	0	2	3	0	22
Moore	2	0	1	0	0	0	0	1
Nacogdoches	7	0	3	0	3	1	0	7
Navarro	4	0	5	0	0	0	0	5
Newton	2	1	1	0	0	0	0	2

Nolan	2	0	2	0	0	0	0	2
Nueces	25	2	18	0	1	1	0	22
Orange	7	1	6	0	0	1	0	8
Palo Pinto	3	0	2	0	0	0	0	2
Panola	7	0	8	0	0	7	0	15
Parker	11	0	9	0	0	1	0	10
Parmer	1	0	1	0	0	0	0	1
Pecos	1	0	1	0	0	0	0	1
Polk	3	1	6	0	0	0	0	7
Potter	13	1	12	0	0	2	0	15
Rains	1	0	1	0	0	0	0	1
Randall	12	0	4	0	1	0	0	5
Red River	1	1	1	0	0	0	0	2
Refugio	1	0	1	0	0	0	0	1
Roberts	1	0	1	0	0	0	0	1
Robertson	0	0	1	0	0	0	0	1
Rockwall	2	0	1	0	1	0	0	2
Runnels	0	0	1	0	0	0	0	1
Rusk	1	0	1	0	0	0	0	1
San Jacinto	2	1	0	0	0	0	0	1
San Patricio	3	1	2	0	0	0	0	3
Schleicher	1	1	1	0	0	0	0	2
Smith	36	2	29	0	2	4	0	37
Starr	1	0	2	0	0	0	0	2
Stephens	1	0	3	0	0	0	0	3
Tarrant	177	6	139	0	1	12	0	158
Taylor	16	1	13	0	0	0	0	14
Terry	2	0	1	0	0	0	0	1
Titus	1	0	1	0	0	0	0	1
Tom Green	7	0	7	0	0	0	0	7
Travis	36	2	28	0	1	3	0	34
Trinity	1	0	1	0	0	0	0	1
Upshur	3	0	2	0	0	0	0	2
Victoria	6	0	4	0	1	0	0	5
Walker	3	0	1	0	0	0	0	1
Waller	6	1	4	0	0	0	0	5
Ward	2	0	2	0	0	0	0	2
Washington	1	0	1	0	0	0	0	1
Webb	5	0	5	0	0	1	0	6
Wharton	2	0	2	0	0	0	0	2
Wheeler	1	1	0	0	0	0	0	1
Wichita	12	1	8	0	1	0	0	10
Wilbarger	2	0	3	0	0	0	0	3
Williamson	13	2	10	0	0	1	0	13
Wilson	5	0	5	0	0	0	0	5
Wise	9	3	5	0	0	3	0	11
Wood	0	1	0	0	0	0	0	1
Young	3	0	2	0	0	0	0	2
Total	1,765	105	1,336	10	52	142	0	1,645

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2012

<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Untimely</i>	<i>Struck</i>	<i>Other</i>	<i>Total Disposed</i>	<i>Percentage of Petitions Granted</i>
1 st - Houston	215	8	155	2	10	15	0	190	4.2%
2 nd - Fort Worth	232	15	170	0	2	25	0	212	7.1%
3 rd - Austin	90	5	75	0	4	7	0	91	5.5%
4 th - San Antonio	91	3	62	1	1	4	0	71	4.2%
5 th - Dallas	286	10	197	7	8	20	0	242	4.1%
6 th - Texarkana	102	10	75	0	2	19	0	106	9.4%
7 th - Amarillo	106	7	81	0	2	6	0	96	7.3%
8 th - El Paso	58	7	40	0	1	4	0	52	13.5%
9 th - Beaumont	54	9	40	0	2	5	0	56	16.1%
10 th - Waco	68	2	66	0	2	3	0	73	2.7%
11 th - Eastland	79	5	62	0	0	3	0	70	7.1%
12 th - Tyler	61	2	50	0	5	5	0	62	3.2%
13 th - Corpus Christi	107	5	80	0	5	7	0	97	5.2%
14 th - Houston	216	17	183	0	8	19	0	227	7.5%
Total	1,765	105	1,336	10	52	142	0	1,647	6.5%