

Analysis Of Activity For Year Ended August 31, 1999

Overview

The Court of Criminal Appeals is the highest state court for criminal appeals and is composed of a Presiding Judge and eight judges.

Decisions of the Courts of Appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for discretionary review, filed either by the State, or the defendant, or both. In addition, the Court may review a decision on its own motion. Appeal of death penalty cases is direct from the trial court to the Court of Criminal Appeals.

Matters Added To The Docket

On Direct Appeals and Granted Petitions for Discretionary Review

During the state fiscal year 1999, which ended August 31, 1999, 530 cases were added to the docket of the Court of Criminal Appeals, of which 167 were cases where discretionary review was granted by the Court and 363 were direct appeals, death penalty appeals, writs of habeas corpus granted, and extraordinary writs. The number of death penalty appeals in fiscal year 1999 remained the same as last fiscal year at 44; a significant reduction as compared to 76 in fiscal year 1997.

HIGHLIGHTS

- In fiscal year 1999, the number of disposed direct appeals and granted discretionary review cases noticeably outnumbered cases filed.
- The number of death penalty appeals in fiscal year 1999 remained the same as last fiscal year at 44.
- The Court had 2,060 petitions for discretionary review filed during fiscal year 1999, 4 percent more than the 1,983 filed during the previous fiscal year.
- More than 66 percent of the petitions for discretionary reviewed originated in Dallas, Harris, and Tarrant counties.
- The Court of Criminal Appeals disposed of 377 cases on direct appeal, 2,133 petitions for discretionary review, and 1,739 applications for writs of habeas corpus.
- Judges of the Court of Criminal Appeals wrote 798 opinions during fiscal year 1999, 71 percent of which were “deciding” opinions disposing of cases.

Figure 1: Direct Appeals & Granted Discretionary Review Case

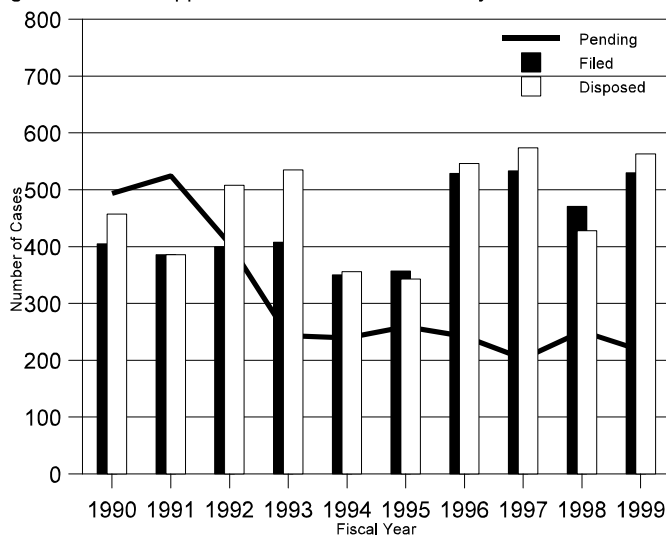


Figure 1 provides a ten-year trend regarding direct appeals and granted discretionary review cases filed, disposed and pending during the fiscal year. As the chart reveals, in contrast to last fiscal year, in fiscal year 1999 the number of disposed direct appeals and granted discretionary review cases noticeably outnumbered cases filed, and the number of cases pending declined.

Other Matters Added

The Court had 2,060 petitions for discretionary review filed during fiscal year 1999, 4 percent more than the 1,983 filed during the previous year. Petitions for discretionary review were received from 150 counties, with 66 percent of them originating from Dallas, Harris, and Tarrant Counties. Applications for

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(Continued)

writs of habeas corpus filed during the year totaled 6,135, a 12 percent increase over the 5,475 filed in fiscal year 1998. Also, 2,490 other motions or applications were handled by the Court, an 8 percent

Opinions Written

Judges of the Court of Criminal Appeals wrote 798 opinions during fiscal year 1999, of which 568, or 71 percent, were “deciding” opinions disposing of

Figure 2: Other Matters Added to the Docket

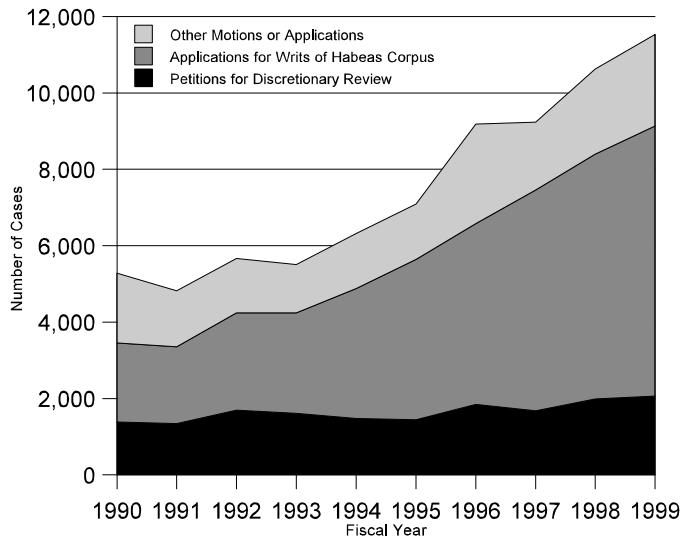
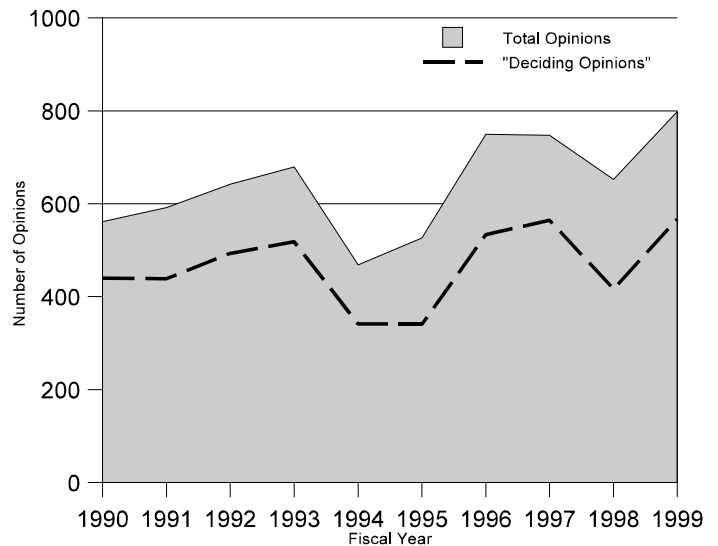


Figure 3: Opinions Written



increase from the 2,305 considered the previous year. Figure 2 presents the details of the activity regarding other matters added to the docket over the last 10 years.

Dispositions

During fiscal year 1999, the Court disposed of 377 cases on direct appeal, compared to 301 such dispositions in fiscal year 1998. In 1999, those 377 dispositions represented 81 percent of all cases on the docket on direct appeal, that is, cases filed during the year or carried over from previous years.

In fiscal year 1999, 2,133 petitions for discretionary review were disposed, 185, or 9 percent, of which were granted. The remainder were refused or dismissed. In fiscal year 1998, 1,739 petitions for discretionary review were disposed, 127, or 7 percent, of which were granted.

There were 7,537 applications for writs of habeas corpus and motions for rehearing disposed in fiscal year 1999, compared to 6,187 in 1998, an increase of 22 percent.

cases. The remainder were dissents, concurrences, and opinions on rehearings. Of the deciding opinions, 193 were signed and 375 were per curiam. During 1998, members of the Court wrote 652 opinions, 64 percent of which were deciding opinions. Figure 3 above provides the ten-year trend for total opinions written and “deciding” opinions (or original opinions) written by the judges of the Court of Criminal Appeals.

Total Pending Caseload

On August 31, 1999, 1,760 total matters (excluding miscellaneous motions and applications) were pending in the Court of Criminal Appeals. This represented a decrease of 22 percent from the 2,269 matters pending on August 31, 1998.

Of these 1,760 matters, 90 were direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs, 128 were granted discretionary review cases, 673 were petitions for discretionary review, and 869 were applications for writs of habeas corpus.