COURT OF CRIMINAL APPEALS

The Court of Criminal Appeals is the highest state court for criminal appeals and is composed of a presiding judge, four judges and two permanent commissioners. In addition, pursuant to Art. 1811e, V.A.T.S., three special commissioners served the Court at various times during the year. These special commissioners included two retired judges and one justice of a court of civil appeals.

The Court of Criminal Appeals faced a record caseload in 1975. The 1,864 new cases docketed in the Court represent a 21 per cent increase over the 1,546 cases docketed in 1974 and were 20 per cent higher than the five-year average of 1,552.

Undocketed habeas corpus and mandamus cases showed an increase from 812 in 1974 to 839 in 1975, and were 8 per cent higher than the five-year average. The Court handled only 283 motions for rehearing in 1975, compared to 436 in 1974.

Ten per cent of the cases appealed to the Court in 1975 involved sentences of less than two years imprisonment. Fourteen per cent of the cases arose from marijuana, heroin and other drug related offenses.

Six decisions invoking the death penalty were filed for review, compared to 3 in 1974. Life imprisonment had been imposed in 199 cases, compared to 145 the previous year.

In 1975, the Court of Criminal Appeals disposed of 71 per cent of the cases docketed during the year or carried over from 1974, compared to 80 per cent the previous year. Seventy-six per cent were disposed of by per curiam opinions, up from 59 per cent in 1974.

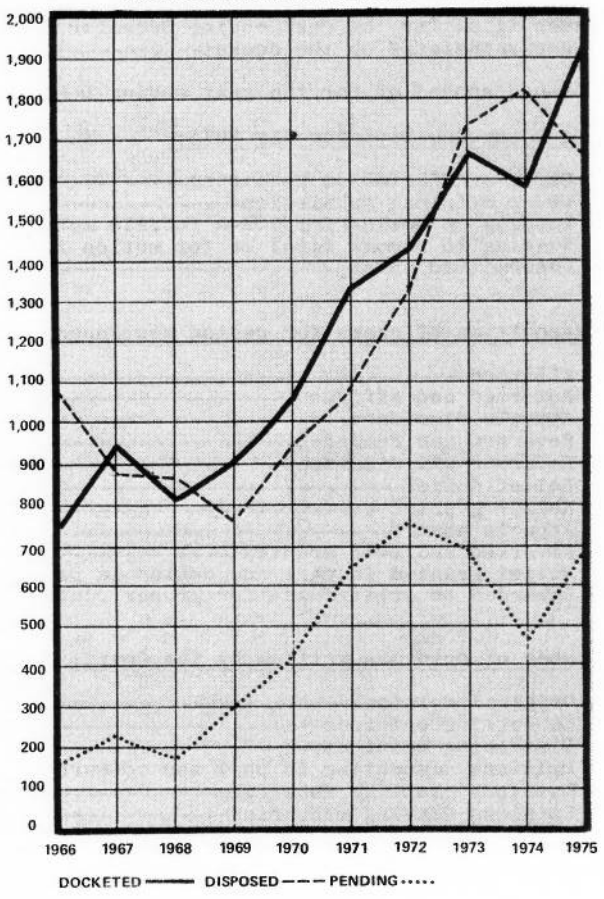
One thousand eight hundred sixty-nine opinions (including dissents and concurrences) were written in 1975, 3 per cent fewer than the 1974 total of 1,933. Thirty-two per cent of these were authored opinions.

The Court of Criminal Appeals affirmed the trial court's decision in 82 per cent of the cases reviewed and dismissed the appeal in an additional 5 per cent. The other 13 per cent were disposed of in various ways.

Six hundred ninety-six docketed cases were pending at the end of 1975—50 per cent higher than a year ago and 6 per cent higher than the five-year average of 655.

Based on the service of five judges and four fulltime commissioners, the caseload per judge in the Court of Criminal Appeals was higher than that of the other appellate courts. The number of cases docketed per judge or commissioner increased to 211 in 1975 from 176 in 1974.

Figure 2. COURT OF CRIMINAL APPEALS
Cases docketed, disposed and pending 1966-1975



The intermediate state appellate courts in Texas do not have criminal jurisdiction. As a result, appeals in criminal cases are directly to the Court of Criminal Appeals from the district and county courts. Due to the absence of an intermediate appellate court system for criminal cases, the Court of Criminal Appeals hears cases which in other states would be heard by one or more intermediate courts. Awarding of criminal jurisdiction to the Courts of Civil Appeals is a frequently suggested solution to easing the workload of the Court of Criminal Appeals.

The Court of Criminal Appeals is also burdened by the provision of Article 44.24 of the Code of Criminal Procedure which requires the Court to deliver a written opinion in each case it decides. This rule resulted in the five judges and four commissioners of the Court writing an average of 208 opinions during 1975. In 1974, the five judges and four commissioners wrote an average of 215 opinions each.

COURT OF CRIMINAL APPEALS

STATISTICS--1975

Cases pending January 1, 1975	464	
Cases filed for the year ending December 31, 1975	1863	
Cases reinstated on the docket	40	2367
Cases disposed of for the year ending December 31, 1975		1671

Cases pending December 31, 1975:

Under submission on rehearing	14	
Under original submission	95	
Pending on motion for leave to file motion for rehearing	25	
Waiting to become final or for motion for rehearing	121	
Unsubmitted cases	441	696
Total		2367

Disposition of cases for period mentioned:

Affirmed	1330
Reformed and affirmed	48
Appeals dismissed	88
Reversed and remanded	115
Reversed and dismissed	21
Relief denied	10
Relief granted	13
Appeals abated	33
Reversed and bail granted	6
Relief granted in part and denied in part	1
Remanded to trial court for proper punishment	6
Total	1671

Number of opinions written by the Court:

Original opinions	1700
Concurring opinions	50
Dissenting opinions	80
Opinions dissenting in part and concurring in part	9
Opinions granting rehearing	19
Opinions denying rehearing	11
Total	1869

Motions for rehearing disposed of by the Court:

Motions overruled without written opinion	13
Motions overruled with written opinion	17
Motions granted	19
Leave to file motions denied	234
Total	283

Disposition of writs of habeas corpus, etc. for the year ending December 31, 1975:

Applications for writ of habeas corpus, etc. denied with written order	16
Applications for writ of habeas corpus, etc. and motions for rehearings denied without written order	758
Applications for writ of habeas corpus dismissed	5
Applications for writ of habeas corpus ordered filed and set for submission	28
Applications for writ of habeas corpus, etc. marked "no action"	19
Hearings ordered on applications for writ of habeas corpus	8
Out of time appeals granted	5
Total	839

Applications for writ of habeas corpus, etc. under consideration of the Court	27
Appealed cases disposed of for the year ending December 31, 1975	1671
Applications for writ of habeas corpus, etc. disposed of for the year ending December 31, 1975	839
Total	2510

OPINIONS WRITTEN BY THE COURT OF CRIMINAL APPEALS IN 1975

Judge	Signed Opinions	Concurring Opinions	Dissenting Opinions	Opinions Concurring In Part & Dissenting In Part	Opinions Denying Rehearing	Opinions Granting Rehearing	Per Curiam Opinions	Total
John F. Onion, Jr. Presiding Judge	47	7	10	3	1	2	167	237
W. A. Morrison Judge	26	11	8	1	2	2	135	185
Leon Douglas Judge	52	12	38	1	0	2	117	222
Truman Roberts Judge	52	12	18	1	4	6	122	215
Wendell Odom Judge	56	8	6	3	2	3	137	215
Tom G. Davis Commissioner	44	0	0	0	1	1	132	178
Carl E. F. Dally Commissioner	53	0	0	0	1	2	140	196
Howard P. Green Commissioner	47	0	0	0	0	0	166	213
Archie S. Brown Commissioner	42	0	0	0	0	1	153	196
*Quentin Keith Commissioner	3	0	0	0	0	0	9	12
Total	422	50	80	9	11	19	1,278	1,869

*Justice of Court of Civil Appeals

Court of Criminal Appeals—Continued

CASES FILED IN COURT OF CRIMINAL APPEALS 1975

OFFENSE	SENTENCE									TOTALS	
	Death	Life	20 Years and Over	10-19 Years	5-9 Years	2-4 Years	12-23 Months	Less Than 12 Months	Fine Only	Sub-Total	Percent of Total
Murder	6	67	83	37	20	11	0	2	0	226	12.19
Assault to Murder	0	3	11	5	9	3	0	0	0	31	1.67
Rape	0	10	25	21	12	3	0	0	0	71	3.83
Other Sex Offenses	0	3	1	7	5	2	0	0	0	18	.98
Robbery	0	44	150	111	57	7	0	0	0	369	19.90
Theft	0	5	0	32	56	43	2	9	5	152	8.20
Burglary	0	38	12	66	99	69	0	2	0	286	15.43
Arson	0	0	0	1	3	1	1	0	0	6	.32
Embezzlement	0	0	0	0	0	0	0	0	0	0	.00
Forgery	0	2	0	1	10	5	0	0	0	18	.97
Heroin Offenses	0	16	27	51	27	6	0	0	0	127	6.85
Marijuana--Possession	0	1	1	5	26	26	0	10	3	72	3.88
Marijuana--Delivery	0	1	0	5	10	0	0	0	0	16	.86
Other Drug Offenses	0	1	2	6	18	12	0	6	0	45	2.43
DWI	0	0	0	0	6	10	1	68	1	86	4.64
Swindling	0	0	0	0	1	2	0	0	0	3	.16
Shoplifting	0	0	0	3	0	2	0	0	1	6	.32
VLL	0	0	0	0	0	0	1	0	1	2	.10
Aggravated Assault	0	2	3	2	6	12	2	2	2	31	1.67
DWLS	0	0	0	0	0	0	0	4	0	4	.22
Other Felonies	0	6	7	6	31	43	3	1	0	97	5.23
Other Misdemeanors	0	0	0	0	0	3	4	31	27	65	3.51
Habeas Corpus, Extradition, Bond Forfeitures										123	6.63
SUB TOTAL	6	199	322	359	396	260	14	135	40	1,854	
PERCENT OF TOTAL	.32	10.73	17.37	19.36	21.36	14.02	.76	7.28	2.16		

The categories include several distinct, though related offenses. For example, "robbery" includes robbery with fire arms and assault with intent to rob.