

COURT OF CRIMINAL APPEALS

ANALYSIS OF ACTIVITY FOR YEAR ENDED AUGUST 31, 1995

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.

were cases where discretionary review was granted by the Court and 236 were direct appeals, death penalty appeals, writs of habeas corpus granted, and extraordinary writs. Death penalty appeals in fiscal year 1995 numbered 51, compared to 46 in fiscal year 1994.

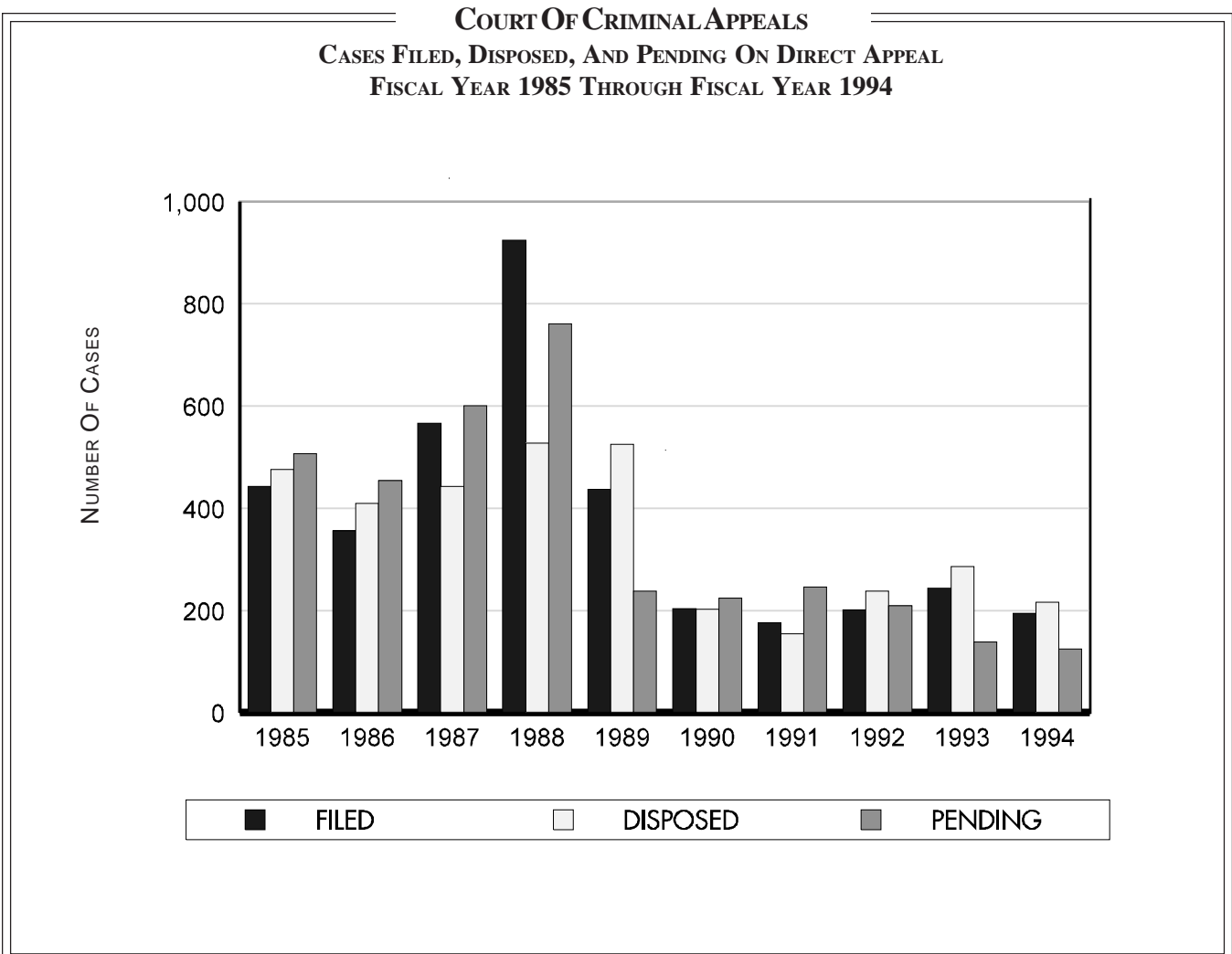
The 348 cases added in fiscal year 1995 represent an increase of 1.9 percent from the 342 cases added during fiscal year 1994.

MATTERS ADDED TO THE DOCKET

During the state fiscal year 1995, which ended August 31, 1995, 348 cases were added to the docket of the Court of Criminal Appeals, of which 112

OTHER MATTERS ADDED

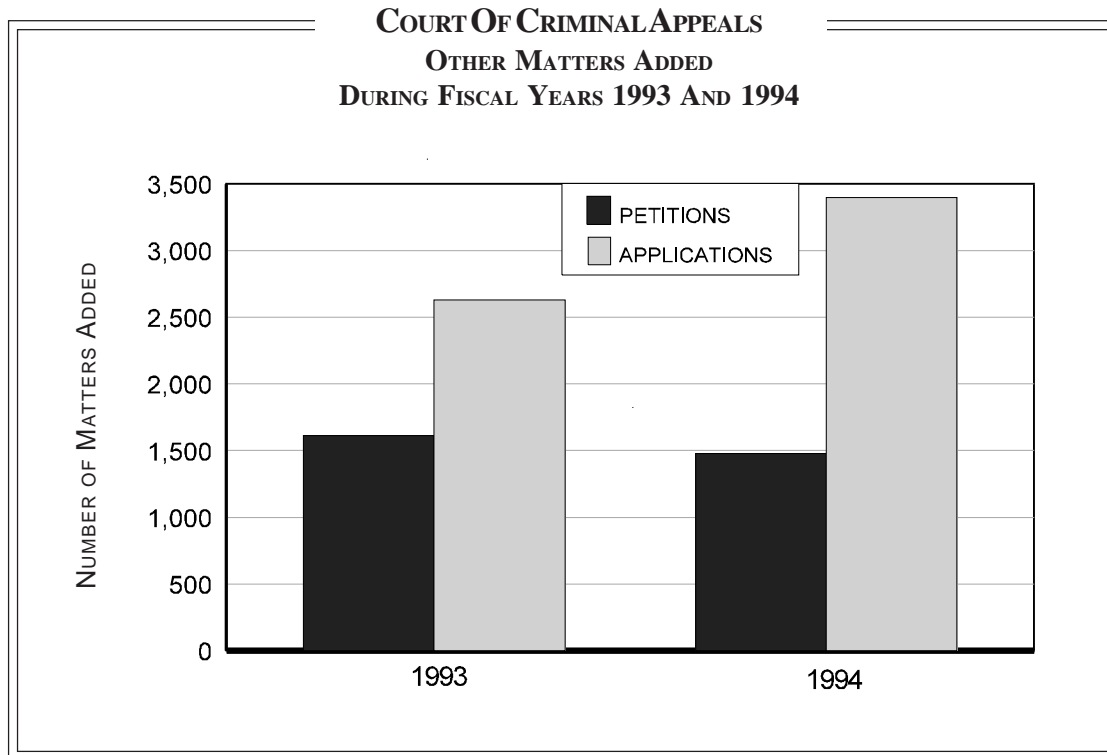
The Court had 1,439 petitions for discretionary review filed during fiscal year 1995, 2.6 percent less than the 1,477 filed during the previous year. Petitions for discretionary review were received from 118 counties,



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(CONT.)



with 51 percent of them originating from Harris or Dallas Counties. Applications for writs of habeas corpus filed during the year totalled 3,996, a 17.7 percent increase over the 3,396 filed in fiscal year 1994. Also, 1,451 other motions or applications were handled by the Court, a 0.3 percent increase from the 1,447 considered the previous year.

RATE OF DISPOSITIONS INCREASES

During fiscal year 1995, the Court disposed of 232 cases on direct appeal, compared to 216 such dispositions in fiscal year 1994. In 1995, those 232 dispositions represented 64.4 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 1994, this disposition rate was 65.1 percent.

In fiscal year 1995, 1,452 petitions for discretionary review were disposed, 112 (or 7.7 percent) of which were granted. The remainder were refused or dismissed. In fiscal year 1994, 1,671 petitions for discretionary review were disposed, 148 (or 8.9 percent) of which were granted.

There were 4,450 applications for writs of habeas corpus disposed in fiscal year 1995, compared to 3,412 in 1994, an increase of 33.4 percent.

Judges of the Court of Criminal Appeals wrote 526 opinions during fiscal year 1995, of which 341 (65 percent) were "deciding" opinions disposing of cases. The remainder were dissents, concurrences, and opinions on rehearings. Of the deciding opinions, 127 were signed and 214 were per curiam. During 1994, members of the Court wrote 468 opinions, 73 percent of which were deciding opinions.

TOTAL PENDING CASELOAD DECREASES

On August 31, 1995, 1,251 total matters (excluding miscellaneous motions and applications) were pending in the Court of Criminal Appeals. This represented a decrease of 6.5 percent from the 1,338 matters pending on August 31, 1994.

Of these 1,251 matters, 137 were direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs, 122 were granted discretionary review cases, 395 were petitions for discretionary review, and 597 were applications for writs of habeas corpus.

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SUMMARY OF DOCKET ACTIVITY

CASES DISPOSED OF DURING THE YEAR ENDED AUGUST 31, 1995:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs disposed of by the Court	232	
Petitions for discretionary review disposed of by the Court	1,452	
Cases disposed of after granting petitions for discretionary review	111	
Applications for writs of habeas corpus, etc., disposed of by the Court	<u>4,550</u>	
TOTAL CASES DISPOSED OF BY THE COURT		6,345

**MOTIONS AND APPLICATIONS DISPOSED OF DURING THE YEAR
ENDED AUGUST 31, 1995:**

Motions for extensions of time to file transcriptions of court reporter's notes, bills of exceptions, briefs, and petitions for discretionary review	1,423	
Petitions for discretionary review refused as untimely filed	<u>28</u>	
TOTAL MOTIONS AND APPLICATIONS DISPOSED OF BY THE COURT		<u>1,451</u>
GRAND TOTAL OF MATTERS DISPOSED OF BY THE COURT		<u><u>7,796</u></u>

MATTERS PENDING AUGUST 31, 1995:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs	137	
Cases on granted petitions for discretionary review pending	122	
Petitions for discretionary review pending	395	
Applications for writs of habeas corpus, etc., pending	<u>597</u>	
TOTAL MATTERS PENDING AUGUST 31, 1995		<u><u>1,251</u></u>

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ACTIVITY FOR YEAR ENDED AUGUST 31, 1995

ON DIRECT APPEAL

Cases pending September 1, 1994	124
Cases filed for the year ended August 31, 1995	236
Cases reinstated through August 31, 1995	3
Rehearings granted through August 31, 1995	<u>6</u>

TOTAL ON DOCKET 369

Disposition of direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs:

Affirmed	38
Reversed and remanded	4
Habeas Corpus remanded for evidentiary hearing	2
Appeals abated	1
Appeals dismissed	1
Habeas Corpus relief granted in part and denied in part	3
Habeas Corpus applications abated	1
Habeas Corpus applications granted	148
Habeas Corpus applications denied	7
Mandamus relief granted	1
Mandamus relief denied	1
Mandamus relief conditionally granted	2
Habeas Corpus applications dismissed	2
Out of time appeals granted	18
Reversed and acquittal ordered	1
Rehearings denied with written opinion	1
Rehearings granted with written opinion	0
Reformed	<u>1</u>

TOTAL CASES DISPOSED 232

Cases Pending August 31, 1995:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs:

Cases not set for submission	59
Cases set for submission	20
Submitted	<u>58</u>

TOTAL CASES PENDING 137

ON PETITIONS FOR DISCRETIONARY REVIEW

Petitions for Discretionary Review pending September 1, 1994	407
Petitions for Discretionary Review filed during the year ended August 31, 1995	1,439
Petitions for Discretionary Review reinstated through August 31, 1995	1
Rehearings granted through August 31, 1995	<u>0</u>

TOTAL PETITIONS ON DOCKET 1,847

Disposition of Petitions for Discretionary Review:

Granted	112
Refused	1,333
Dismissed	2
Refused with written opinion	<u>5</u>

TOTAL PETITIONS DISPOSED 1,452

Petitions for Discretionary Review Pending on August 31, 1995 395

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ACTIVITY FOR YEAR ENDED AUGUST 31, 1995
(CONT.)

ON GRANTED PETITIONS FOR DISCRETIONARY REVIEW

Granted petitions for discretionary review pending September 1, 1994	115
Granted petitions filed through August 31, 1995	112
Rehearings granted through August 31, 1995	6
Cases Reinstated through August 31, 1995	<u>0</u>
 TOTAL GRANTED PETITIONS ON DOCKET	 233

Cases disposed on granted petitions for discretionary review for the year ended August 31, 1995:

Court of Appeals affirmed	42
Court of Appeals reversed and remanded to the Court of Appeals	22
Court of Appeals affirmed and remanded to the trial court	1
Court of Appeals and the trial court reversed and remanded to the trial court	0
Court of Appeals and trial court affirmed	0
Court of Appeals reversed and remanded to the trial court	10
Court of Appeals reversed and trial court affirmed	2
Court of Appeals vacated and remanded to trial court	1
Abated	0
Court of Appeals reversed and reformed to show acquittal	0
Court of Appeals affirmed as reformed	0
Court of Appeals reversed and trial court reinstated	0
Dismissed and refused as improvidently granted	11
Dismissed	2
Remanded to Court of Appeals	2
Reformed and affirmed	0
Court of Appeals modified and affirmed	0
Court of Appeals vacated and remanded to Court of Appeals	18
Rehearings denied with written opinion	0
Rehearings granted with written opinion	0
Refused with written opinion	<u>0</u>
 TOTAL CASES DISPOSED	 111

Cases on granted petitions for discretionary review for year ended August 31, 1995:

Petitions submitted (rehearings included)	75
Petitions unsubmitted	<u>47</u>
 TOTAL CASES PENDING	 122

MOTIONS FOR REHEARING ON DIRECT APPEAL

Motions for rehearing pending September 1, 1994	27
Motions for rehearing filed through August 31, 1995	<u>40</u>
 TOTAL MOTIONS FOR REHEARINGS ON DIRECT APPEAL ON DOCKET	 67

Dispositions of Motions for Rehearing on Direct Appeal:

Motions granted without written opinions	6
Motions denied with written opinions	0
Motions denied without written opinions	49
Motions dismissed without written opinions	<u>1</u>
 TOTAL MOTIONS DISPOSED	 56

Motions for Rehearings on Direct Appeal Pending on August 31, 1995	<u><u>11</u></u>
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COURT OF CRIMINAL APPEALS
ACTIVITY FOR YEAR ENDED AUGUST 31, 1995
(CONT.)

MOTIONS FOR REHEARING ON REFUSED PETITIONS FOR DISCRETIONARY REVIEW

Motions for rehearing pending September 1, 1994	10
Motions for rehearing filed through August 31, 1995	<u>71</u>
TOTAL REHEARINGS ON REFUSED PETITIONS FOR DISCRETIONARY	
REVIEW ON THE DOCKET	81

Dispositions of Motions for Rehearing on Discretionary Review Cases:

Motions granted without written opinions	0
Motions granted with written opinions	0
Motions denied with written opinions	0
Motions denied without written opinions	79
Motions granted, PDRs previously refused	0
Motions dismissed without written opinions	<u>0</u>
TOTAL MOTIONS DISPOSED	<u>79</u>

Rehearings on Refused Discretionary Review Pending on August 31, 1995	<u>2</u>
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MOTIONS FOR REHEARING ON GRANTED PETITIONS FOR DISCRETIONARY REVIEW

Motions for rehearing pending September 1, 1994	10
Motions for rehearing filed through August 31, 1995	<u>50</u>
TOTAL REHEARINGS ON GRANTED PETITIONS FOR DISCRETIONARY	
REVIEW ON THE DOCKET	60

Dispositions of Motions for Rehearing on Granted Discretionary Review Cases:

Motions granted without written opinions	6
Motions denied with written opinions	0
Motions denied without written opinions	50
Motions granted, PDRs previously refused	0
Motions dismissed without written opinions	<u>0</u>
TOTAL MOTIONS DISPOSED	<u>56</u>

Rehearings on Granted Discretionary Review Pending on August 31, 1995	<u>4</u>
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OPINIONS WRITTEN BY THE COURT FOR YEAR ENDED AUGUST 31, 1995 ON DIRECT APPEALS AND PETITIONS FOR DISCRETIONARY REVIEW

Original opinions	341
Concurring opinions	77
Dissenting opinions	99
Opinions concurring in part and dissenting in part	6
Opinions granting rehearing	1
Opinions denying rehearing	<u>2</u>
TOTAL	526

COURT OF CRIMINAL APPEALS
ACTIVITY FOR YEAR ENDED AUGUST 31, 1995
 (CONT.)

APPLICATIONS FOR WRIT OF HABEAS CORPUS, ETC.

Applications pending September 1, 1994	*939
Applications filed during the Year Ended August 31, 1995	3,996
Supplementals filed during the Year Ended August 31, 1995	<u>203</u>
TOTAL APPLICATIONS ON DOCKET	5,147

Disposition of Applications for Writ of Habeas Corpus, etc:
 (Motions for Rehearing Included)

Applications ordered filed and set for submission	189
Hearings ordered on applications	206
Applications granted with written order	1
Applications denied with written order	56
Applications denied without written order	3,694
Applications dismissed	135
Motions for leave to file denied with written order	11
Motions for leave to file granted with written order	1
Motions for leave to file held in abeyance, respondent/trial court ordered to file answer	17
Motions for leave to file denied without written order	168
Motions to reconsider denied	8
Abuse of the Writ	56
Dismissed as moot	7
Prior order withdrawn	<u>1</u>

TOTAL APPLICATIONS DISPOSED 4,550

Applications for Writ of Habeas Corpus Pending on August 31, 1995 597

* This figure includes a docket adjustment.

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OPINIONS WRITTEN BY JUDGES OF THE COURT OF CRIMINAL APPEALS

JUDGES	DECIDING OPINIONS				Concurring in Part & Dissenting in Part	Opinions Granting Rehearing	Opinions Denying Rehearing	TOTALS
	Per Curiam Opinions	Signed Opinions	Concurring Opinions	Dissenting Opinions				
MICHAEL J. McCORMICK PRESIDING JUDGE	39	23	1	21	2	0	0	86
SAM HOUSTON CLINTON JUDGE	32	7	23	21	0	0	1	84
BILL WHITE JUDGE	18	13	1	3	1	0	0	37
CHARLES F. (CHARLIE) BAIRD JUDGE	38	16	28	19	1	0	0	102
MORRIS L. OVERSTREET JUDGE	15	14	1	3	0	0	0	33
FRANK MALONEY JUDGE	22	17	13	11	1	0	0	64
LAWRENCE E. MEYERS JUDGE	20	14	4	13	0	0	1	52
¹ SHARON KELLER JUDGE	8	4	0	1	0	0	0	13
² STEVE MANSFIELD JUDGE	12	8	4	4	0	0	0	28
³ CHUCK MILLER JUDGE	9	4	1	0	1	0	0	15
⁴ CHARLES F. (CHUCK) CAMPBELL JUDGE	1	7	1	3	0	0	0	12
TOTALS	214	127	77	99	6	1	2	526

¹Sharon Keller was elected Judge effective January 1, 1995, replacing Chuck Miller who did not run for reelection.

²Steve Mansfield was elected Judge effective January 1, 1995, replacing Charles F. (Chuck) Campbell who was defeated for reelection.

³Chuck Miller did not run for reelection.

⁴Charles F. (Chuck) Campbell was defeated for reelection.

COURT OF CRIMINAL APPEALS

ACTIVITY FOR YEAR ENDED AUGUST 31, 1995

COUNTIES FROM WHICH PETITIONS FOR DISCRETIONARY REVIEW WERE FILED

COUNTY	No. OF PETITIONS	COUNTY	No. OF PETITIONS	COUNTY	No. OF PETITIONS	COUNTY	No. OF PETITIONS
Harris	439	Randall	5	Madison	2	Matagorda	1
Dallas	288	Williamson	5	Midland	2	Medina	1
Tarrant	110	Cherokee	4	Pecos	2	Milam	1
Travis	71	Comal	4	Rusk	2	Mitchell	1
Bexar	57	Ector	4	San Patricio	2	Navarro	1
Smith	32	Grayson	4	Webb	2	Newton	1
Denton	26	Hays	4	Wilbarger	2	Palo Pinto	1
El Paso	23	Hunt	4	Wilson	2	Polk	1
Hidalgo	18	Kerr	4	Wood	2	Rains	1
Collin	15	Franklin	3	Angelina	1	Rockwall	1
Galveston	15	Guadalupe	3	Aransas	1	Runnels	1
Jefferson	14	Hockley	3	Carson	1	San Jacinto	1
McLennan	14	Montague	3	Chambers	1	San Saba	1
Lubbock	13	Orange	3	Clay	1	Shelby	1
Bell	12	Parker	3	Colorado	1	Stephens	1
Taylor	11	Scurry	3	Cooke	1	Swisher	1
Gregg	10	Victoria	3	Coryell	1	Ward	1
Tom Green	10	Walker	3	Delta	1	Wise	1
Nacogdoches	9	Young	3	Dickens	1	Zapata	1
Nueces	8	Bastrop	2	Erath	1		
Potter	8	Bee	2	Falls	1		
Brazoria	7	Brown	2	Fayette	1		
Cameron	7	Cass	2	Floyd	1		
Fort Bend	7	Coleman	2	Garza	1		
Frio	7	Comanche	2	Goliad	1		
Marion	7	Dawson	2	Gray	1		
Montgomery	7	Deaf Smith	2	Hartley	1		
Wichita	7	Fannin	2	Hill	1		
Anderson	6	Gillespie	2	Hopkins	1		
Brazos	6	Hale	2	Houston	1		
Hood	6	Jackson	2	Hutchinson	1		
Bowie	5	Lampasas	2	Johnson	1		
Lamar	5	Liberty	2	Kaufman	1		

COURTS OF APPEALS FROM WHICH PETITIONS FOR DISCRETIONARY REVIEW WERE FILED

FIRST, HOUSTON	265	EIGHTH, EL PASO	52
SECOND, FORT WORTH	161	NINTH, BEAUMONT	32
THIRD, AUSTIN	118	TENTH, WACO	57
FOURTH, SAN ANTONIO	82	ELEVENTH, EASTLAND	47
FIFTH, DALLAS	208	TWELFTH, TYLER	63
SIXTH, TEXARKANA	85	THIRTEENTH, CORPUS CHRISTI	58
SEVENTH, AMARILLO	76	FOURTEENTH, HOUSTON	135

PETITIONING PARTIES TO COURT OF CRIMINAL APPEALS

Appellant	1,068	State	136
Appellee	22	State Prosecuting Attorney	22
Pro Se	191		