

COURT OF CRIMINAL APPEALS ACTIVITY: FY 2016

	<i>Pending: 9/1/2015¹</i>	<i>Cases Added</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2016</i>
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	22	4	26	11	15
<i>DNA Appeal-Death Sentence</i>	3	1	4	2	2
<i>Other Appeals</i>	2	2	4	4	0
Granted Petitions for Discretionary Review	74	96	170	80	90
Petitions for Discretionary Review (<i>includes Granted MRH & Reinstated</i>)	310	1,325	1,635	1,386	249
Redrawn Petitions for Discretionary Review	7	20	27	26	1
SUBTOTAL	418	1,448	1,866	1,509	357
Applications for Writ of Habeas Corpus					
11.071 Writs (death penalty) Received	26	30	56	35	21
Habeas Corpus & Extraordinary Matters (filed & set)	26	246	272	243	29
Habeas Corpus Received	434	4,009	4,443	3,970	473
Supplemental 11.071 Writs (death penalty)	7	3	10	4	6
Supplemental 11.07 Writs (other than death penalty)	68	377	445	360	85
SUBTOTAL	561	4,665	5,226	4,612	614
Original Proceedings²					
Writs of Certiorari	0	7	7	6	1
Writs of Habeas Corpus	7	80	87	77	10
Supplemental Received Writ of Habeas Corpus	0	1	1	1	0
Writs of Mandamus	42	503	545	498	47
Supplemental Received Writ of Mandamus	20	113	133	123	10
Original & Supplemental 11.071 Matters	0	10	10	8	2
Writs of Prohibition	3	11	14	14	0
Supplemental Received Writ of Prohibition	1	0	1	1	0
SUBTOTAL	73	725	798	728	70
Motions for Rehearing & Reconsideration					
Motions for Reconsideration (for original proceedings & 11.07 & 11.071 writs)	9	234	243	236	7
Rehearing on Direct Appeal	0	4	4	4	0
Rehearing on Granted Petitions for Discretionary Review	5	13	18	16	2
Rehearing on Habeas Corpus (filed & set)	2	7	9	8	1
Rehearing on Refused Petitions for Discretionary Review	2	44	46	44	2
Other Motions for Rehearing	0	0	0	0	0
Motions for Stay of Execution (for 11.071 writs)	1	12	13	12	1
SUBTOTAL	19	314	333	320	13
Motions³	0	2,857	2,857	2,857	0
TOTAL	1,071	10,009	11,080	10,026	1,054

PENDING CASE STATUS: FY 2016

	9/1/2015				8/31/2016			
	<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	9	1	12	22	6	3	6	15
Direct Appeal: DNA Appeal	0	0	3	3	1	0	1	2
Direct Appeal: Habeas Corpus & Extraordinary Matters	1	3	21	25	5	6	17	28
Granted Petitions for Discretionary Review	11	6	57	74	10	9	70	89
TOTAL	21	10	93	124	22	18	94	134

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.

³ Motions for extensions of time and other motions.

MANNER OF DISPOSITION: Appeals & Original Proceedings, FY 2016

Direct Appeals:

<i>Death Penalty</i>	
Affirmed	10
Reversed and remanded	1
TOTAL: Death Penalty	11

<i>Death Penalty – DNA Appeal</i>	
Abated and remanded	1
Reversed and remanded to trial court	1
TOTAL: Death Penalty – DNA Appeal	2

<i>Other Appeals</i>	
Dismissed	2
Dismissed as moot	1
Remanded to trial court	1
TOTAL: Other Appeals	4

TOTAL: Direct Appeals **17**

Petitions for Discretionary Review	
Dismissed	6
Granted	95
Refused	1,258
Struck	18
Untimely	9
TOTAL: Petitions for Discretionary Review	1,386

Granted Petitions for Discretionary Review	
Affirmed court of appeals	19
Affirmed court of appeals & trial court	1
Affirmed in part & reversed in part court of appeals	1
Dismissed as improvidently granted	2
Reversed in part & affirmed in part court of appeals & remanded to trial court	2
Reversed court of appeals	1
Reversed court of appeals & affirmed trial court	7
Reversed court of appeals & remanded to court of appeals	8
Reversed court of appeals & remanded to trial court	8
Reversed court of appeals & trial court reformed	4
Reversed court of appeals, trial court reinstated	10
Reversed court of appeals & vacated trial court	1
Vacated court of appeals & remanded to court of appeals	12
Vacated court of appeals & remanded to trial court	3
Motion for rehearing denied	1
TOTAL: Granted Petitions for Discretionary Review	80

Redrawn Petitions for Discretionary Review	
Refused	24
Granted	1
Untimely	1
TOTAL: Redrawn Petitions for Discretionary Review	26

Habeas Corpus & Extraordinary Matters (Filed & Set)	
Denied in part; dismissed in part	1
Dismissed	3
Dismissed as moot	1
Habeas corpus relief denied	7
Habeas corpus relief granted	223
Mandamus relief denied	2
Mandamus relief conditionally granted	3
Motion for rehearing denied	1
Prohibition relief denied	1
Relief granted – trial court reformed	1
Remanded to trial court	0
TOTAL: Habeas Corpus & Extraordinary Matters (Filed & Set)	243

Applications for Writ of Habeas Corpus Received	
Abuse of writ order entered	23
Abuse of writ order previously entered	63
Dismissed - direct appeal pending, no action	110
Dismissed - Art. 11.07, Section 4	651
Dismissed - Art. 11.07, Tex.Gov. Code §501.0081	32
Dismissed	128
Filed & set	236
Habeas corpus remanded for evidentiary hearing/affidavits with order	333
Habeas corpus remanded application prematurely forwarded	8
Habeas corpus returned to district clerk	0
Habeas corpus dismissed/Daniel	2
Habeas corpus relief denied without written order	725
Habeas corpus relief denied with written order	28
Habeas corpus relief denied on findings of trial court with hearing	32
Habeas corpus relief denied on findings of trial court without hearing	1,210
Habeas corpus denied/dismissed with order	22
Habeas corpus dismissed – juvenile matter	4
Habeas corpus dismissed – misdemeanor offense	14
Habeas corpus dismissed – moot	29
Habeas corpus dismissed – sentence discharged	120
Habeas corpus dismissed – community supervision not revoked	29
Habeas corpus dismissed with written order	10
Habeas corpus dismissed for non-compliance	435
Habeas corpus dismissed – Ybarra	86
TOTAL: Applications for Writ of Habeas Corpus	4,330

11.071 Applications for Writ of Habeas Corpus	
11.071 writ denied with written order	8
11.071 writ denied without written order	0
11.071 writ denied and dismissed with written order	0
11.071 writ dismissed as moot with written order	0
11.071 writ dismissed with order	16
11.071 writ filed & set	5
Remanded to trial court with order	10
TOTAL: 11.071 Applications for Writ of Habeas Corpus	39

Original Proceedings – Non Capital	
Motion for leave to file denied with written order	6
Motion for leave to file denied without written order	548
Motion for leave to file dismissed – Padilla	63
Motion for leave to file held in abeyance with written order	97
Dismissed	1
Dismissed – Ybarra	1
Filed & set	3
Granted	1
TOTAL: Original Proceedings – Non Capital	720

Original Proceedings – Capital	
Motion for leave to file denied with written order	3
Motion for leave to file denied without written order	3
Motion for leave to file dismissed – Padilla	0
Motion for leave to file held in abeyance with order	2
Filed & set	0
TOTAL: Original Proceedings – Capital	8

Motions for Reconsideration and Stay of Execution

Motion for reconsideration denied	50
Motion for reconsideration denied with written order	2
Motion for reconsideration – denied/dismissed with written order	1
Motion for reconsideration—dismissed	168
Motion for reconsideration –dismiss/non-compliant	1
Motion for reconsideration—dismissed with written order	1
Motion for reconsideration filed & set	0
Motion for reconsideration granted ⁴	9
Motion for reconsideration—remanded to trial court for evidentiary hearing/affidavits	4
Motion for stay of execution denied with order	3
Motion for stay of execution denied without order	3
Motion for stay of execution granted	6
TOTAL: Motions for Reconsideration and Stay of Execution	248

⁴ Applications for Writ of Habeas Corpus disposed.

MANNER OF DISPOSITION: Motions for Rehearing, FY 2016

	<i>With Written Opinion</i>			<i>Without Written Opinion</i>			<i>Total</i>
	<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	1	0	2
Rehearing on DNA appeal	0	0	0	0	2	0	2
Rehearing on granted petitions for discretionary review*	0	0	0	1	15	0	16
Rehearing on habeas corpus and extraordinary matters	0	0	0	2	5	1	8
Rehearing on refused petitions for discretionary review	0	0	0	2	42	0	44
TOTAL	0	1	0	5	65	1	72

*Includes granted motions for rehearing.

OPINION SUMMARY Direct Appeals, Habeas & Petitions for Discretionary Review FY 2016

<i>Judge</i>	<i>Signed Opinions on the Merits</i>		<i>Per Curiam</i>	<i>Concurring</i>	<i>Dissenting</i>	<i>Concurring/Dissenting</i>	<i>TOTAL</i>
	<i>15</i>	<i>31</i>					
Keller	15	31	2	11	0	59	
Meyers	9	31	4	14	0	58	
Johnson	9	30	5	7	0	51	
Keasler	16	25	3	8	0	52	
Hervey	11	29	1	3	0	44	
Alcala	11	22	72	41	1	147	
Richardson	8	33	13	2	1	57	
Yeary	6	15	78	70	7	176	
Newell	11	32	7	4	0	54	
TOTAL	96	248	185	160	9	698	

PETITIONS FOR REVIEW FILED BY COUNTY

FY 2016

County	Filed	Granted	Refused	Dismissed	Untimely	Struck	Other	Total Disposed
Anderson	5	0	2	0	0	0	1	3
Angelina	5	0	4	0	0	0	1	5
Atascosa	1	0	1	0	0	0	0	1
Austin	1	0	1	0	0	0	0	1
Bandera	1	0	2	0	0	0	0	2
Bastrop	2	0	2	0	0	0	0	2
Baylor	1	0	1	0	0	0	0	1
Bee	2	0	1	0	0	0	0	1
Bell	14	1	15	0	0	0	0	16
Bexar	57	2	54	0	0	0	4	60
Bosque	1	0	1	0	0	0	0	1
Bowie	9	0	8	0	0	1	0	9
Brazoria	9	0	8	0	0	0	0	8
Brazos	10	1	9	0	0	0	0	10
Brooks	1	0	1	0	0	0	0	1
Brown	11	1	7	0	0	0	0	8
Burnet	8	2	4	0	0	0	1	7
Caldwell	2	0	1	0	0	0	0	1
Calhoun	1	0	0	0	0	0	0	0
Cameron	16	1	15	0	0	0	2	18
Carson	2	0	3	0	0	0	0	3
Chambers	3	0	2	0	0	0	0	2
Cherokee	3	0	4	0	0	0	0	4
Childress	0	0	1	0	0	0	0	1
Collin	34	3	35	1	0	3	4	46
Comal	12	1	11	0	0	0	0	12
Concho	0	0	1	0	0	0	0	1
Cooke	2	0	2	0	0	0	0	2
Coryell	7	0	5	1	0	0	0	6
Dallas	123	6	129	0	2	1	4	142
Dawson	3	0	1	0	0	0	0	1
De Witt	1	0	2	0	0	0	0	2
Deaf Smith	1	0	1	0	0	0	0	1
Denton	19	2	20	0	0	0	0	22
Duval	1	0	1	0	0	0	0	1
Eastland	2	0	2	0	0	0	0	2
Ector	7	0	12	0	0	0	0	12
El Paso	22	1	19	0	0	1	0	21
Ellis	12	0	11	0	0	0	2	13
Erath	3	0	4	0	0	0	0	4
Falls	2	0	1	0	0	0	0	1
Fannin	13	1	11	0	0	0	0	12
Fisher	1	0	1	0	0	0	1	2
Fort Bend	18	1	12	0	0	0	0	13
Franklin	1	0	0	0	0	0	0	0
Galveston	9	0	10	0	0	0	0	10
Garza	1	0	1	0	0	0	0	1
Gillespie	1	1	0	0	0	0	0	1
Goliad	3	0	3	0	0	0	0	3
Gonzales	1	1	0	0	0	0	0	1
Gray	1	0	1	0	0	0	0	1
Grayson	6	0	7	0	0	0	2	9
Gregg	8	0	9	0	0	0	0	9
Guadalupe	3	1	4	0	0	0	0	5
Hale	3	0	4	0	0	0	1	5
Hardeman	2	0	2	0	0	0	0	2
Hardin	5	0	4	0	0	0	0	4
Harris	251	21	225	1	0	3	3	253
Harrison	5	0	4	0	0	0	0	4
Haskell	2	0	2	0	0	0	0	2
Hays	8	2	6	0	0	0	0	8
Henderson	0	0	1	0	0	0	0	1
Hidalgo	7	0	8	1	0	0	1	10
Hill	6	0	5	0	0	0	1	6
Hockley	1	0	1	0	0	0	0	1
Hood	8	1	7	0	1	2	0	11
Hopkins	6	1	4	0	0	0	0	5
Houston	2	0	4	0	0	0	0	4
Howard	1	0	1	0	0	0	0	1

Hunt	9	0	11	1	0	0	0	12
Jack	1	0	1	0	0	0	0	1
Jackson	2	1	0	0	0	0	0	1
Jefferson	24	1	19	0	1	0	0	21
Johnson	15	0	11	0	0	1	3	15
Jones	5	0	6	0	0	0	0	6
Kaufman	6	0	6	0	0	0	0	6
Kendall	6	2	6	0	0	0	0	8
Kerr	5	0	4	0	0	0	1	5
Kinney	1	1	0	0	0	0	0	1
Kleberg	1	0	1	0	0	0	0	1
Knox	0	0	1	0	0	0	0	1
La Salle	1	0	1	0	0	0	0	1
Lamar	15	1	10	0	0	3	0	14
Liberty	4	0	5	0	0	0	0	5
Limestone	2	0	2	0	0	0	0	2
Live Oak	2	1	1	0	0	1	0	3
Llano	5	2	2	0	0	0	1	5
Lubbock	13	0	17	0	0	0	0	17
Lynn	1	0	1	0	0	0	0	1
Marion	3	0	2	0	0	0	0	2
Matagorda	5	0	5	0	0	0	0	5
McCulloch	1	0	1	0	0	0	0	1
McLennan	38	3	34	0	0	0	0	37
Medina	2	0	2	0	0	0	0	2
Midland	13	2	9	0	0	0	1	12
Milam	1	0	1	0	0	0	0	1
Mills	1	0	1	0	0	0	0	1
Mitchell	1	0	1	0	0	0	0	1
Montague	1	1	1	0	0	0	0	2
Montgomery	35	3	22	0	0	1	1	27
Moore	2	1	2	0	0	0	0	3
Morris	2	0	3	0	0	0	0	3
Navarro	7	0	6	0	0	0	0	6
Nolan	1	0	1	0	0	0	0	1
Nueces	28	2	25	0	0	0	1	28
Orange	10	1	7	0	0	0	1	9
Palo Pinto	1	0	1	0	0	0	0	1
Panola	0	0	1	0	0	0	0	1
Parker	7	0	10	0	0	0	0	10
Pecos	0	0	1	0	0	0	0	1
Polk	7	0	7	0	0	0	0	7
Potter	17	1	15	0	1	1	0	18
Randall	11	0	9	0	0	0	0	9
Rockwall	1	0	2	0	0	0	0	2
Rusk	1	0	2	0	1	0	0	3
San Augustine	1	0	1	0	0	0	0	1
San Patricio	3	0	4	0	0	0	0	4
San Saba	2	0	2	0	0	0	0	2
Smith	18	2	20	0	1	0	2	25
Stephens	1	0	1	0	0	0	0	1
Stonewall	1	0	0	0	0	0	0	0
Tarrant	122	13	110	1	2	1	0	127
Taylor	18	1	12	0	0	0	0	13
Terry	2	0	2	0	0	0	0	2
Tom Green	3	0	5	0	0	0	0	5
Travis	63	3	61	0	0	0	2	66
Trinity	0	0	1	0	0	0	0	1
Upshur	5	0	2	0	0	0	1	3
Van Zandt	4	0	2	0	0	0	0	2
Victoria	14	2	10	0	1	0	0	13
Walker	2	0	4	0	0	0	0	4
Webb	2	1	2	0	0	0	0	3
Wichita	4	0	7	0	0	0	0	7
Wilbarger	1	0	1	0	0	0	0	1
Williamson	6	0	4	0	0	0	0	4
Wilson	1	0	1	0	0	0	0	1
Wise	3	1	5	0	0	0	0	6
Wood	4	0	2	0	0	0	0	2
Young	6	0	6	0	0	0	0	6
Total	1,389	97	1,282	6	10	19	42	1,456

**PETITIONS FOR REVIEW FILED BY COURT OF APPEALS
FY 2016**

Court	Filed	Granted	Refused	Dismissed	Untimely	Struck	Other	Total Disposed	Percentage of Petitions Granted
1st - Houston	172	10	150	1	0	3	0	164	6.1%
2nd - Fort Worth	141	15	141	1	1	1	0	159	9.4%
3rd - Austin	95	6	88	0	0	0	2	96	6.3%
4th - San Antonio	75	8	73	0	0	0	5	86	9.3%
5th - Dallas	161	9	165	0	2	3	9	188	4.8%
6th - Texarkana	82	3	71	2	1	4	1	82	3.7%
7th - Amarillo	77	3	77	0	1	1	1	83	3.6%
8th - El Paso	48	3	44	0	1	2	2	52	5.8%
9th - Beaumont	67	4	49	0	1	1	1	56	7.1%
10th - Waco	79	4	71	1	0	1	5	82	4.9%
11th - Eastland	82	5	73	0	0	0	2	80	6.3%
12th - Tyler	42	2	42	0	1	1	3	49	4.1%
13th - Corpus Christi	124	12	104	1	2	2	8	129	9.3%
14th - Houston	144	13	134	0	0	0	3	150	8.7%
Total	1,389	97	1,282	6	10	19	42	1,456	6.7%