

COURT OF CRIMINAL APPEALS ACTIVITY: FY 2017

	Pending: 9/1/2016 ¹	Cases Added	Total on Docket	Dispositions	Pending: 8/31/2017
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	15	5	20	7	13
<i>DNA Appeal-Death Sentence</i>	2	2	4	2	2
<i>Other Appeals</i>	0	1	1	0	1
Granted Petitions for Discretionary Review	90	83	173	100	73
Petitions for Discretionary Review (<i>includes Granted MRH & Reinstated</i>)	249	1,124	1,373	1,083	290
Redrawn Petitions for Discretionary Review	1	18	19	17	2
SUBTOTAL	357	1,233	1,590	1,209	381
Applications for Writ of Habeas Corpus					
11.071 Writs (death penalty) Received	21	20	41	21	20
Habeas Corpus & Extraordinary Matters (filed & set)	28	181	209	175	34
Habeas Corpus Received	474	3,917	4,391	3,941	450
Supplemental 11.071 Writs (death penalty)	6	8	14	3	11
Supplemental 11.07 Writs (other than death penalty)	85	425	510	416	94
SUBTOTAL	614	4,551	5,165	4,556	609
Original Proceedings²					
Writs of Certiorari	1	4	5	4	1
Writs of Habeas Corpus	10	58	68	65	3
Supplemental Received Writ of Habeas Corpus	0	0	0	0	0
Writs of Mandamus	46	436	482	441	41
Supplemental Received Writ of Mandamus	9	84	93	85	8
Capital (Mandamus & Prohibition)	3	6	9	8	1
Writs of Prohibition	0	7	7	6	1
Writ of Procedendo	0	1	1	1	0
SUBTOTAL	69	596	665	610	55
Motions for Rehearing & Reconsideration					
Motions for Reconsideration (for original proceedings & 11.07 & 11.071 writs)	9	287	296	279	17
Rehearing on Direct Appeal	0	4	4	2	2
Rehearing on Granted Petitions for Discretionary Review	2	23	25	19	6
Rehearing on Habeas Corpus (filed & set)	0	5	5	4	1
Rehearing on Refused Petitions for Discretionary Review	2	39	41	38	3
Other Motions for Rehearing	0	0	0	0	0
Motions for Stay of Execution (for 11.071 writs)	0	11	11	10	1
SUBTOTAL	13	369	382	352	30
Motions³	0	2,845	2,845	2,845	0
TOTAL	1,053	9,594	10,647	9,572	1,075

PENDING CASE STATUS: FY 2017

	9/1/2016			Total Pending	8/31/2017			Total Pending
	Not Set for Submission	Set for Submission	Submitted		Not Set for Submission	Set for Submission	Submitted	
Direct Appeal: Death Penalty	6	3	6	15	6	1	6	13
Direct Appeal: DNA Appeal & Other	1	0	1	2	2	0	1	3
Habeas Corpus & Extraordinary Matters	5	6	17	28	4	0	31	35
Granted Petitions for Discretionary Review	10	9	70	89	25	0	48	73
TOTAL	22	18	94	134	37	1	86	124

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 2017

<p>Direct Appeals:</p> <p><i>Death Penalty</i></p> <table border="0" style="width: 100%;"> <tr><td>Affirmed</td><td style="text-align: right;">5</td></tr> <tr><td>Affirmed as modified</td><td style="text-align: right;">1</td></tr> <tr><td>Reversed and remanded</td><td style="text-align: right;">1</td></tr> <tr><td>TOTAL: Death Penalty</td><td style="text-align: right;">7</td></tr> </table> <p><i>Death Penalty – DNA Appeal</i></p> <table border="0" style="width: 100%;"> <tr><td>Affirmed Trial Court</td><td style="text-align: right;">2</td></tr> <tr><td>TOTAL: Death Penalty – DNA Appeal</td><td style="text-align: right;">2</td></tr> </table> <p><i>Other Appeals</i></p> <table border="0" style="width: 100%;"> <tr><td>Dismissed</td><td style="text-align: right;">0</td></tr> <tr><td>Dismissed as moot</td><td style="text-align: right;">0</td></tr> <tr><td>TOTAL: Other Appeals</td><td style="text-align: right;">0</td></tr> </table> <p>TOTAL: Direct Appeals 9</p> <p>Petitions for Discretionary 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Habeas corpus dismissed – Ybarra	65																																																																																																																																																																																																				
TOTAL: Applications for Writ of Habeas Corpus	4,357																																																																																																																																																																																																				
11.071 writ denied with written order	9																																																																																																																																																																																																				
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	8																																																																																																																																																																																																				
11.071 writ filed & set	1																																																																																																																																																																																																				
Remanded to trial court with order	6																																																																																																																																																																																																				
TOTAL: 11.071 Applications for Writ of Habeas Corpus	24																																																																																																																																																																																																				
Motion for leave to file denied with written order	0																																																																																																																																																																																																				
Motion for leave to file denied without written order	441																																																																																																																																																																																																				
Motion for leave to file dismissed – Padilla	60																																																																																																																																																																																																				
Motion for leave to file held in abeyance with written order	91																																																																																																																																																																																																				
Dismissed	4																																																																																																																																																																																																				
Dismissed – Abuse of Writ Order Previously Entered	1																																																																																																																																																																																																				
Filed & set	5																																																																																																																																																																																																				
Granted	0																																																																																																																																																																																																				
TOTAL: Original Proceedings – Non Capital	602																																																																																																																																																																																																				
Motion for leave to file denied with written order	0																																																																																																																																																																																																				
Motion for leave to file denied without written order	7																																																																																																																																																																																																				
Motion for leave to file dismissed – Padilla	0																																																																																																																																																																																																				
Motion for leave to file held in abeyance with order	0																																																																																																																																																																																																				
Dismissed as moot	1																																																																																																																																																																																																				
Filed & set	0																																																																																																																																																																																																				
TOTAL: Original Proceedings – Capital	8																																																																																																																																																																																																				

Motions for Reconsideration and Stay of Execution

Motion for reconsideration denied	91
Motion for reconsideration denied with written order	1
Motion for reconsideration – denied/dismissed with written order	0
Motion for reconsideration—dismissed	163
Motion for reconsideration –dismiss/non-compliant	0
Motion for reconsideration—dismissed with written order	1
Motion for reconsideration filed & set	1
Motion for reconsideration granted ⁴	12
Motion for reconsideration – habeas corpus relief denied with written order	8
Motion for reconsideration—remanded to trial court for evidentiary hearing/affidavits	2
Motion for stay of execution denied with order	3
Motion for stay of execution denied without order	0
Motion for stay of execution granted	7
TOTAL: Motions for Reconsideration and Stay of Execution	289

⁴ Applications for Writ of Habeas Corpus disposed.

MANNER OF DISPOSITION: Motions for Rehearing, FY 2017

	<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	0	0	0	1	1	2
Rehearing on DNA appeal	0	0	0	0	0	0	0
Rehearing on granted petitions for discretionary review*	2	1	0	0	17	0	20
Rehearing on habeas corpus (capital and non-capital) and extraordinary matters	1 ⁺	0	0	0	5	0	6
Rehearing on refused petitions for discretionary review	0	0	0	0	38	0	38
TOTAL	3	1	0	0	61	1	66

*Includes granted motions for rehearing.

+Granted with order.

OPINION SUMMARY Direct Appeals, Habeas & Petitions for Discretionary Review FY 2017

<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>
Keller	19	20	2	11	0	52
Meyers	4	3	0	3	0	10
Johnson	8	7	3	0	0	18
Keasler	15	26	4	3	0	48
Hervey	14	13	6	0	0	33
Alcala	8	31	99	35	4	177
Richardson	15	22	5	4	0	46
Yearly	16	17	11	22	2	68
Newell	13	22	7	1	0	43
Keel	1	8	0	2	0	11
Walker	0	5	0	2	0	7
TOTAL	113	174	137	83	6	513

PETITIONS FOR REVIEW FILED BY COUNTY

FY 2017

County	Filed	Granted	Refused	Dismissed	Untimely	Struck	Other	Total Disposed
Anderson	2	0	5	0	0	0	0	5
Angelina	4	0	1	0	0	0	0	1
Aransas	1	0	1	0	0	0	0	1
Archer	1	0	1	0	0	0	0	1
Austin	1	0	1	0	0	0	0	1
Bailey	1	0	1	0	0	0	0	1
Bastrop	2	0	1	0	1	0	0	2
Bee	0	0	1	0	0	0	0	1
Bell	17	0	13	0	0	1	0	14
Bexar	24	0	25	0	0	4	0	29
Bowie	12	5	6	0	0	0	0	11
Brazoria	11	0	12	0	0	0	0	12
Brazos	12	1	11	0	0	0	0	12
Brown	5	4	6	0	0	0	0	10
Burnet	3	0	3	0	0	0	0	3
Caldwell	0	0	1	0	0	0	0	1
Calhoun	0	0	1	0	0	0	0	1
Cameron	13	0	10	0	0	1	0	11
Carson	1	0	1	0	0	0	0	1
Cass	3	0	0	0	0	0	0	0
Chambers	0	0	1	0	0	0	0	1
Childress	1	0	1	0	0	0	0	1
Clay	1	0	1	0	0	0	0	1
Coleman	3	1	2	0	0	0	0	3
Collin	28	2	25	0	0	0	0	27
Comal	14	1	11	0	0	0	2	14
Comanche	1	0	1	0	0	0	0	1
Cooke	1	0	1	0	0	0	0	1
Coryell	8	1	8	0	0	0	0	9
Dallas	72	8	66	1	1	1	3	80
Dawson	0	0	2	0	0	0	0	2
De Witt	3	0	3	0	0	0	0	3
Deaf Smith	3	0	2	0	0	0	0	2
Denton	16	0	14	0	0	1	0	15
Eastland	1	0	1	0	0	0	0	1
Ector	9	0	5	0	0	0	0	5
El Paso	29	5	19	0	0	1	2	27
Ellis	3	0	3	0	0	0	0	3
Erath	1	0	1	0	0	0	0	1
Falls	2	1	1	0	0	0	0	2
Fannin	4	0	4	0	0	0	0	4
Fort Bend	14	0	20	0	0	0	1	21
Franklin	3	0	4	0	0	0	0	4
Freestone	1	0	1	0	0	0	0	1
Gaines	1	0	0	0	0	0	0	0
Galveston	24	1	17	0	0	0	0	18
Gillespie	5	2	3	0	0	0	1	6
Gonzales	1	0	0	0	0	0	0	0
Grayson	9	0	7	0	0	0	2	9
Gregg	9	1	5	0	0	0	1	7
Grimes	2	0	2	0	0	0	0	2
Guadalupe	2	0	1	0	0	0	0	1
Hale	2	0	1	0	0	0	0	1
Hall	1	0	1	0	0	0	0	1
Hamilton	5	0	2	2	0	0	0	4
Hardin	2	0	2	0	0	0	0	2
Harris	231	13	196	1	1	2	7	220
Harrison	2	0	3	0	0	0	0	3
Haskell	2	0	0	0	0	0	0	0
Hays	9	1	6	0	0	0	0	7
Henderson	1	0	1	0	0	0	0	1
Hidalgo	12	1	6	0	0	1	0	8
Hill	6	0	3	0	0	0	0	3
Hood	6	1	4	0	0	1	0	6
Hopkins	13	0	10	0	0	0	5	15
Houston	1	1	0	0	0	0	0	1
Howard	2	0	2	0	0	0	0	2
Hunt	11	3	6	0	0	0	0	9

Hutchinson	2	0	2	0	0	0	0	2
Jackson	0	0	2	0	0	0	0	2
Jasper	1	0	1	0	0	0	0	1
Jefferson	15	0	17	0	0	0	0	17
Johnson	6	0	3	0	0	0	0	3
Jones	2	0	2	0	0	0	0	2
Karnes	1	0	0	0	0	0	0	0
Kaufman	3	0	1	0	0	0	0	1
Kendall	2	0	0	0	0	0	0	0
Kerr	18	0	11	0	0	0	7	18
La Salle	1	0	1	0	0	0	0	1
Lamar	3	0	5	0	0	0	0	5
Liberty	10	1	8	0	0	0	0	9
Limestone	4	0	3	0	0	0	0	3
Llano	3	0	1	0	0	0	1	2
Lubbock	10	0	4	0	0	0	0	4
Marion	3	0	3	0	0	0	0	3
Matagorda	4	0	4	0	0	0	0	4
McLennan	27	0	20	0	0	1	1	22
Medina	2	0	1	0	0	0	0	1
Midland	9	0	8	0	0	0	0	8
Milam	2	0	1	0	0	0	1	2
Montgomery	25	5	22	1	0	1	1	30
Morris	5	0	5	0	0	0	0	5
Nacogdoches	7	0	7	0	0	0	0	7
Navarro	5	0	6	0	0	0	0	6
Nolan	3	0	0	0	0	0	0	0
Nueces	19	3	17	0	0	0	0	20
Oldham	1	0	1	0	0	0	0	1
Orange	5	1	3	0	0	0	1	5
Palo Pinto	2	0	1	0	0	0	0	1
Panola	1	0	1	0	0	0	0	1
Parker	3	0	2	0	0	0	0	2
Parmer	1	0	1	0	0	0	0	1
Pecos	1	0	1	0	0	0	0	1
Polk	3	0	2	0	0	0	0	2
Potter	7	3	5	0	0	0	0	8
Randall	8	0	9	0	0	0	1	10
Refugio	2	1	1	0	0	0	0	2
Rockwall	4	0	3	0	0	0	0	3
Rusk	2	0	1	0	0	0	0	1
San Jacinto	1	0	1	0	0	0	0	1
San Patricio	2	0	1	0	0	0	0	1
Scurry	1	0	0	0	0	1	0	1
Shelby	1	0	1	0	0	0	0	1
Smith	22	0	14	0	3	4	0	21
Somervell	1	0	0	0	0	0	0	0
Stonewall	0	0	1	0	0	0	0	1
Sutton	1	0	1	0	0	0	0	1
Tarrant	134	6	124	0	0	0	0	130
Taylor	10	2	11	0	0	0	0	13
Terry	2	0	2	0	0	0	0	2
Tom Green	6	0	4	0	0	0	0	4
Travis	36	2	26	0	1	1	1	31
Trinity	1	0	1	0	0	0	0	1
Upshur	1	0	3	0	0	0	0	3
Van Zandt	1	0	2	0	0	0	0	2
Victoria	6	1	6	0	0	0	0	7
Walker	3	0	1	0	0	0	0	1
Washington	2	0	1	0	0	0	0	1
Webb	1	0	1	0	0	0	0	1
Wharton	1	0	1	0	0	0	0	1
Wichita	5	1	3	0	0	1	0	5
Willacy	1	0	0	0	0	0	0	0
Williamson	9	2	7	0	0	0	0	9
Wise	7	0	3	0	0	0	1	4
Wood	2	0	5	0	0	0	0	5
Young	2	0	2	0	0	0	0	2
Total	1,181	81	984	5	7	22	39	1,138

**PETITIONS FOR REVIEW FILED BY COURT OF APPEALS
FY 2017**

Court	Filed	Granted	Refused	Dismissed	Untimely	Struck	Other	Total Disposed	Percentage of Petitions Granted
1st - Houston	145	6	130	1	0	1	8	146	4.1%
2nd - Fort Worth	152	8	135	0	0	2	1	146	5.5%
3rd - Austin	84	5	63	0	2	1	3	74	6.8%
4th - San Antonio	57	2	43	0	0	3	8	56	3.6%
5th - Dallas	114	10	99	1	1	1	5	117	8.5%
6th - Texarkana	92	9	68	0	0	1	7	85	10.6%
7th - Amarillo	65	5	50	0	0	1	1	57	8.8%
8th - El Paso	45	5	36	0	0	1	2	44	11.4%
9th - Beaumont	54	5	49	1	0	1	1	57	8.8%
10th - Waco	53	2	39	2	0	0	0	43	4.7%
11th - Eastland	50	7	43	0	0	1	0	51	13.7%
12th - Tyler	47	2	37	0	3	4	0	46	4.3%
13th - Corpus Christi	76	6	66	0	0	4	1	77	7.8%
14th - Houston	147	9	126	0	1	1	2	139	6.5%
Total	1,181	81	984	5	7	22	39	1,138	7.1%