

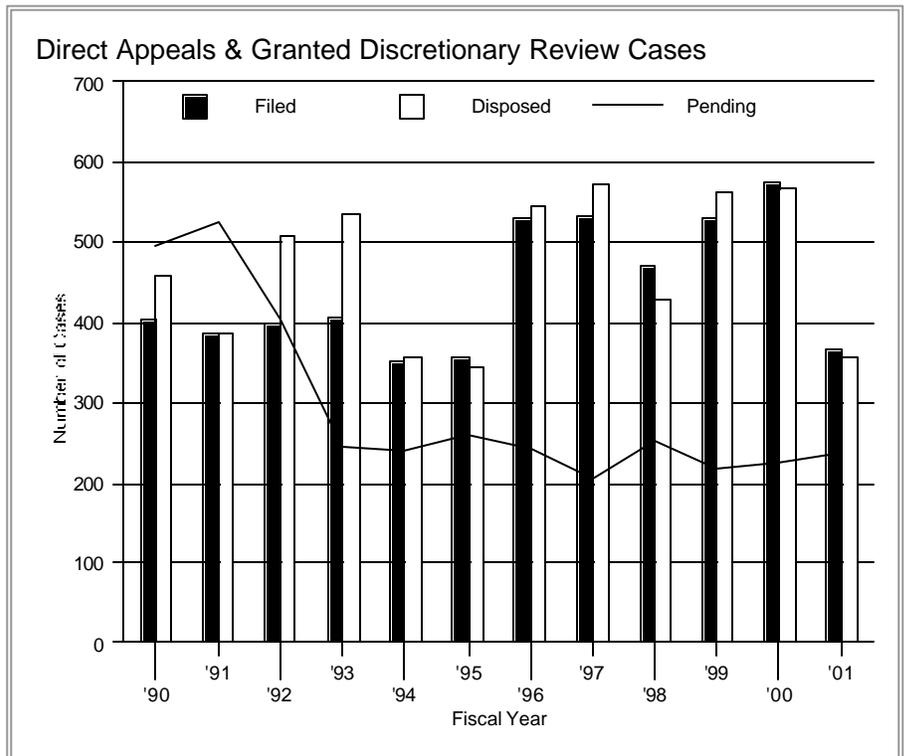
Caseload Trends in the Court of Criminal Appeals

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.

DIRECT APPEALS AND PETITIONS FOR DISCRETIONARY REVIEW

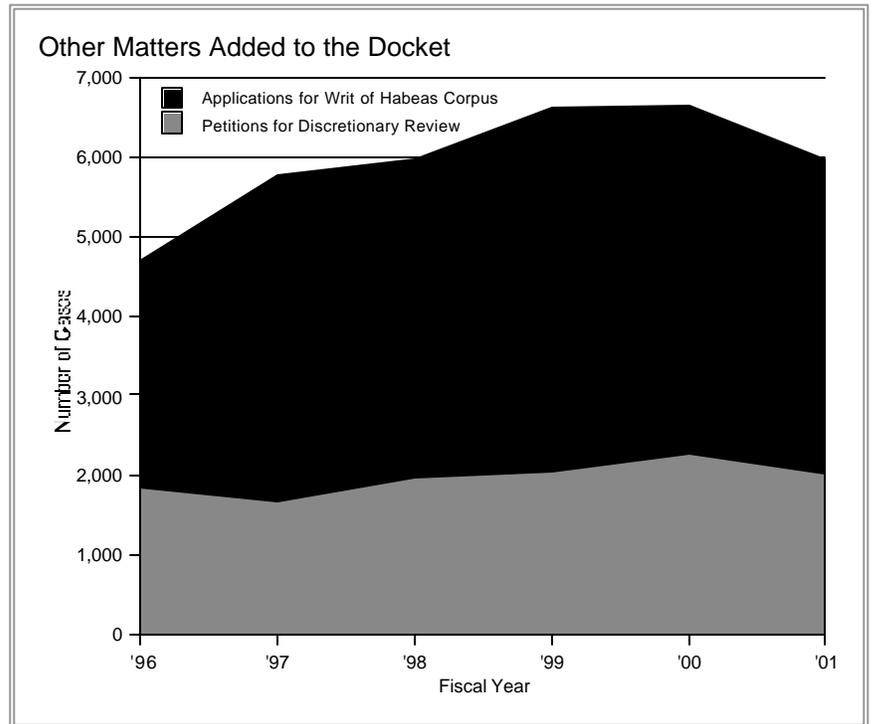
- In FY 2001, the overall number of direct appeals and granted petitions for discretionary review added to the docket fell 36% from the FY 2000 totals (575 in FY 2000; 366 in FY 2001).** Of the 366 regular appeals added to the docket in FY 2001, 256 (70%) were direct appeals from death penalty cases, writs of habeas corpus, and extraordinary matters. The number of death penalty appeals fell substantially in FY 2001 to 18; 37 fewer than in FY 2000. Additionally, the number of granted petitions for discretionary review added to the docket fell from 175 in FY 2000 to 110 in FY 2001.
- The Court disposed of 254 direct appeals in FY 2001 compared to 381 such dispositions in the previous year – a drop of 33%.** The drop in dispositions of direct appeals and granted petitions for discretionary review was almost as dramatic as the drop in cases added for the same time period. Also, the number of granted petitions for discretionary review dropped from 175 in FY 2000 to 110 in FY 2001. While the number of dispositions for these cases increased substantially from the previous year, the clearance rate only dropped marginally – from 98.6% to 97.3%.



- On August 31, 2001, there were 109 direct appeals pending in the Court of Criminal Appeals.** Direct appeals on death penalty cases accounted for 94 of these, and habeas corpus and extraordinary matter appeals accounted for the remaining 15. This represented an overall increase of 21 percent from the 90 direct appeals pending on August 31, 2000.

PETITIONS FOR DISCRETIONARY REVIEW AND APPLICATIONS FOR WRIT OF HABEAS CORPUS

- **The Court had 2,036 petitions for discretionary review added during FY 2001, 10 percent fewer than the 2,271 filed during the previous year, yet about the equivalent to the FY 1999 figure.** Petitions for discretionary review were received from 155 counties, with 61 percent of them originating from Dallas, Harris, Bexar, and Tarrant counties.
- **FY 2001 marked the end of a three-year upward trend in petitions for discretionary review filed.** From FY 1997 to FY 2000, the number of petitions for discretionary review disposed steadily rose from 1,644 to 2,392. While FY 2001 data indicated a reversal of the three-year upward trend in the number of petitions for discretionary review disposed, the downward trend in the percentage of petitions granted continued. In FY 2001, the number dropped to 2,036. Of those, 110, or 5.4%, were granted; this compares to 7% in FY 2000 and 9% in FY 1999. The remaining cases were refused or dismissed, or untimely.



- **At the close of FY 2001, 560 petitions for discretionary review and 694 applications for writ of habeas corpus were left pending.** The 560 petitions for discretionary review filed were only ten more than were pending at the end of FY 2000, while the 694 pending applications for writ of habeas corpus were 159 fewer than a year ago (a decrease of 18.6 percent).
- **In FY 2001, there were 5,964 applications for writ of habeas corpus, compared to 6,629 in FY 2000 - a decrease of 10 percent.** This year's total is identical to the FY 1998 figure and follows consecutive years of filings that were just over 6,600. Just 83 (1.4 percent) of the 5,964 matters added to the docket were death penalty appeals.
- **The Court of Criminal Appeals had 5,410 Article 11.07 writs added to the docket in FY 2001.** This marked a drop of almost 12 percent from the previous year and an end to two years of relatively higher filings rates. In each of fiscal years 1999 and 2000, over 6,100 such writs were filed. Numbers prior to FY1999 were similar to the current total. Also, original mandamus filings increased only slightly, from 568 to 578, ending a two-year trend of precipitous increases. However, supplemental 11.07 writs continued an expansionist trend by climbing 22% over two years (378 in FY 1999; 471 in FY 2001).

MOTIONS AND OPINIONS

- **Motions for rehearing and reconsideration filed during FY 2001 totaled 133.** Although 17 more than last year, this was far below the six-year average of 151 motions.
- **Judges of the Court of Criminal Appeals wrote 472 opinions during FY 2001, of which 358, or 76 percent, were determinative opinions.** The remaining 14 percent were dissents, concurrences, and opinions on rehearings. Of the deciding opinions, 120 were signed and 238 were per curiam. During FY 2000, members of the Court wrote 709 opinions, 80 percent of which were determinative opinions.