

## COURT OF CRIMINAL APPEALS ACTIVITY: FY 2006

	Pending: 9/1/2005 <sup>1</sup>	Cases Added	Total on Docket	Dispositions	Pending: 8/31/2006
<b>Regular Appeals</b>					
Direct Appeals: <i>Death Penalty</i>	50	16	66	26	40
<i>DNA Appeal-Death Sentence</i>	2	2	4	4	0
<i>Habeas Corpus &amp; Extraordinary Matters</i>	33	238	271	239	32
Petitions for Discretionary Review	389	1,708	2,097	1,752	345
Granted Petitions for Discretionary Review	96	175	271	115	156
Redrawn Petitions for Discretionary Review	23	134	157	142	15
<b>SUBTOTAL</b>	<b>593</b>	<b>2,273</b>	<b>2,866</b>	<b>2,278</b>	<b>588</b>
<b>Applications for Writ of Habeas Corpus</b>					
11.07 Writs (other than death penalty)	1,097	5,405	6,502	5,814	688
11.071 Writs (death penalty)	40	78	118	66	52
Supplemental 11.07 Writs (other than death penalty)	101	456	557	460	97
Supplemental 11.071 Writs (death penalty)	4	15	19	11	8
2 <sup>nd</sup> Supplemental Received 11.07 (other than death penalty)	5	19	24	19	5
2 <sup>nd</sup> Supplemental Received 11.071 (death penalty)	0	1	1	0	1
Reinstated Writs	0	13	13	11	2
<b>SUBTOTAL</b>	<b>1,247</b>	<b>5,987</b>	<b>7,234</b>	<b>6,381</b>	<b>853</b>
<b>Original Proceedings<sup>2</sup></b>					
Writs of Certiorari	0	4	4	4	0
Writs of Habeas Corpus	2	38	40	37	3
Writs of Mandamus	96	626	722	642	80
Supplemental Received Writ of Mandamus	18	121	139	122	17
2 <sup>nd</sup> Supplemental Received Writ of Mandamus	0	2	2	2	0
Writs of Prohibition	1	5	6	5	1
<b>SUBTOTAL</b>	<b>117</b>	<b>796</b>	<b>913</b>	<b>812</b>	<b>101</b>
<b>Motions for Rehearing &amp; Reconsideration</b>					
Rehearing on Direct Appeal	2	12	14	13	1
Rehearing on Refused Petitions for Discretionary Review	7	43	50	50	0
Rehearing on Granted Petitions for Discretionary Review	2	19	21	20	1
Rehearing on Habeas Corpus (filed & set)	2	3	5	5	0
Motions for Reconsideration (for original proceedings & 11.07 writs)	0	10	10	10	0
Motions for Stay of Execution (for 11.071 writs)	0	21	21	19	2
<b>SUBTOTAL</b>	<b>13</b>	<b>108</b>	<b>121</b>	<b>117</b>	<b>4</b>
<b>Motions for Extensions of Time<sup>3</sup></b>					
<b>TOTAL</b>	<b>1,970</b>	<b>10,623</b>	<b>12,593</b>	<b>11,047</b>	<b>1,546</b>

## PENDING CASE STATUS: FY 2006

	9/1/2005				8/31/2006			
	Not Set for Submission	Set for Submission	Submitted	Total Pending	Not Set for Submission	Set for Submission	Submitted	Total Pending
Direct Appeal: Death Penalty	25	4	21	50	20	4	16	40
Direct Appeal: DNA Appeal	1	1	0	2	0	0	0	0
Direct Appeal: Habeas Corpus & Extraordinary Matters	5	9	19	33	2	6	24	32
Granted Petitions for Discretionary Review	22	22	52	96	11	24	121	156
<b>TOTAL</b>	<b>53</b>	<b>36</b>	<b>92</b>	<b>181</b>	<b>33</b>	<b>34</b>	<b>161</b>	<b>228</b>

<sup>1</sup> 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.

<sup>2</sup> Original proceedings are filed directly with the Court of Criminal Appeals. Applications for writ of habeas corpus, although seeking relief from the Court of Criminal Appeals, must be filed in the trial court, which has 35 days in which to submit findings of fact, conclusions of law, and a recommendation to the Court of Criminal Appeals.

<sup>3</sup> Motions for extensions of time to file transcripts of court reporter's notes, bill of exceptions, briefs and petitions for discretionary review.

## MANNER OF DISPOSITION: Appeals & Original Proceedings, FY 2006

<b>Direct Appeals:</b>		<b>Applications for Writ of Habeas Corpus</b>	
<i>Death Penalty</i>		Abuse of writ order entered	27
Affirmed	24	Abuse of writ order previously entered	33
Reversed and remanded	2	Dismissed - direct appeal pending, no action necessary	204
<b>TOTAL: Death Penalty</b>	<b>26</b>	Dismissed - Art. 11.07, Section 4	610
<i>DNA Appeal</i>		Dismissed - Art. 11.07, Tex.Gov. Code, §501.0081	293
Affirmed	3	Dismissed	178
Dismissed	1	Filed & set	230
<b>TOTAL: DNA Appeal</b>	<b>4</b>	Habeas corpus remanded for evidentiary hearing / aff with order	504
<i>Habeas Corpus &amp; Extraordinary Matters</i>		Habeas corpus relief denied without written order	1,389
Habeas corpus application granted	220	Habeas corpus relief denied with written order	12
Habeas corpus application denied	10	Habeas corpus relief denied with hearing	25
Habeas corpus application dismissed	7	Habeas corpus relief denied without hearing	1,922
Habeas corpus application dismissed as moot	1	Habeas corpus denied/dismissed with order	36
Mandamus relief conditionally granted	1	Habeas corpus dismissed – juvenile matter	2
<b>TOTAL: Habeas Corpus &amp; Extraordinary Matters</b>	<b>239</b>	Habeas corpus dismissed – misdemeanor offense	10
<b>TOTAL: Direct Appeals</b>	<b>269</b>	Habeas corpus dismissed – moot	149
<b>Petitions for Discretionary Review</b>		Habeas corpus dismissed – sentence discharged	192
Granted	164	Habeas corpus dismissed – community supervision not revoked	49
Refused	1,348	Habeas corpus dismissed with written order	9
Dismissed	4	Habeas corpus returned to district clerk	1
Withdrawn	3	Habeas corpus returned for non compliance	320
Struck	151	Habeas corpus dismissed – Ybarra	108
Untimely	82	11.071 Motion for leave to file denied without written order	2
<b>TOTAL: Petitions for Discretionary Review</b>	<b>1,752</b>	11.071 Writ denied with written order	29
<b>Granted Petitions for Discretionary Review</b>		11.071 Writ dismissed with order	26
Affirmed court of appeals	57	11.071 Writ filed and set	5
Dismissed court of appeals	3	11.071 Abuse of Writ	6
Dismissed as improvidently granted	2	11.071 Writ remanded with order	10
Affirmed court of appeals and remanded to trial court	1	<b>TOTAL: Applications for Writ of Habeas Corpus</b>	<b>6,381</b>
Remanded to court of appeals	5	<b>Original Proceedings</b>	
Reversed court of appeals and remanded to court of appeals	18	Motion for leave to file original writ of certiorari denied w/o written order	4
Reversed court of appeals and remanded to trial court	2	Motion for leave to file original writ of habeas corpus – leave to file denied	37
Reversed court of Appeals and affirmed trial court	5	Original mandamus dismissed	3
Reversed in part, affirmed in part	1	Original mandamus filed and set	1
Court of appeals modified and affirmed	1	Motion for leave to file denied-Padilla	21
Vacated court of appeals and remanded to court of appeals	20	Motion for leave to file original mandamus denied without order	600
<b>TOTAL: Granted Petitions for Discretionary Review</b>	<b>115</b>	Motion for leave to file original mandamus denied with written order	4
<b>Redrawn Petitions for Discretionary Review</b>		Motion for leave to file original mandamus held in abeyance w/ written order	137
Granted	11	Motion for leave to file writ of prohibition denied w/o written order	5
Refused	123	<b>TOTAL: Original Proceedings</b>	<b>812</b>
Untimely	8	<b>Motions for Reconsideration and Stay of Execution</b>	
<b>TOTAL: Redrawn Petitions for Discretionary Review</b>	<b>142</b>	Motion for reconsideration denied	2
		Motion for reconsideration granted	8
		Motion for stay of execution denied	12
		Motion for stay of execution denied with written order	2
		Motion for stay of execution granted with written order	4
		Motion for stay of execution dismissed as moot with order	1
		<b>TOTAL: Motions for Reconsideration and Stay of Execution</b>	<b>29</b>

**OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2006**

<i>Judge</i>	<i>Signed</i>	<i>Per Curiam</i>	<i>Concurring</i>	<i>Dissenting</i>	<i>Concurring &amp; Dissenting</i>	<i>Denial of Rehearing</i>	<i>Grant of Rehearing</i>	<b>TOTAL</b>
Keller	16	32	12	12	0	0	0	<b>72</b>
Meyers	18	23	1	12	0	0	0	<b>54</b>
Price	22	14	1	3	0	0	0	<b>40</b>
Womack	11	20	7	7	0	0	0	<b>45</b>
Johnson	20	25	8	3	1	0	0	<b>57</b>
Keasler	8	21	0	0	0	0	0	<b>29</b>
Hervey	16	28	10	4	0	0	0	<b>58</b>
Holcomb	14	42	0	4	0	0	0	<b>60</b>
Cochran	22	38	8	3	0	0	0	<b>71</b>
<b>TOTAL</b>	<b>147</b>	<b>243</b>	<b>47</b>	<b>48</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>486</b>

**MANNER OF DISPOSITION: Motions for Rehearing, FY 2006**

	<i>With Written Opinion</i>			<i>Without Written Opinion</i>			<b>Total</b>
	<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	11	0	<b>11</b>
Rehearing on DNA appeal	1	0	0	0	1	0	<b>2</b>
Rehearing on habeas corpus and extraordinary matters	0	1	1	0	3	0	<b>5</b>
Rehearing on refused petitions for discretionary review	1	0	0	1	49	0	<b>51</b>
Rehearing on granted petitions for discretionary review	1	0	0	0	19	0	<b>20</b>
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>83</b>	<b>0</b>	<b>89</b>

**PETITIONS FOR REVIEW FILED BY COUNTY: FY 2006**

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Anderson	8	0	7	0	Gaines	0	0	1	0	Montgomery	13	2	11	0
Angelina	8	1	4	0	Galveston	24	2	24	0	Morris	2	0	0	0
Aransas	1	0	2	0	Gillespie	1	0	0	0	Nacogdoches	2	0	0	0
Armstrong	2	0	2	0	Goliad	1	0	0	0	Navarro	0	1	0	0
Atascosa	1	0	0	0	Gonzales	1	0	1	0	Nolan	0	0	1	0
Austin	1	0	1	0	Gray	1	0	1	0	Nueces	16	4	12	0
Bailey	2	1	1	0	Grayson	5	0	5	0	Ochiltree	1	0	1	0
Bandera	0	0	1	0	Gregg	31	3	29	0	Orange	7	0	7	0
Bastrop	0	0	2	0	Grimes	3	1	2	0	Palo Pinto	6	0	4	0
Bee	4	1	3	0	Guadalupe	6	0	5	0	Parker	10	1	11	0
Bell	8	0	6	1	Hale	3	1	3	0	Pecos	0	0	1	0
Bexar	59	7	49	0	Hamilton	0	0	2	0	Polk	4	1	6	0
Bosque	1	1	0	0	Hardin	1	0	1	0	Potter	20	2	14	0
Bowie	7	0	5	0	Harris	383	20	362	0	Rains	5	2	0	0
Brazoria	26	3	21	0	Harrison	7	0	4	0	Randall	6	0	5	0
Brazos	7	6	6	0	Hays	7	1	7	0	Red River	0	0	1	0
Briscoe	0	0	1	0	Hemphill	0	1	0	0	Rockwall	9	0	5	0
Brooks	1	0	1	0	Henderson	9	0	6	0	Rusk	2	0	1	0
Brown	3	0	2	0	Hidalgo	13	0	15	0	Sabine	0	0	1	0
Burleson	2	0	0	0	Hill	1	0	1	0	San Jacinto	1	1	0	0
Burnet	1	0	1	0	Hockley	1	0	2	0	San Patricio	1	0	1	0
Caldwell	4	1	1	0	Hood	6	0	5	0	San Saba	1	1	0	0
Cameron	8	0	7	0	Hopkins	3	0	1	0	Shelby	2	0	1	0
Cass	3	2	0	0	Houston	2	0	2	0	Smith	16	0	13	0
Castro	0	0	1	0	Hunt	3	1	2	0	Stephens	3	0	1	0
Chambers	5	0	4	0	Hutchinson	3	0	3	0	Tarrant	184	12	178	0
Childress	0	0	1	0	Jack	1	0	1	0	Taylor	15	5	10	0
Collin	42	1	38	0	Jackson	1	0	1	0	Throckmorton	2	0	3	0
Collingsworth	1	0	1	0	Jasper	1	0	0	0	Tom Green	3	0	3	0
Comal	12	0	10	0	Jefferson	10	3	8	0	Travis	68	10	39	0
Comanche	1	0	0	0	Johnson	5	1	7	0	Upshur	1	0	2	0
Cooke	9	0	9	0	Jones	3	0	3	0	Val Verde	1	0	0	0
Coryell	1	0	1	0	Karnes	1	0	1	0	Van Zandt	8	0	9	0
Dallam	1	0	1	0	Kaufman	15	1	12	0	Victoria	8	0	7	0
Dallas	220	12	192	1	Kendall	1	0	3	0	Walker	6	3	5	0
Dawson	2	0	2	0	Kerr	3	1	2	0	Waller	1	0	1	0
Deaf Smith	1	0	1	0	Kleberg	2	0	1	0	Ward	1	0	1	0
Delta	1	0	1	0	Lamar	9	3	2	0	Washington	0	0	1	0
Denton	38	2	29	0	Lamb	2	0	2	0	Webb	2	0	1	0
Dimmit	1	0	1	0	Lampasas	3	3	0	0	Wichita	19	0	19	0
Duval	0	0	1	0	Leon	0	2	0	0	Wilbarger	2	0	1	0
Eastland	5	0	4	0	Liberty	7	0	12	0	Williamson	9	2	7	1
Ector	5	0	4	0	Limestone	1	0	1	0	Wilson	0	2	0	0
Edwards	1	0	1	0	Lipscomb	1	0	1	0	Wise	3	0	3	0
El Paso	37	10	30	0	Llano	1	0	1	0	Wood	3	1	2	0
Ellis	3	1	2	0	Lubbock	24	3	17	0	Yoakum	1	0	1	0
Erath	3	1	2	0	Marion	2	0	2	0	Young	3	0	3	0
Falls	8	1	6	0	Matagorda	2	0	0	0	<b>TOTAL</b>	<b>1,708</b>	<b>175</b>	<b>1,471</b>	<b>4</b>
Fannin	2	0	2	0	Maverick	0	0	1	0					
Fayette	1	0	1	0	McCulloch	2	0	2	0					
Floyd	1	0	1	0	McLennan	37	21	20	0					
Fort Bend	16	4	9	1	Medina	1	1	1	0					
Franklin	1	0	2	0	Midland	11	0	7	0					
Freestone	2	0	3	0	Mitchell	1	0	1	0					
Frio	2	0	1	0	Montague	0	1	1	0					

**PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2006**

<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
1 <sup>st</sup> - Houston	192	16	178	0	8 <sup>th</sup> - El Paso	78	12	59	0
2 <sup>nd</sup> - Fort Worth	247	15	241	0	9 <sup>th</sup> - Beaumont	35	4	31	0
3 <sup>rd</sup> - Austin	116	19	76	2	10 <sup>th</sup> - Waco	106	37	79	0
4 <sup>th</sup> - San Antonio	80	11	72	0	11 <sup>th</sup> - Eastland	65	6	51	0
5 <sup>th</sup> - Dallas	270	12	239	1	12 <sup>th</sup> - Tyler	48	2	32	0
6 <sup>th</sup> - Texarkana	86	11	63	0	13 <sup>th</sup> - Corpus Christi	82	10	64	0
7 <sup>th</sup> - Amarillo	89	9	77	0	14 <sup>th</sup> - Houston	214	11	209	1
					<b>TOTAL</b>	<b>1,708</b>	<b>175</b>	<b>1,471</b>	<b>4</b>