

COURT OF CRIMINAL APPEALS ACTIVITY: FY 2008

	Pending: 9/1/2007 ¹	Cases Added	Total on Docket	Dispositions	Pending: 8/31/2008
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	39	14	53	16	37
<i>DNA Appeal-Death Sentence</i>	2	1	3	2	1
<i>Habeas Corpus & Extraordinary Matters</i>	20	222	242	222	20
Petitions for Discretionary Review	320	1,620	1,940	1,641	299
Granted Petitions for Discretionary Review	132	105	237	148	89
Redrawn Petitions for Discretionary Review	3	179	182	179	3
SUBTOTAL	516	2,141	2,657	2,208	449
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	651	4,721	5,372	4,857	515
11.071 Writs (death penalty)	36	68	104	64	40
Supplemental 11.07 Writs (other than death penalty)	62	314	376	316	60
Supplemental 11.071 Writs (death penalty)	10	12	22	16	6
2 nd or 3 rd Supplemental Received 11.07 (other than death penalty)	5	36	41	35	6
2 nd Supplemental Received 11.071 (death penalty)	0	3	3	2	1
Reinstated Writs	0	0	0	0	0
SUBTOTAL	764	5,154	5,918	5,290	628
Original Proceedings²					
Writs of Certiorari	0	5	5	4	1
Writs of Habeas Corpus	8	62	70	64	6
Supplemental Received Writ of Habeas Corpus	0	0	0	0	0
Writs of Mandamus	65	700	765	708	57
Supplemental Received Writ of Mandamus	27	119	146	134	12
2 nd Supplemental Received Writ of Mandamus	1	4	5	5	0
Writs of Prohibition	1	3	4	3	1
Supplemental Received Writ of Prohibition	0	1	1	0	1
SUBTOTAL	102	894	996	918	78
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	2	6	8	6	2
Rehearing on Refused Petitions for Discretionary Review	1	27	28	27	1
Rehearing on Granted Petitions for Discretionary Review	10	26	36	32	4
Rehearing on 11.071 Writs	2	0	2	2	0
Rehearing on Habeas Corpus (filed & set)	0	7	7	7	0
Motions for Reconsideration (for original proceedings & 11.07 writs)	2	44	46	43	3
Motions for Stay of Execution (for 11.071 writs)	0	16	16	14	2
SUBTOTAL	17	126	143	131	12
Motions for Extensions of Time³					
	0	1,332	1,332	1,332	0
TOTAL	1,399	9,647	11,046	9,879	1,167

PENDING CASE STATUS: FY 2008

	9/1/2007				8/31/2008			
	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	Total Pending	<i>Not Set for Submission</i>	<i>Set for Submission</i>	<i>Submitted</i>	Total Pending
Direct Appeal: Death Penalty	17	3	17	37	16	4	17	37
Direct Appeal: DNA Appeal	1	0	1	2	0	1	0	1
Direct Appeal: Habeas Corpus & Extraordinary Matters	8	1	9	18	4	3	13	20
Granted Petitions for Discretionary Review	23	15	94	132	24	8	57	89
TOTAL	49	19	121	189	48	16	87	147

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. 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.

³ 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 2008

Direct Appeals:		Applications for Writ of Habeas Corpus	
<i>Death Penalty</i>		Abuse of writ order entered	14
Affirmed	10	Abuse of writ order previously entered	28
Affirmed trial court	4	Dismissed - direct appeal pending, no action necessary	190
Affirmed trial court, reversed & vacated court of appeals	1	Dismissed - Art. 11.07, Section 4	691
Reversed & remanded	1	Dismissed - Art. 11.07, Tex.Gov. Code, §501.0081	163
TOTAL: Death Penalty	16	Dismissed	118
<i>DNA Appeal</i>		Filed & set	197
Affirmed	1	Habeas corpus remanded for evidentiary hearing / aff with order	350
Vacated trial court & remanded	1	Habeas corpus relief denied without written order	1,058
TOTAL: DNA Appeal	2	Habeas corpus relief denied with written order	23
<i>Habeas Corpus & Extraordinary Matters</i>		Habeas corpus relief denied with hearing	32
Habeas corpus application granted	205	Habeas corpus relief denied without hearing	1,610
Habeas corpus application denied	7	Habeas corpus denied/dismissed with order	18
Habeas corpus application dismissed	5	Habeas corpus dismissed – juvenile matter	2
Habeas corpus application remanded to trial court	1	Habeas corpus dismissed – misdemeanor offense	7
Habeas corpus app.—vacated trial court and remanded to trial court	1	Habeas corpus dismissed – moot	74
Mandamus conditionally granted	2	Habeas corpus dismissed – sentence discharged	258
Mandamus denied	1	Habeas corpus dismissed – community supervision not revoked	29
TOTAL: Habeas Corpus & Extraordinary Matters	222	Habeas corpus dismissed with written order	8
TOTAL: Direct Appeals		Habeas corpus returned for non compliance	249
		Habeas corpus dismissed – Ybarra	89
		11.071 Motion for leave to file denied w/o written order	2
		11.071 Motion for leave to file denied w/ written order	6
		11.071 Motion for leave to file granted w/ written order	1
		11.071 Motion for leave to file held in abeyance w/ written order	2
		11.071 Writ denied with written order	27
		11.071 Writ dismissed with order	24
		11.071 Writ filed and set	12
		11.071 Writ remanded with order	8
		TOTAL: Applications for Writ of Habeas Corpus	5,290
Petitions for Discretionary Review		Original Proceedings	
Dismissed	7	Motion for leave to file original writ of HC denied w/o written order	64
Granted	108	Motion for leave to file original writ of HC denied w/ written order	2
Refused	1,215	Original habeas corpus filed & set	1
Struck	223	Original habeas corpus—Abuse of Writ Order Previously Entered	1
Untimely	87	Original mandamus dismissed	2
Withdrawn	1	Original mandamus filed & set	3
TOTAL: Petitions for Discretionary Review	1,641	Motion for leave to file denied - Padilla	63
		Motion for leave to file original mandamus denied w/o written order	653
		Motion for leave to file original mandamus denied w/ written order	2
		Motion for leave to file original mandamus held in abeyance w/ written order	127
		TOTAL: Original Proceedings	918
Granted Petitions for Discretionary Review		Motions for Reconsideration and Stay of Execution	
Affirmed court of appeals	54	Motion for reconsideration denied	10
Affirmed punishment	1	Motion for reconsideration dismissed	5
Affirmed court of appeals in part, reversed in part, affirmed trial court	3	Motion for reconsideration granted	18
Dismissed as improvidently granted	10	Motion for reconsideration filed & set	2
Remanded to court of appeals	1	Motion for reconsideration remanded for evidentiary hrg/affidavits	3
Reversed court of appeals and remanded to court of appeals	23	Motion for reconsideration—no action	5
Reversed court of appeals and remanded to trial court	13	Motion for stay of execution denied	10
Reversed court of appeals and affirmed trial court	14	Motion for stay of execution granted w/ written order	3
Reversed court of appeals and modified trial court	3	Motion for stay of execution withdrawn	1
Reversed court of appeals, acquittal ordered	1	TOTAL: Motions for Reconsideration and Stay of Execution	57
Reversed court of appeals and reinstated trial court	1		
Reversed court of appeals in part, affirmed in part & remanded	2		
Reversed court of appeals and trial court, remanded to trial court to show acquittal	1		
Vacated court of appeals and remanded to court of appeals	20		
Vacated court of appeals and remanded to trial court	1		
TOTAL: Granted Petitions for Discretionary Review	148		
Redrawn Petitions for Discretionary Review			
Granted	12		
Refused	167		
TOTAL: Redrawn Petitions for Discretionary Review	179		

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2008

<i>Judge</i>	<i>Signed</i>	<i>Per Curiam</i>	<i>Concurring</i>	<i>Dissenting</i>	<i>Concurring & Dissenting</i>	<i>Denial of Rehearing</i>	<i>Grant of Rehearing</i>	TOTAL
Keller	17	25	8	18	0	0	0	68
Meyers	20	20	4	5	0	0	0	49
Price	19	28	8	6	0	0	0	61
Womack	19	34	4	1	0	0	0	58
Johnson	13	27	10	8	2	0	0	60
Keasler	18	27	1	4	0	0	0	50
Hervey	18	30	0	2	0	0	0	50
Holcomb	16	24	1	5	0	0	0	46
Cochran	18	26	9	5	0	0	0	58
TOTAL	158	241	45	54	2	0	0	500

MANNER OF DISPOSITION: Motions for Rehearing, FY 2008

	<i>With Written Opinion</i>			<i>Without Written Opinion</i>			Total
	<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	6	0	6
Rehearing on DNA appeal	0	0	0	0	0	0	0
Rehearing on habeas corpus and extraordinary matters	1	0	1	2	3	0	7
Rehearing on refused petitions for discretionary review	0	0	0	4	23	0	27
Rehearing on granted petitions for discretionary review	0	0	0	1	31	0	32
TOTAL	1	0	1	7	63	0	72

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2008

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Anderson	10	3	8	0
Andrews	1	0	2	0
Angelina	6	0	4	1
Aransas	3	1	1	0
Atascosa	5	0	3	0
Bailey	0	0	1	0
Baylor	1	0	1	0
Bee	3	0	2	0
Bell	24	0	16	0
Bexar	62	5	47	1
Bosque	2	0	3	0
Bowie	6	0	6	0
Brazoria	12	0	6	0
Brazos	9	2	7	0
Brown	4	0	3	0
Burnet	1	0	0	0
Caldwell	2	0	5	0
Cameron	8	1	5	0
Chambers	5	0	3	0
Collin	40	0	26	1
Collingsworth	0	0	1	0
Comal	5	0	7	0
Cooke	4	0	3	0
Coryell	19	8	0	0
Cottle	1	0	1	0
Crosby	1	0	1	0
Dallam	0	1	0	0
Dallas	207	6	151	0
Deaf Smith	1	0	1	0
Denton	27	2	17	0
Eastland	0	1	0	0
Ector	4	1	2	0
El Paso	15	2	15	0
Ellis	11	1	7	1
Erath	3	0	2	0
Falls	1	0	1	0
Fannin	13	1	11	0
Fayette	1	0	1	0
Fort Bend	29	0	22	1
Frio	2	0	1	0
Galveston	9	0	7	0
Garza	2	0	1	0
Gillespie	2	0	2	0
Gray	2	0	4	0
Grayson	7	0	3	0
Gregg	18	0	12	0
Grimes	2	0	0	0
Guadalupe	1	0	1	0
Hale	2	2	0	0
Hamilton	0	0	1	0

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Hardin	2	0	1	0
Harris	318	25	269	0
Harrison	6	0	3	0
Haskell	2	0	2	0
Hays	5	0	5	0
Hemphill	1	0	1	0
Henderson	8	0	5	0
Hidalgo	16	2	12	0
Hood	7	1	3	0
Hopkins	2	0	1	0
Houston	3	0	2	0
Hunt	3	0	2	0
Jack	1	0	1	0
Jackson	2	0	1	0
Jefferson	35	0	29	0
Jim Wells	7	0	7	0
Johnson	6	0	3	0
Jones	6	2	1	1
Kaufman	15	2	10	0
Kendall	1	0	1	0
Kerr	2	1	1	0
Kleberg	3	0	1	0
Lamar	14	2	11	0
Lampasas	3	0	1	0
Lavaca	1	0	1	0
Leon	7	1	3	0
Liberty	1	0	2	0
Limestone	3	0	4	0
Live Oak	1	0	1	0
Llano	1	1	0	0
Lubbock	15	0	14	0
Lynn	4	0	2	0
Madison	3	0	1	0
Marion	2	0	2	0
McLennan	30	1	21	0
Midland	10	0	13	0
Milam	1	0	1	0
Montague	3	0	2	0
Montgomery	19	7	12	0
Moore	4	0	2	0
Morris	2	0	2	0
Nacogdoches	8	1	6	0
Navarro	2	0	1	0
Nolan	1	1	1	0
Nueces	28	4	18	0
Ochiltree	2	0	1	0
Orange	2	0	1	0
Palo Pinto	5	0	5	0
Parker	4	0	2	0
Pecos	2	0	1	0

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>
Polk	1	0	1	0
Potter	21	2	17	0
Randall	6	0	4	0
Red River	2	0	1	0
Rockwall	3	0	0	0
Rusk	1	0	1	0
San Jacinto	2	0	2	0
San Patricio	4	0	2	0
San Saba	1	0	0	0
Scurry	1	0	2	0
Shelby	3	1	1	0
Smith	30	0	20	0
Somervell	1	0	1	0
Tarrant	157	4	138	0
Taylor	9	0	8	1
Terry	2	0	1	0
Titus	5	0	2	0
Tom Green	8	0	5	0
Travis	59	4	41	0
Trinity	4	0	2	0
Upshur	2	0	1	0
Upton	1	0	1	0
Val Verde	2	0	1	0
Van Zandt	4	1	3	0
Victoria	3	0	2	0
Walker	2	0	2	0
Ward	1	0	0	0
Washington	2	0	0	0
Webb	1	0	1	0
Wheeler	6	0	6	0
Wichita	16	3	10	0
Wilbarger	1	0	2	0
Willacy	2	0	1	0
Williamson	14	0	9	0
Wilson	3	0	1	0
Wood	6	0	9	0
Young	2	0	0	0
<i>No county</i>	2	1	0	0
TOTAL	1,612	104	1,214	7

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2008

<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 st - Houston	183	11	158	1	9 th - Beaumont	62	8	49	0
2 nd - Fort Worth	206	9	165	0	10 th - Waco	102	12	62	1
3 rd - Austin	106	5	82	0	11 th - Eastland	62	5	50	2
4 th - San Antonio	84	6	63	1	12 th - Tyler	65	6	38	1
5 th - Dallas	247	6	176	1	13 th - Corpus Christi	91	10	57	0
6 th - Texarkana	85	5	70	0	14 th - Houston	184	13	141	0
7 th - Amarillo	87	5	66	0	<i>Not associated with a COA</i>	10	1	7	0
8 th - El Paso	38	2	30	0	TOTAL	1,612	104	1,214	7