

COURT OF CRIMINAL APPEALS ACTIVITY: FY 2013

	<i>Pending: 9/1/2012¹</i>	<i>Cases Added</i>	<i>Total on Docket</i>	<i>Dispositions</i>	<i>Pending: 8/31/2013</i>
Regular Appeals					
Direct Appeals: <i>Death Penalty</i>	17	8	25	10	15
<i>DNA Appeal-Death Sentence</i>	0	4	4	1	3
<i>Habeas Corpus & Extraordinary Matters</i>	15	209	224	215	9
<i>Other Appeals</i>	2	3	5	3	2
Petitions for Discretionary Review (<i>includes Granted MRH & Reinstated</i>)	328	1,470	1,798	1,491	307
Granted Petitions for Discretionary Review	64	121	185	102	83
Redrawn Petitions for Discretionary Review	9	195	204	191	13
SUBTOTAL	435	2,010	2,445	2,013	432
Applications for Writ of Habeas Corpus					
11.07 Writs (other than death penalty)	597	4,288	4,885	4,473	412
11.071 Writs (death penalty)	24	43	67	54	13
Supplemental 11.07 Writs (other than death penalty)	78	352	430	327	103
Supplemental 11.071 Writs (death penalty)	9	15	24	14	10
SUBTOTAL	708	4,698	5,406	4,868	538
Original Proceedings²					
Writs of Certiorari	0	7	7	7	0
Writs of Habeas Corpus	2	66	68	63	5
Supplemental Received Writ of Habeas Corpus	0	1	1	0	1
Writs of Mandamus	76	641	717	676	41
Supplemental Received Writ of Mandamus	29	219	248	209	39
Original & Supplemental 11.071 Matters	0	10	10	10	0
Writs of Prohibition	1	8	9	7	2
Supplemental Received Writ of Prohibition	1	1	2	2	0
SUBTOTAL	109	953	1,062	974	88
Motions for Rehearing & Reconsideration					
Rehearing on Direct Appeal	1	4	5	5	0
Rehearing on Refused Petitions for Discretionary Review	3	60	63	61	2
Rehearing on Granted Petitions for Discretionary Review	5	10	15	15	0
Rehearing on Habeas Corpus (filed & set)	1	12	13	13	0
Motions for Reconsideration (for original proceedings & 11.07 & 11.071 writs)	2	12	14	12	2
Motions for Stay of Execution (for 11.071 writs)	1	6	7	5	2
SUBTOTAL	13	104	117	111	6
Motions for Extensions of Time³					
	0	1,525	1,525	1,525	0
TOTAL	1,265	9,290	10,555	9,491	1,063

PENDING CASE STATUS: FY 2013

	9/1/2012				8/31/2013			
	<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	2	6	17	8	1	6	15
Direct Appeal: DNA Appeal	0	0	0	0	2	1	0	3
Other Appeals	0	0	0	0	0	0	2	2
Direct Appeal: Habeas Corpus & Extraordinary Matters	6	5	4	15	3	0	6	9
Granted Petitions for Discretionary Review	16	11	44	64	28	10	45	83
TOTAL	31	18	54	103	41	12	59	112

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 2013

Direct Appeals:		Dismissed - Art. 11.07, Section 4	858
<i>Death Penalty</i>		Dismissed - Art. 11.07, Tex.Gov. Code §501.0081	58
Affirmed	10	Dismissed	132
TOTAL: Death Penalty	10	Filed & set	182
<i>Death Penalty – DNA Appeal</i>		Habeas corpus remanded for evidentiary hearing/aff with order	352
Affirmed	1	Habeas corpus remanded application prematurely forwarded	11
Other Appeals	3	Habeas corpus remanded for report/findings	9
TOTAL: Other Appeals	4	Habeas corpus remanded live hearing	4
<i>Habeas Corpus & Extraordinary Matters</i>		Habeas corpus returned to district clerk	1
Habeas corpus application granted	180	Habeas corpus dismissed/Daniel	6
Habeas corpus application denied	15	Habeas corpus relief denied without written order	953
Habeas corpus application dismissed	1	Habeas corpus relief denied with written order	57
Habeas corpus denied in part and dismissed in part	1	Habeas corpus relief denied with hrg on findings of trial court	42
Mandamus conditionally granted	10	Habeas corpus relief denied w/o hrg on findings of trial court	1,237
Mandamus & prohibition relief conditionally granted	2	Habeas corpus denied/dismissed with order	35
Prohibition relief granted	1	Habeas corpus dismissed – juvenile matter	1
Remanded to trial court	3	Habeas corpus dismissed – misdemeanor offense	5
Withdraw prior opinion – habeas corpus relief granted	2	Habeas corpus dismissed – moot	39
TOTAL: Habeas Corpus & Extraordinary Matters	215	Habeas corpus dismissed – sentence discharged	198
		Habeas corpus dismissed – community supervision not revoked	22
TOTAL: Direct Appeals	229	Habeas corpus dismissed with written order	11
		Habeas corpus dismissed for non compliance	236
		Habeas corpus dismissed – Ybarra	79
		TOTAL: APPLICATIONS FOR WRIT OF HABEAS CORPUS	4,800
Petitions for Discretionary Review		11.071 Applications for Writ of Habeas Corpus	
Dismissed	2	11.071 Writ denied/dismiss with order	2
Granted	117	11.071 Writ denied with written order	27
Refused	1,090	11.071 Writ dismissed with order	26
Struck	230	11.071 Writ filed & set	6
Untimely	52	11.071 Writ remanded with order	7
Withdrawn	0	TOTAL: 11.071 Applications for Writ of Habeas Corpus	68
TOTAL: Petitions for Discretionary Review	1,491	Original Proceedings – Non Capital	
Granted Petitions for Discretionary Review		Motion for leave to file denied without written order	640
Affirmed court of appeals	26	Motion for leave to file held in abeyance with written order	228
Affirmed as reformed	2	Motion for leave to file dismissed – Padilla	75
Affirmed court of appeals, remanded to trial court	1	Motion for leave to file denied with written order	4
Court of appeals, as modified, affirmed	2	Motion for leave to file abuse order entered	2
Dismissed as improvidently granted	3	Motion for leave to file dismissed as moot	1
Reversed court of appeals, trial court reformed	2	Dismissed	4
Reversed court of appeals, trial court reinstated	5	Filed & set	10
Reversed court of appeals, acquitted ordered	2	TOTAL: Original Proceedings – Non Capital	964
Reversed court of appeals & remanded to court of appeals	23	Original Proceedings – Capital	
Reversed court of appeals & remanded to trial court	6	Motion for leave to file dismissed moot	3
Reversed court of appeals & affirmed trial court	11	Motion for leave to file filed and set	3
Reversed court of appeals & trial court, remanded to trial court	1	Motion for leave to file denied w/o written order	3
Reversed court of appeals	3	Motion for leave to file dismissed	1
Vacated court of appeals & remanded to court of appeals	15	TOTAL: Original Proceedings	10
TOTAL: Granted Petitions for Discretionary Review	102	Motions for Reconsideration and Stay of Execution	
Redrawn Petitions for Discretionary Review		Motion for reconsideration denied	92
Granted	3	Motion for reconsideration granted ⁴	12
Refused	187	Motion for reconsideration—no action ⁵	89
Untimely	1	Motion for reconsideration – dismissed	47
TOTAL: Redrawn Petitions for Discretionary Review	191	Motion for stay of execution denied w/ order	5
Applications for Writ of Habeas Corpus		TOTAL: Motions for Reconsideration and Stay of Execution	245
Abuse of writ order entered	22		
Abuse of writ order previously entered	63		
Dismissed - direct appeal pending, no action	187		

⁴ Applications for Writ of Habeas Corpus disposed.

⁵ Includes dispositions of cases that had not been counted as filed on the activity report.

OPINION SUMMARY: Direct Appeals & Petitions for Discretionary Review: FY 2013

<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	19	21	19	10	0	0	0	69
Meyers	12	23	0	13	0	0	0	48
Price	14	18	4	5	0	0	0	41
Womack	14	17	1	3	0	0	0	35
Johnson	13	22	6	4	0	0	0	45
Keasler	10	34	2	9	0	0	0	55
Hervey	13	17	5	4	0	0	0	39
Cochran	14	33	11	2	0	0	0	60
Alcala	15	26	5	3	0	0	0	49
TOTAL	124	211	53	53	0	0	0	441

MANNER OF DISPOSITION: Motions for Rehearing, FY 2013

	<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	5	0	5
Rehearing on DNA appeal	0	0	0	0	0	0	0
Rehearing on habeas corpus and extraordinary matters	2	0	1	4	8	0	15
Rehearing on refused petitions for discretionary review	11	0	0	0	48	2	61
Rehearing on granted petitions for discretionary review	0	0	0	1	14	0	15
TOTAL	13	0	1	5	75	2	96

PETITIONS FOR REVIEW FILED BY COUNTY: FY 2013

<i>County</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Untimely</i>	<i>Struck</i>	<i>Other</i>	<i>Total Disposed</i>
Anderson	5	0	6	0	0	1	0	7
Angelina	2	0	0	0	0	3	0	3
Aransas	1	0	0	0	0	1	0	1
Bastrop	1	0	0	0	0	1	0	1
Bee	3	1	3	0	0	0	0	4
Bell	16	0	11	0	1	3	0	15
Bexar	59	6	54	0	1	8	1	70
Bosque	1	1	0	0	0	0	0	1
Bowie	33	0	24	0	0	10	0	34
Brazoria	11	0	10	0	2	2	0	14
Brazos	23	2	18	0	0	1	0	21
Brooks	0	0	1	0	0	0	0	1
Brown	7	0	2	0	1	5	0	8
Burnet	3	0	2	0	0	1	0	3
Caldwell	3	0	3	0	0	0	0	3
Cameron	8	0	7	0	0	0	0	7
Carson	4	0	4	0	0	0	0	4
Cass	4	1	6	0	0	0	0	7
Chambers	1	0	1	0	0	0	0	1
Cherokee	1	0	0	0	0	1	0	1
Childress	2	0	2	0	0	0	0	2
Collin	39	5	30	0	5	8	0	48
Comal	6	0	6	0	0	1	0	7
Comanche	3	0	0	0	0	0	0	0
Cooke	1	0	2	0	0	0	0	2
Coryell	6	0	4	0	0	2	0	6
Dallas	163	8	141	0	1	41	0	191
De Witt	1	2	1	0	0	0	0	3
Deaf Smith	1	0	1	0	0	0	0	1
Denton	34	2	20	0	1	2	0	25
Donley	3	0	2	0	0	0	0	2
Eastland	1	1	0	0	0	0	0	1
Ector	14	1	10	0	1	1	0	13
El Paso	20	3	13	0	0	8	0	24
Ellis	5	0	3	0	0	0	0	3
Erath	3	0	3	0	0	0	0	3
Falls	4	0	5	0	0	0	0	5
Fannin	1	0	2	0	0	0	0	2
Fort Bend	20	1	17	0	2	2	0	22
Franklin	0	0	2	0	0	0	0	2
Freestone	1	0	0	0	0	0	0	0
Gaines	2	1	2	0	0	0	0	3
Galveston	9	0	5	0	0	2	0	7
Garza	1	0	1	0	0	0	0	1
Gillespie	2	0	2	0	0	0	0	2
Glasscock	0	0	1	0	0	0	0	1
Goliad	1	0	1	0	0	0	0	1
Grayson	8	0	4	0	1	2	0	7
Gregg	13	1	11	0	0	0	0	12
Grimes	6	1	2	0	1	0	0	4

Guadalupe	8	1	4	0	0	0	0	5
Hale	1	0	4	0	0	0	0	4
Hardin	1	0	1	0	0	0	0	1
Harris	266	29	172	0	6	28	0	235
Harrison	1	0	1	0	0	0	0	1
Haskell	3	0	3	0	0	0	0	3
Hays	3	1	5	0	0	0	0	6
Henderson	10	0	6	0	0	2	0	8
Hidalgo	16	2	11	0	0	2	0	15
Hill	5	0	2	0	1	2	0	5
Hockley	1	0	2	0	0	0	0	2
Hood	5	0	4	0	0	1	0	5
Hopkins	1	0	0	0	1	0	0	1
Howard	1	0	1	0	0	0	0	1
Hunt	8	0	3	0	0	3	0	6
Jackson	2	0	2	0	0	0	0	2
Jasper	5	2	2	0	0	0	0	4
Jefferson	22	1	19	0	0	2	0	22
Jim Hogg	1	0	0	0	0	0	0	0
Jim Wells	2	0	1	0	2	0	0	3
Johnson	13	1	9	0	2	0	0	12
Jones	1	0	1	0	0	0	0	1
Kaufman	3	1	5	0	0	1	0	7
Kendall	0	1	0	0	0	0	0	1
Kent	1	0	1	0	0	0	0	1
Kerr	3	0	0	0	0	0	0	0
Kleberg	2	0	2	0	0	0	0	2
La Salle	0	0	1	0	0	0	0	1
Lamar	2	1	1	0	0	1	0	3
Lampasas	1	0	1	0	0	0	0	1
Leon	1	0	1	0	0	0	0	1
Liberty	5	0	5	0	0	0	0	5
Limestone	8	0	8	0	0	0	0	8
Llano	2	0	1	0	0	0	0	1
Lubbock	17	3	13	0	1	1	0	18
Mason	1	0	1	0	0	0	0	1
Matagorda	1	0	2	0	1	0	0	3
McLennan	46	5	21	0	3	5	0	34
Medina	1	0	1	0	0	0	0	1
Midland	15	1	8	0	0	1	0	10
Milam	1	0	1	0	0	0	0	1
Montague	1	0	0	0	0	0	0	0
Montgomery	28	1	20	0	2	6	0	29
Moore	1	0	1	0	1	0	0	2
Nacogdoches	6	0	4	0	1	0	0	5
Navarro	5	1	4	0	0	1	0	6
Nueces	34	4	22	0	0	1	0	27
Oldham	1	0	0	0	0	0	0	0
Orange	1	0	1	0	0	0	0	1
Palo Pinto	11	1	7	0	1	1	0	10
Parker	7	2	5	0	0	0	0	7
Polk	1	0	0	0	0	0	0	0
Potter	22	2	14	0	2	3	0	21

Randall	11	0	13	0	4	1	0	18
Red River	3	0	2	0	0	1	0	3
Robertson	1	0	1	0	0	0	0	1
Rockwall	6	1	3	0	0	1	0	5
Rusk	3	0	2	0	0	1	0	3
San Jacinto	0	1	0	0	0	0	0	1
San Patricio	3	0	1	0	1	1	0	3
Scurry	1	0	1	0	0	0	0	1
Shelby	1	0	0	0	0	1	0	1
Smith	26	1	13	0	2	12	0	28
Tarrant	123	2	107	0	0	17	0	126
Taylor	12	0	14	0	0	0	0	14
Terry	3	0	4	0	0	0	0	4
Titus	3	1	1	0	0	1	0	3
Tom Green	1	0	1	0	0	0	0	1
Travis	29	3	20	0	0	10	0	33
Trinity	0	0	1	0	0	0	0	1
Tyler	1	0	1	0	0	0	0	1
Upshur	6	0	4	0	1	1	0	6
Van Zandt	2	0	2	0	0	0	0	2
Victoria	11	1	7	0	1	3	0	12
Walker	1	2	0	0	0	1	0	3
Waller	13	1	1	0	0	11	0	13
Washington	2	1	1	0	0	0	0	2
Webb	6	0	3	1	0	0	0	4
Wharton	4	1	3	0	0	0	0	4
Wichita	13	3	11	0	0	1	0	15
Wilbarger	4	0	4	0	0	0	0	4
Williamson	10	0	10	0	2	0	0	12
Wise	2	0	2	0	0	0	0	2
Young	8	1	8	0	0	0	0	9
Zapata	1	1	0	0	0	0	0	1
Grand Total	1,470	117	1,090	1	52	230	1	1,491

PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2013

<i>Court of Appeals</i>	<i>Filed</i>	<i>Granted</i>	<i>Refused</i>	<i>Dismissed</i>	<i>Untimely</i>	<i>Struck</i>	<i>Other</i>	<i>Total Disposed</i>	<i>Percentage of Petitions Granted</i>
1 st - Houston	168	17	128	0	8	31	0	184	9.2%
2 nd - Fort Worth	159	10	127	0	0	17	0	154	6.5%
3 rd - Austin	62	4	55	0	0	14	0	73	5.5%
4 th - San Antonio	84	9	66	1	3	8	1	88	10.2%
5 th - Dallas	216	13	182	0	7	52	0	254	5.1%
6 th - Texarkana	85	5	66	0	2	19	0	92	5.4%
7 th - Amarillo	98	7	85	0	9	7	0	108	6.5%
8 th - El Paso	47	3	37	0	1	12	0	53	5.7%
9 th - Beaumont	42	5	30	0	2	5	0	42	11.9%
10 th - Waco	88	8	55	0	6	8	0	77	10.4%
11 th - Eastland	94	7	66	0	5	12	0	90	7.8%
12 th - Tyler	46	1	25	0	3	19	0	48	2.1%
13 th - Corpus Christi	106	12	80	0	3	9	0	104	11.5%
14 th - Houston	175	16	88	0	3	17	0	124	12.9%
Total	1,470	117	,1090	2	52	230	0	1,491	7.8%