

COURT OF CRIMINAL APPEALS

The Court of Criminal Appeals is the highest state court for criminal appeals and during 1977 was composed of a Presiding Judge, four judges and two permanent commissioners. By a constitutional amendment adopted in November, 1977, the Court is now composed of a Presiding Judge and eight judges. In addition, pursuant to Article 1811e, V.A.T.S., five special commissioners served the Court at various times during the year. The special commissioners included two retired judges who assisted throughout the year and three justices from the courts of civil appeals who assisted during January and February, 1977.

The Court of Criminal Appeals faced another record caseload in 1977. The 3,267 new cases docketed in the Court represent a 33 percent increase over the 2,458 cases docketed in 1976 and were 101 percent higher than the ten-year average of 1,625.

A total of 1,396 applications for writs of habeas corpus and mandamus were filed during 1977. One thousand three hundred sixty-one matters were disposed of in 1977, an increase of 27 percent over the 1976 total of 1,092 and 65 percent higher than the ten-year average.

An amendment to Article 40.09, sec. 16, C.C.P., effective May 25, 1977, gave the Court exclusive power to grant extensions of time for the filing of transcriptions of court reporters' notes, bills of exception and briefs in criminal cases. The Court heard and disposed of 1,887 such applications.

In 1977, the Court of Criminal Appeals disposed of 57 percent of the cases docketed during the year or carried over from 1976, compared to 67 percent the previous year. Eighty-two percent were disposed of by per curiam opinions, compared to 75 percent in 1976.

Two thousand seven hundred seventy-eight opinions (including dissents and concurrences) were written in 1977, 28 percent more than the 1976 total of 2,177. Twenty-four percent of these were authored opinions.

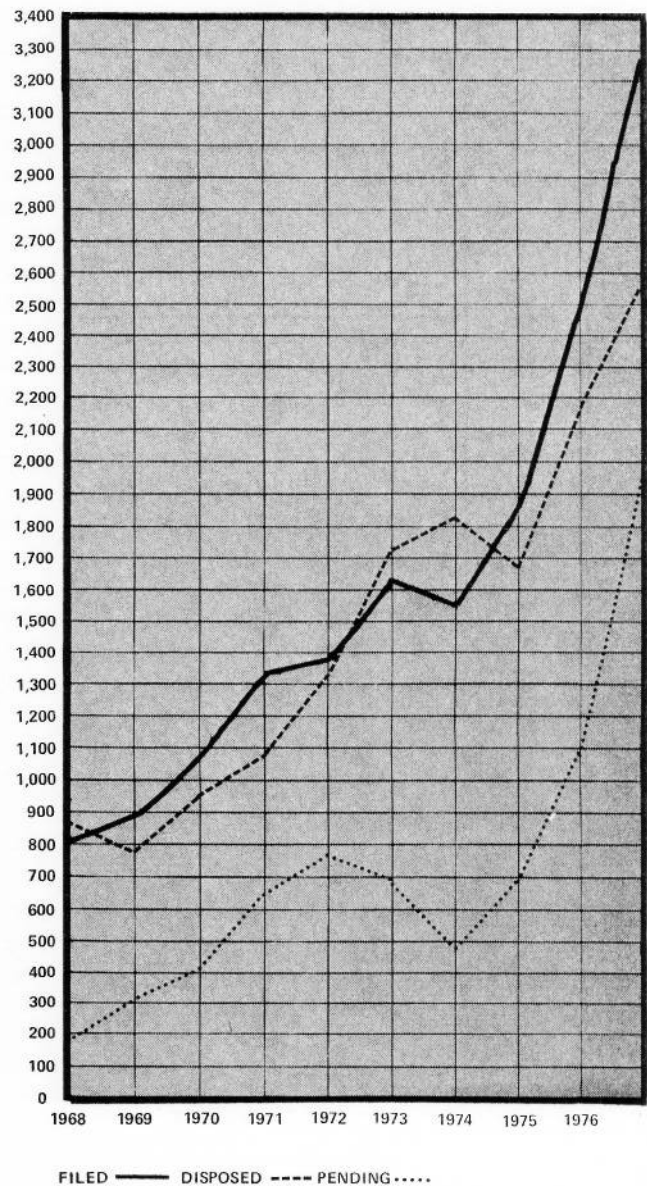
The Court of Criminal Appeals affirmed the trial court's decision in 74 percent of the cases reviewed and dismissed or abated the appeal in an additional 10 percent.

One thousand nine hundred four docketed cases were pending at the end of 1977 — 77 percent higher than a year earlier and 167 percent higher than the ten-year average of 714.

Based on the service of five judges and four full-time commissioners, the caseload per judge in the Court of Criminal Appeals was higher than that of the other appellate courts. The number of cases filed per judge or commissioner increased to 363 in 1977 from 273 in 1976.

The intermediate state appellate courts in Texas do not have criminal jurisdiction. As a result, appeals in criminal cases are directly to the Court of Criminal Appeals from the district and county courts. Due to

Figure 2. COURT OF CRIMINAL APPEALS
Cases filed, disposed and pending 1968-1977



the absence of an intermediate appellate court system for criminal cases, the Court of Criminal Appeals hears cases which in other states would be heard by one or more intermediate courts.

The Court of Criminal Appeals is also burdened by the provision of Article 44.24 of the Code of Criminal Procedure which requires the Court to deliver a written opinion or certificate with citation of supporting authorities in each case it decides. This rule resulted in the five judges and four commissioners of the Court writing an average of 308 opinions each during 1977. In 1976, the average was 242.

COURT OF CRIMINAL APPEALS

1977 Statistics

Cases pending January 1, 1977-----	1075
Cases filed for the year ending December 31, 1977-----	3267
Cases reinstated on the docket-----	113 4455
Cases disposed of for the year ending December 31, 1977-----	2551
<u>Cases pending December 31, 1977:</u>	
Under submission on rehearing-----	7
Under original submission-----	97
Pending on motion for leave to file motion for rehearing-----	41
Waiting to become final or for motion for leave to file motion for rehearing-----	83
Pending on motion for rehearing-----	5
Unsubmitted cases-----	1669
On appeal to the United States Supreme Court-----	2 1904
Total-----	4455
<u>Disposition of cases for period mentioned:</u>	
Affirmed-----	1825
Reformed and affirmed-----	60
Appeals dismissed-----	162
Appeals abated-----	99
Reversed and remanded-----	142
Reversed and dismissed-----	129
Reversed and bail granted-----	10
Reversed-----	2
Remanded to trial court for hearing on punishment-----	5
Habeas corpus relief granted-----	84
Habeas corpus relief denied-----	30
Applications for writ of mandamus granted-----	2
Application for writ of mandamus denied-----	1
Total-----	2551
<u>Disposition of motions for leave to file motions for rehearing:</u>	
Leave to file motions for rehearing denied-----	367
Leave to file motions for rehearing granted-----	59
Total-----	426
<u>Motions for rehearing disposed of by the Court:</u>	
Motions overruled without written opinion-----	18
Motions overruled with written opinion-----	10
Motions granted with written opinion-----	19
Total-----	47
<u>Number of opinions written by the Court:</u>	
Original opinions-----	2593
Concurring opinions-----	34
Dissenting opinions-----	101
Opinions concurring in part and dissenting in part-----	11
Opinions granting rehearing-----	19
Opinions denying rehearing-----	20
Total-----	2778
Applications for writ of habeas corpus, etc. received for the year ending December 31, 1977-----	1396
Applications for writ of habeas corpus, etc. pending January 1, 1977-----	64
<u>Disposition of applications for writ of habeas corpus, etc. for the year ending December 31, 1977:</u>	
Applications for writ of habeas corpus, etc. denied with written order (rehearings included)-----	30
Applications for writ of habeas corpus, etc. denied without written order (rehearings included)-----	1133
Applications for writ of habeas corpus dismissed-----	19
Applications for writ of habeas corpus, etc. ordered filed and set for submission-----	84
Applications for writ of habeas corpus, etc. marked "no action"-----	71
Hearings ordered on applications for writ of habeas corpus, etc.-----	11
Out of time appeals granted-----	7
Applications for writ of habeas corpus granted with written order-----	6
Total-----	1361
Applications for writ of habeas corpus, etc. under consideration of the Court-----	35
¹ Applications for extension of time heard and disposed of-----	1887
Appealed cases disposed of for the year ending December 31, 1977-----	2551
Applications for writ of habeas corpus, etc. disposed of for the year ending December 31, 1977-----	1361
Total-----	3912

¹An amendment to Article 40.09, Section 16, V.A.C.C.P., effective May 25, 1977, gave this Court exclusive power to grant extensions of time for the filing of transcriptions of court reporter's notes, bills of exception and briefs.

Court of Criminal Appeals

1977 Statistics (Continued)

OPINIONS WRITTEN BY THE COURT OF CRIMINAL APPEALS IN 1977

Judge	Per Curiam Opinions	Signed Opinions		Concurring Opinions		Dissenting Opinions		Opinions Concurring In Part & Dissenting In Part		Opinions Granting Rehearing		Opinions Denying Rehearing		Total
		Opinions	Opinions	Opinions	Opinions	Opinions	Opinions	Opinions	Opinions	Opinions	Opinions	Opinions	Opinions	
John F. Onion, Jr. Presiding Judge	237	67	13	3	2	2	7	331						
Leon Douglas Judge	212	59	8	52	4	2	3	340						
Truman Roberts Judge	237	63	5	26	2	0	1	334						
Wendell A. Odom Judge	219	67	4	6	1	7	1	305						
W. T. Phillips Judge	215	40	4	14	2	1	2	278						
Tom G. Davis Commissioner	233	50	0	0	0	0	2	285						
Carl E. F. Dally Commissioner	229	63	0	0	0	1	3	296						
¹ Howard P. Green Commissioner	229	42	0	0	0	2	0	273						
Archie S. Brown Commissioner	269	33	0	0	0	4	1	307						
² Quentin Keith Commissioner	6	2	0	0	0	0	0	8						
² William Cornelius Commissioner	9	3	0	0	0	0	0	12						
² Charles Reynolds Commissioner	7	2	0	0	0	0	0	9						
Total	2102	481	34	101	11	19	20	2778						

1 decreased November 1977
 2 increased January and February 1977.

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