

COURT OF CRIMINAL APPEALS

1980

The Court of Criminal Appeals is the highest State court for criminal appeals and is composed of a Presiding Judge and eight judges. In addition, pursuant to Article 1811e, V.T.C.S., one special commissioner served the Court for a limited time during the year.

For the past three years, the number of cases filed in the Court of Criminal Appeals has levelled off somewhat from the mid-1970's trend of greatly increasing annual filings. The 3,072 new cases docketed in the Court were three percent less than the 3,166 cases docketed during 1979, but were still 48.3 percent higher than the ten-year average of 2,072.

A total of 2,242 applications for writs of habeas corpus and mandamus were filed during 1980. Two thousand one hundred twenty-two matters were disposed of in 1980, an increase of 19 percent over the 1979 total of 1,780.

Article 40.09, sec. 16 C.C.P. gives the Court exclusive power to grant extensions of time for the filing of transcriptions of court reporters' notes, bills of exceptions and briefs in criminal cases. The Court heard and disposed of 4,457 such applications, compared to 2,425 during 1979.

In 1980, the Court of Criminal Appeals disposed of 37.6 percent of the cases docketed during the year or carried over from 1979, compared to 44 percent the previous year. Eighty-three percent were disposed of by per curiam opinions, compared to 77 percent in 1979.

Two thousand seven hundred sixty-five opinions (including dissents and concurrences) were written in 1980, almost exactly the 1979 total of 2,767. Twenty-eight percent of these were authored opinions.

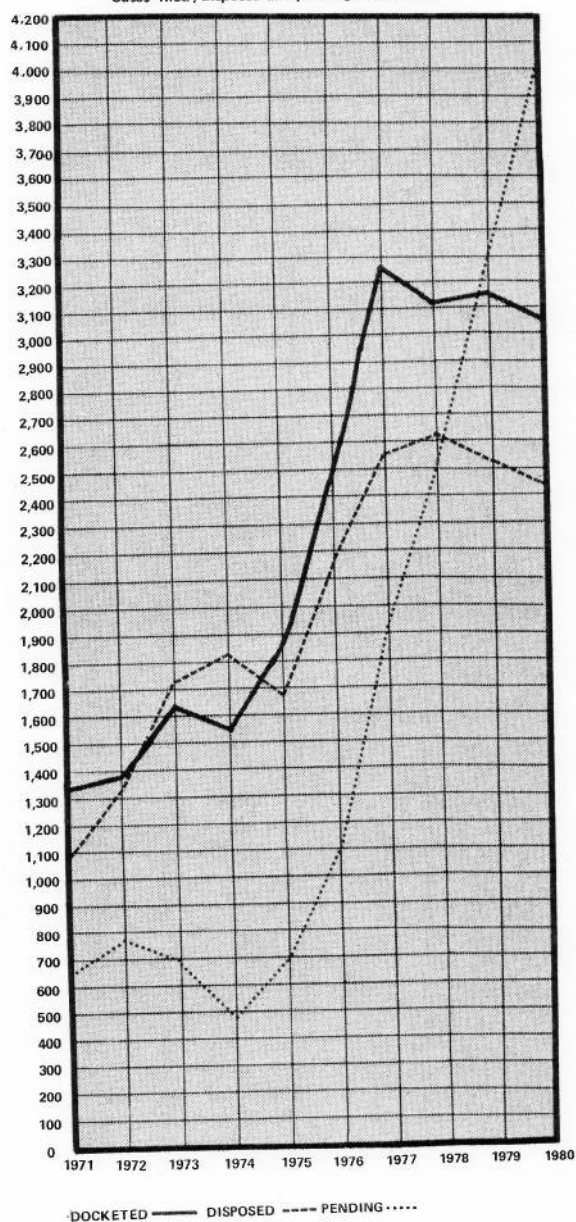
The Court of Criminal Appeals affirmed the trial court's decision in 72 percent of the cases reviewed and dismissed or abated the appeal in an additional 12 percent.

Four thousand eleven docketed cases were pending at the end of 1980 - 24 percent higher than a year earlier and 151 percent higher than the ten-year average of 1,599.

Based on the service of nine judges, the case-load per judge in the Court of Criminal Appeals remained higher than that of the other appellate courts. However, the number of cases filed per judge decreased slightly to 341 in 1980 from 351 in 1979.

On September 1, 1981 a constitutional amendment will become effective which will grant intermediate appellate jurisdiction in criminal cases to the courts of civil appeals, with discretionary

Figure 2. COURT OF CRIMINAL APPEALS
Cases filed, disposed and pending 1971-1980



review by the Court of Criminal Appeals. Until that time, appeals in criminal cases are directly to the Court of Criminal Appeals from the district and county 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. The nine judges of the Court wrote an average of 303 opinions each during 1980. In 1979, the average was 307.

COURT OF CRIMINAL APPEALS

1980 Statistics

CASES

Cases pending January 1, 1980 -----	3,238
Cases filed for the year ending December 31, 1980-----	3,072
Cases reinstated on the docket-----	<u>122</u>
Total cases on docket during year-----	6,432

Cases disposed of for the year ending December 31, 1980:

Affirmed-----	1,650
Reformed and affirmed-----	32
Appeals dismissed-----	183
Appeals abated-----	110
Reversed and remanded-----	121
Reversed and dismissed or reformed to show acquittal-----	52
Remanded to the trial court for hearings on punishment-----	13
Habeas corpus relief granted-----	197
Habeas corpus relief denied-----	46
Habeas corpus relief granted in part and denied in part-----	2
Mandamus relief granted-----	5
Mandamus relief denied-----	6
Prohibition relief denied-----	1
Original contempt proceedings granted-----	3
Total Dispositions-----	2,421

Cases pending December 31, 1980:

Under submission on rehearing-----	37
Under original submission-----	311
Pending on motion for leave to file motion for rehearing-----	64
Waiting to become final or for motion for leave to file motion for rehearing-----	136
Pending on motion for rehearing-----	6
Unsubmitted cases-----	3,450
On appeal to the United States Supreme Court-----	7
Total Cases Pending December 31, 1980-----	4,011

MOTIONS

Disposition of motions for leave to file motions for rehearing:

Leave to file motions for rehearing denied-----	467
Leave to file motions for rehearing granted-----	<u>102</u>
Total-----	569

COURT OF CRIMINAL APPEALS

1980 Statistics (Continued)

EXTENSIONS OF TIME

Applications for extensions of time to file transcriptions of court reporter's notes, bills of exception and briefs considered and disposed of by the Court----- 4,457

OPINIONS WRITTEN BY THE COURT IN 1980

Original opinions-----	2,480
Concurring opinions-----	53
Dissenting opinions-----	136
Opinions concurring in part and dissenting in part-----	6
Opinions granting rehearing-----	63
Opinions denying rehearing-----	26
Opinions granting rehearing in part and denying in part-----	<u>1</u>
Total-----	2,765

RECAPITULATION

APPEALED CASES DISPOSED OF FOR THE YEAR ENDING DECEMBER 31, 1980:	2,421
APPLICATIONS FOR WRIT OF HABEAS CORPUS, ETC. DISPOSED OF FOR THE YEAR ENDING DECEMBER 31, 1980:	<u>2,122</u>
Total-----	4,543

COURT OF CRIMINAL APPEALS

1980 Statistics (Continued)

OPINIONS WRITTEN BY THE JUDGES OF THE COURT OF CRIMINAL APPEALS

JUDGE	Per Curiam Opinions	Signed Opinions	Concurring Opinions	Dissenting Opinions	Opinions Concurring In Part & Dissenting In Part	Opinions Granting Rehearing	Opinions Denying Rehearing	Opinion Granting In Part & Denying In Part Rehearing	TOTAL
John F. Onion, Jr., Presiding Judge	212	56	5	9	0	17	4	0	303
Leon Douglas, Judge	208	58	3	44	0	6	1	0	320
Truman Roberts, Judge	226	49	7	14	1	3	3	0	303
Wendell A. Odom, Judge	248	55	2	3	2	8	1	0	319
W. T. Phillips, Judge	197	41	6	11	0	3	1	0	259
Tom G. Davis, Judge	204	44	1	1	0	4	3	0	257
Carl E. F. Dally, Judge	219	53	1	17	2	10	2	0	304
W. C. Davis, Judge	238	41	1	3	0	4	1	0	288
Sam Houston Clinton, Judge	221	71	27	34	1	8	10	1	373
Quentin Keith, Commissioner	27	12	0	0	0	0	0	0	39
TOTAL	2,000	480	53	136	6	63	26	1	2,765

COURT OF CRIMINAL APPEALS 1980 Statistics (Continued)

COUNTIES FROM WHICH CASES APPEALED

Harris	866	Comal	7	Fannin	3	Bastrop	1
Dallas	644	Fort Bend	7	Frio	3	Bee	1
Dexar	174	Hunt	7	Gaines	3	Cherokee	1
El Paso	113	Milam	7	Harrison	3	Collingsworth	1
Garland	102	Nolan	7	Hood	3	Concho	1
Travis	89	Williamson	7	Kleberg	3	Crockett	1
Denton	74	Bailey	6	Matagorda	3	Crosby	1
Lubbock	68	Falls	6	Mitchell	3	Dallam	1
Jefferson	64	Grayson	6	Moore	3	Dimmit	1
Bell	61	Karnes	6	Navarro	3	Franklin	1
Potter	57	Randall	6	Palo Pinto	3	Hall	1
Wheeler	55	Reeves	6	Rusk	3	Hemphill	1
Taylor	34	Van Zandt	6	Shelby	3	Houston	1
Galveston	31	Angelina	5	Sherman	3	Hudspeth	1
McLennan	25	Hockley	5	Terry	3	Jasper	1
Smith	25	Johnson	5	Webb	3	Jim Wells	1
Pratt	21	Parker	5	Anderson	2	Lamb	1
Cameron	21	Uvalde	5	Brown	2	Lavaca	1
McCoy	21	Chambers	4	Callahan	2	Limestone	1
Wichita	16	Coryell	4	Cass	2	Madison	1
Collin	15	Deaf Smith	4	Childress	2	Marion	1
Hopkins	15	Fisher	4	Cochran	2	Martin	1
Gregg	14	Hays	4	Colorado	2	Medina	1
Bowie	13	Kaufman	4	Comanche	2	Morris	1
Brazos	13	Kerr	4	Dawson	2	Polk	1
Benton	12	Liberty	4	Erath	2	Red River	1
Lamar	12	Montgomery	4	Gonzales	2	Runnels	1
Hidalgo	11	Ochiltree	4	Grimes	2	San Saba	1
Orange	10	Pecos	4	Haskell	2	Schleicher	1
Midland	9	Robertson	4	Henderson	2	Somervell	1
Tom Green	9	Trinity	4	Hill	2	Titus	1
Victoria	9	Val Verde	4	Lampasas	2	Upshur	1
Wascosa	8	Walker	4	Refugio	2	Waller	1
Baldwell	8	Aransas	3	Scurry	2	Ward	1
Freestone	8	Burnet	3	Stonewall	2	Wharton	1
Gray	8	Cooke	3	Washington	2	Wise	1
Hale	8	Delta	3	Wilbarger	2	Wood	1
Wheeler	8	Eastland	3	Young	2	Zapata	1
San Patricio	8	Ellis	3	Austin	1		