

COURT OF CRIMINAL APPEALS

ANALYSIS OF ACTIVITY FOR YEAR ENDED AUGUST 31, 1994

The Court of Criminal Appeals is the highest state court for criminal appeals and is composed of a Presiding Judge and eight judges.

Decisions of the Courts of Appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for discretionary review, filed either by the State, or the defendant, or both. In addition, the Court may review a decision on its own motion. Appeal of death penalty cases is direct from the trial court to the Court of Criminal Appeals.

were cases where discretionary review was granted by the Court and 194 were direct appeals, death penalty appeals, writs of habeas corpus granted, and extraordinary writs. Death penalty appeals in fiscal year 1994 numbered 46, compared to 33 in fiscal year 1993.

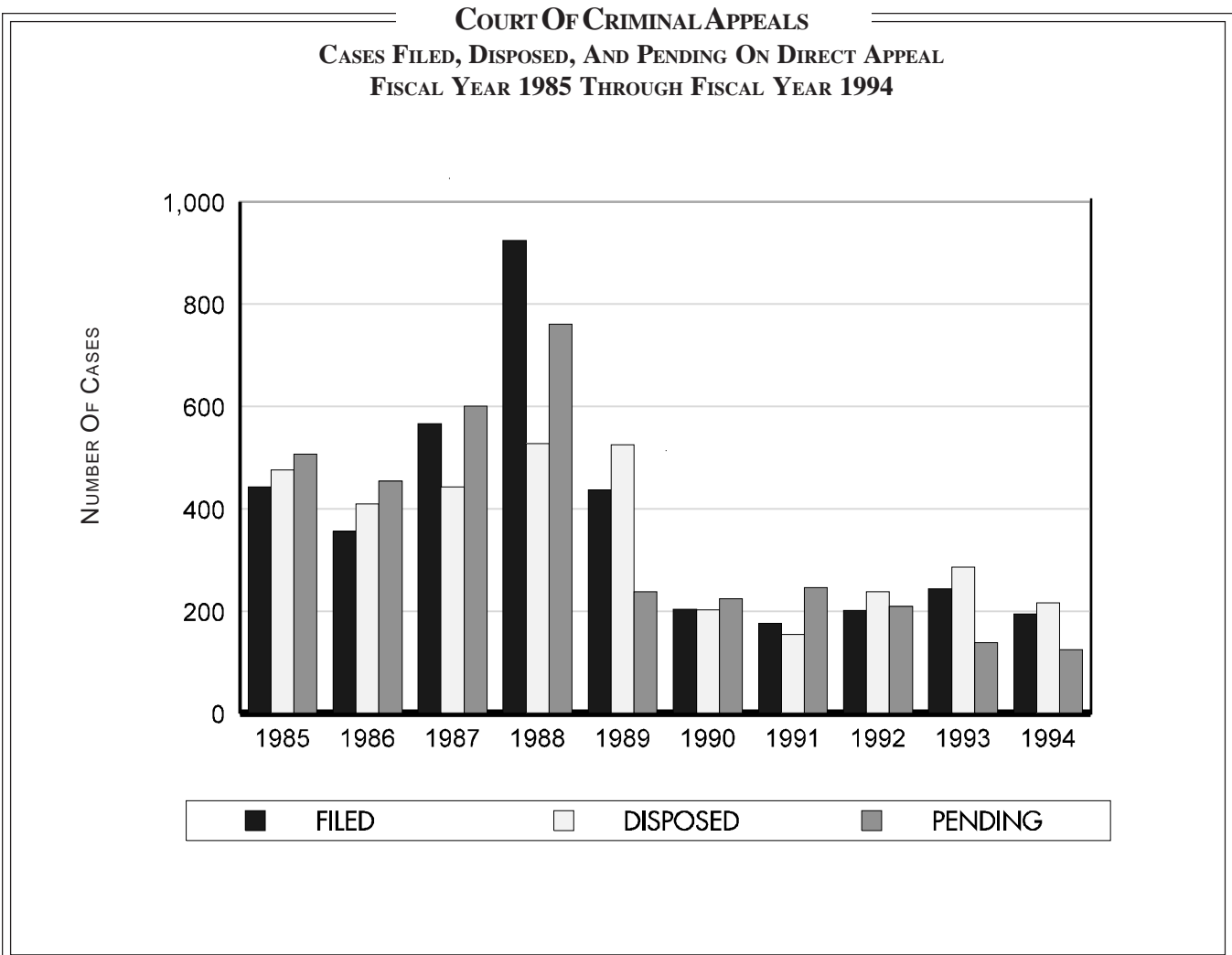
The 342 cases added in fiscal year 1994 represent a decrease of 16.2 percent from the 408 cases added during fiscal year 1993.

MATTERS ADDED TO THE DOCKET

During the state fiscal year 1994, which ended August 31, 1994, 342 cases were added to the docket of the Court of Criminal Appeals, of which 148

OTHER MATTERS ADDED

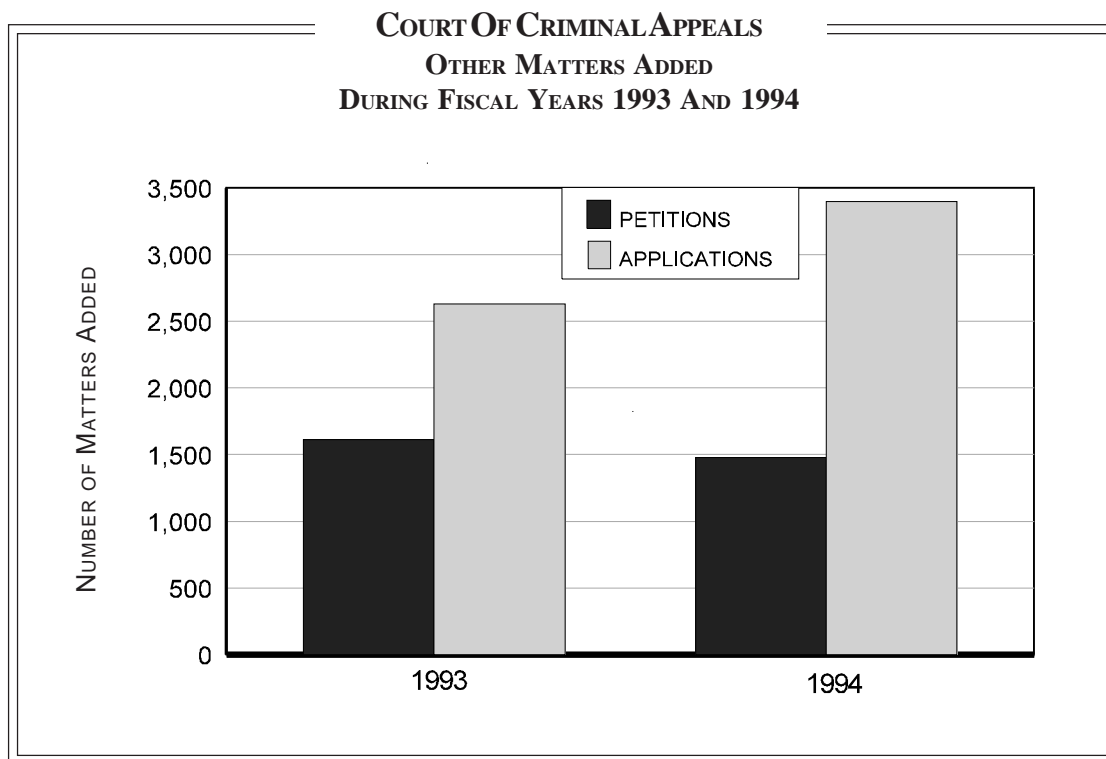
The Court had 1,477 petitions for discretionary review filed during fiscal year 1994, 8.3 percent less than the 1,610 filed during the previous year. Petitions for discretionary review were received from 130 counties,



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with 44 percent of them originating from Harris or Dallas Counties. Applications for writs of habeas corpus filed during the year totalled 3,396, a 29.3 percent increase over the 2,627 filed in fiscal year 1993. Also, 1,447 other motions or applications were handled by the Court, a 13.8 percent increase from the 1,271 considered the previous year.

RATE OF DISPOSITIONS INCREASES

During fiscal year 1994, the Court disposed of 216 cases on direct appeal, compared to 286 such dispositions in fiscal year 1993. In 1994, those 216 dispositions represented 65.1 percent of all cases on the docket on direct appeal, that is, cases filed during the year or carried over from previous years. In fiscal year 1993, this disposition rate was 67.5 percent.

In fiscal year 1994, 1,671 petitions for discretionary review were disposed, 148 (or 8.9 percent) of which were granted. The remainder were refused or dismissed. In fiscal year 1993, 1,667 petitions for discretionary review were disposed, 165 (or 10 percent) of which were granted.

There were 3,412 applications for writs of habeas corpus disposed in fiscal year 1994, compared to 2,437 in 1993, an increase of 40 percent.

Judges of the Court of Criminal Appeals wrote 468 opinions during fiscal year 1994, of which 342 (73 percent) were "deciding" opinions disposing of cases. The remainder were dissents, concurrences, and opinions on rehearings. Of the deciding opinions, 156 were signed and 186 were per curiam. During 1993, members of the Court wrote 679 opinions, 76 percent of which were deciding opinions.

TOTAL PENDING CASELOAD DECREASES

On August 31, 1994, 1,338 total matters (excluding miscellaneous motions and applications) were pending in the Court of Criminal Appeals. This represented a decrease of 13.6 percent from the 1,549 matters pending on August 31, 1993.

Of these 1,338 matters, 124 were direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs, 115 were granted discretionary review cases, 407 were petitions for discretionary review, and 692 were applications for writs of habeas corpus.

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SUMMARY OF DOCKET ACTIVITY

CASES DISPOSED OF DURING THE YEAR ENDED AUGUST 31, 1994:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs disposed of by the Court	216	
Cases disposed of after granting petitions for discretionary review	140	
Petitions for discretionary review disposed of by the Court	1,671	
Applications for writs of habeas corpus, etc., disposed of by the Court	<u>3,412</u>	
TOTAL CASES DISPOSED OF BY THE COURT		5,439

**MOTIONS AND APPLICATIONS DISPOSED OF DURING THE YEAR
ENDED AUGUST 31, 1994:**

Petitions for discretionary review refused as untimely filed	31	
Motions for extensions of time to file transcriptions of court reporter's notes, bills of exceptions, briefs, and petitions for discretionary review	<u>1,447</u>	
TOTAL MOTIONS AND APPLICATIONS DISPOSED OF BY THE COURT		<u>1,478</u>
GRAND TOTAL OF MATTERS DISPOSED OF BY THE COURT		<u><u>6,917</u></u>

MATTERS PENDING AUGUST 31, 1994:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs	124	
Cases on granted petitions for discretionary review pending	115	
Petitions for discretionary review pending	407	
Applications for writs of habeas corpus, etc., pending	<u>692</u>	
TOTAL MATTERS PENDING AUGUST 31, 1994		<u><u>1,338</u></u>

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ACTIVITY FOR YEAR ENDED AUGUST 31, 1994

ON DIRECT APPEAL

Cases pending September 1, 1993	138
Cases filed for the year ended August 31, 1994	194
Cases reinstated through August 31, 1994	3
Rehearings granted through August 31, 1994	<u>5</u>

TOTAL ON DOCKET 340

Disposition of direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs:

Affirmed	49
Reversed and remanded	5
Habeas Corpus remanded for evidentiary hearing	0
Appeals abated	0
Appeals dismissed	5
Habeas Corpus relief granted in part and denied in part	4
Habeas Corpus applications abated	0
Habeas Corpus applications granted	101
Habeas Corpus applications denied	15
Mandamus relief granted	3
Mandamus relief denied	1
Mandamus relief conditionally granted	3
Habeas Corpus applications dismissed	6
Out of time appeals granted	23
Reversed and acquittal ordered	0
Rehearings denied with written opinion	0
Rehearings granted with written opinion	0
Reformed	<u>1</u>

TOTAL CASES DISPOSED 216

Cases Pending August 31, 1994:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs:

Cases not set for submission	50
Cases set for submission	10
Submitted	<u>64</u>

TOTAL CASES PENDING 124

ON PETITIONS FOR DISCRETIONARY REVIEW

Petitions for Discretionary Review pending September 1, 1993	598
Petitions for Discretionary Review filed during the year ended August 31, 1994	1,477
Rehearings granted through August 31, 1994	<u>3</u>

TOTAL PETITIONS ON DOCKET 2,078

Disposition of Petitions for Discretionary Review:

Granted	148
Refused	1,507
Dismissed	13
Refused with written opinion	<u>3</u>

TOTAL PETITIONS DISPOSED 1,671

Pending Petitions for Discretionary Review on August 31, 1994 407

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ACTIVITY FOR YEAR ENDED AUGUST 31, 1994
(CONT.)

ON GRANTED PETITIONS FOR DISCRETIONARY REVIEW

Granted petitions for discretionary review pending September 1, 1993	105
Docket Adjustment	1
Granted petitions filed through August 31, 1994	148
Rehearings granted through August 31, 1994	0
Cases Reinstated through August 31, 1994	<u>1</u>

TOTAL GRANTED PETITIONS ON DOCKET 255

Cases disposed on granted petitions for discretionary review for the year ended August 31, 1994:

Court of Appeals affirmed	35
Court of Appeals reversed and remanded to the Court of Appeals	36
Court of Appeals affirmed and remanded to the trial court	0
Court of Appeals and the trial court reversed and remanded to the trial court	13
Court of Appeals and trial court affirmed	0
Court of Appeals reversed and remanded to the trial court	5
Court of Appeals reversed and trial court affirmed	8
Court of Appeals vacated and remanded to trial court	0
Abated	1
Court of Appeals reversed and reformed to show acquittal	1
Court of Appeals affirmed as reformed	0
Court of Appeals reversed and trial court reinstated	0
Dismissed and refused as improvidently granted	9
Dismissed	2
Remanded to Court of Appeals	10
Reformed and affirmed	0
Court of Appeals modified and affirmed	0
Court of Appeals vacated and remanded to Court of Appeals	20
Rehearings denied with written opinion	0
Rehearings granted with written opinion	0
Refused with written opinion	<u>0</u>

TOTAL CASES DISPOSED 140

Cases on granted petitions for discretionary review for year ended August 31, 1994:

Petitions submitted (rehearings included)	64
Petitions unsubmitted	<u>51</u>

TOTAL CASES PENDING 115

MOTIONS FOR REHEARING ON DIRECT APPEAL

Dispositions of Motions for Rehearing on Direct Appeal:

Motions granted without written opinions	5
Motions denied with written opinions	0
Motions denied without written opinions	66
Motions dismissed without written opinions	<u>0</u>

TOTAL MOTIONS DISPOSED 71

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ACTIVITY FOR YEAR ENDED AUGUST 31, 1994
(CONT.)

MOTIONS FOR REHEARING ON REFUSED PETITIONS FOR DISCRETIONARY REVIEW

Dispositions of Motions for Rehearing on Discretionary Review Cases:

Motions granted without written opinions	3
Motions granted with written opinions	0
Motions denied with written opinions	0
Motions denied without written opinions	70
Motions granted, PDRs previously refused	0
Motions dismissed without written opinions	<u>0</u>
 TOTAL MOTIONS DISPOSED	 73

MOTIONS FOR REHEARING ON GRANTED PETITIONS FOR DISCRETIONARY REVIEW

Dispositions of Motions for Rehearing on Discretionary Review Cases:

Motions granted with written opinions	0
Motions denied with written opinions	0
Motions denied without written opinions	52
Motions granted, PDRs previously refused	0
Motions dismissed without written opinions	<u>2</u>
 TOTAL MOTIONS DISPOSED	 54

OPINIONS WRITTEN BY THE COURT FOR YEAR ENDED AUGUST 31, 1994 ON DIRECT APPEALS AND PETITIONS FOR DISCRETIONARY REVIEW

Original opinions	342
Concurring opinions	40
Dissenting opinions	69
Opinions concurring in part and dissenting in part	9
Opinions granting rehearing	7
Opinions denying rehearing	<u>1</u>
 TOTAL	 468

APPLICATIONS FOR WRIT OF HABEAS CORPUS, ETC.

Applications pending September 1, 1993	708
Applications filed during the Year Ended August 31, 1994	<u>3,396</u>
 TOTAL APPLICATIONS ON DOCKET	 4,104

Disposition of Applications for Writ of Habeas Corpus, etc:
(Motions for Rehearing Included)

Applications ordered filed and set for submission	143
Hearings ordered on applications	151
Applications granted with written order	2
Applications denied with written order	77
Applications denied without written order	2,879
Applications dismissed	106
Applications marked "no action"	7
Abuse of the Writ	39
Dismissed as moot	<u>8</u>
 TOTAL APPLICATIONS DISPOSED	 <u>3,412</u>

Applications for Writ of Habeas Corpus Pending on August 31, 1994	<u>692</u>
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COURT OF CRIMINAL APPEALS

ACTIVITY FOR YEAR ENDED AUGUST 31, 1994

OPINIONS WRITTEN BY JUDGES OF THE COURT OF CRIMINAL APPEALS

JUDGES	DECIDING OPINIONS				Concurring in Part & Dissenting in Part	Opinions Granting Rehearing	Opinions Denying Rehearing	TOTALS
	Per Curiam Opinions	Signed Opinions	Concurring Opinions	Dissenting Opinions				
MICHAEL J. McCORMICK PRESIDING JUDGE	23	23	0	12	0	0	0	58
SAM HOUSTON CLINTON JUDGE	22	5	12	20	0	0	0	59
CHUCK MILLER JUDGE	16	13	1	2	0	1	0	33
CHARLES F. (CHUCK) CAMPBELL JUDGE	19	15	3	7	0	2	0	46
BILL WHITE JUDGE	25	20	0	0	2	1	0	48
CHARLES F. (CHARLIE) BAIRD JUDGE	26	19	16	11	5	1	1	79
MORRIS L. OVERSTREET JUDGE	20	19	0	5	2	0	0	46
FRANK MALONEY JUDGE	16	29	5	8	0	2	0	60
LAWRENCE E. MEYERS JUDGE	19	13	3	4	0	0	0	39
TOTALS	186	156	40	69	9	7	1	468

COURT OF CRIMINAL APPEALS

ACTIVITY FOR YEAR ENDED AUGUST 31, 1994

COUNTIES FROM WHICH PETITIONS FOR DISCRETIONARY REVIEW WERE FILED

COUNTY	No. OF PETITIONS	COUNTY	No. OF PETITIONS	COUNTY	No. OF PETITIONS	COUNTY	No. OF PETITIONS
Harris	398	Parker	5	Caldwell	2	Grayson	1
Dallas	247	San Patricio	5	Comanche	2	Gregg	1
Tarrant	143	Tyler	5	Eastland	2	Harrison	1
Bexar	48	Baylor	4	Ellis	2	Hartley	1
Denton	46	Chambers	4	Fannin	2	Haskell	1
Smith	42	Erath	4	Freestone	2	Hays	1
Travis	36	Fayette	4	Goliad	2	Hopkins	1
El Paso	31	Fort Bend	4	Hockley	2	Hunt	1
Nueces	22	Jackson	4	Hood	2	Kendall	1
Brazos	20	Johnson	4	Houston	2	Kimble	1
McLennan	20	Kerr	4	Jasper	2	Knox	1
Collin	18	Liberty	4	Kaufman	2	Menard	1
Taylor	17	Milam	4	Lampasas	2	Mitchell	1
Bell	15	San Saba	4	Leon	2	Morris	1
Anderson	13	Walker	4	McCulloch	2	Orange	1
Wichita	13	Bastrop	3	Madison	2	Panola	1
Bowie	12	Bosque	3	Polk	2	Parmer	1
Ector	12	Cherokee	3	Randall	2	Red River	1
Jefferson	12	Clay	3	Wood	2	Rockwall	1
Montgomery	11	Comal	3	Archer	1	Rusk	1
Brazoria	10	Coryell	3	Atascosa	1	San Augustine	1
Lamar	10	Deaf Smith	3	Austin	1	Scurry	1
Hidalgo	9	Gillespie	3	Bee	1	Terry	1
Cameron	8	Grimes	3	Brewster	1	Titus	1
Galveston	8	Hardin	3	Camp	1	Uvalde	1
Lubbock	8	Karnes	3	Cass	1	Val Verde	1
Palo Pinto	8	Medina	3	Coleman	1	Ward	1
Potter	8	Midland	3	Cooke	1	Webb	1
Nacogdoches	7	Navarro	3	Dawson	1	Wharton	1
Williamson	7	Pecos	3	DeWitt	1	Wilbarger	1
Guadalupe	6	Tom Green	3	Duval	1	Yoakum	1
Hale	6	Waller	3	Falls	1		
Victoria	6	Wilson	3	Gray	1		

COURTS OF APPEALS FROM WHICH PETITIONS FOR DISCRETIONARY REVIEW WERE FILED

FIRST, HOUSTON	207	EIGHTH, EL PASO	62
SECOND, FORT WORTH	215	NINTH, BEAUMONT	40
THIRD, AUSTIN	86	TENTH, WACO	54
FOURTH, SAN ANTONIO	81	ELEVENTH, EASTLAND	74
FIFTH, DALLAS	225	TWELFTH, TYLER	57
SIXTH, TEXARKANA	63	THIRTEENTH, CORPUS CHRISTI	65
SEVENTH, AMARILLO	46	FOURTEENTH, HOUSTON	202

PETITIONING PARTIES TO COURT OF CRIMINAL APPEALS

Appellant	1,105	State	184
Appellee	6	State Prosecuting Attorney	20
Pro Se	162		