

# Caseload Trends in the Court of Criminal Appeals

## Analysis of Activity for Year Ended August 31, 2002

### BACKGROUND

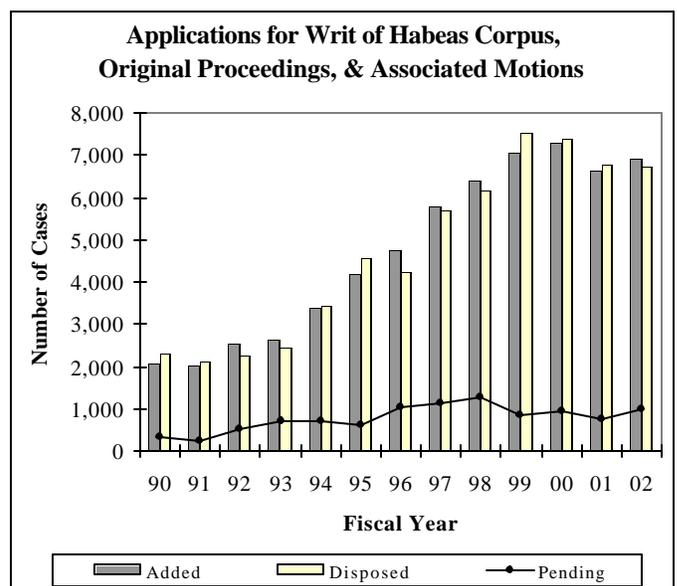
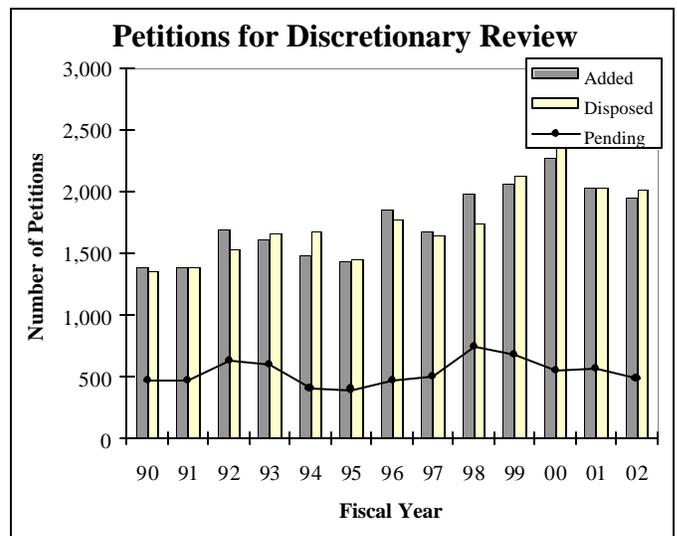
The Court of Criminal Appeals is the highest state court for criminal appeals and, in conjunction with the Supreme Court of Texas, promulgates rules of evidence and appellate procedure. It is comprised of the Presiding Judge and eight judges.

The caseload of the Court of Criminal Appeals consists of a blend of mandatory and discretionary matters. Decisions made by the Courts of Appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for discretionary review, which may be filed by the State, the defendant, or both. In addition, the Court may review a decision on its own motion. All cases that result in the death penalty are automatically directed to the Court of Criminal Appeals from the trial court level.

A significant portion of the Court's workload is the mandatory review of applications for postconviction habeas corpus relief in felony cases without a death penalty, under article 11.07 of the Texas Code of Criminal Procedure.

### PETITIONS FOR DISCRETIONARY REVIEW, APPLICATIONS FOR WRIT OF HABEAS CORPUS, AND CASES INVOLVING ORIGINAL PROCEEDINGS

- **The number of petitions for discretionary review filed with the Court fell by 4.2 percent from the previous fiscal year (from 2,036 in FY 2001 to 1,951 in FY 2002).** Despite this, the 1,951 petitions for discretionary review filed in FY 2002 exceeded the overall average (1,755) for the last 13 fiscal years.
- **The Court disposed of 2,017 petitions for discretionary review in FY 2002, 3.4 percent more than the 1,951 petitions that were added to the docket.**
- **The number of pending petitions for discretionary review has generally declined since 1998.** The 490 petitions for discretionary review pending at the end of FY 2002 was 12.5 percent fewer than the 560 petitions pending at the end of FY 2001, and 34.1 percent less than the FY 1998 peak of 744 pending petitions.
- **Applications for writ of habeas corpus filed with the Court under articles 11.07 or 11.071 of the Texas Code of Criminal Procedure increased by 3.4 percent from FY 2001.** 6,167 applications were filed in FY 2002, compared to 5,964 the previous fiscal year. Ninety (1.5 percent) of the 6,167 applications filed in FY 2002 involved death penalty cases.
- **While the number of applications for writ of habeas corpus filed increased, disposition of these matters decreased by 2.5 percent (from 6,123 in FY 2001 to 5,968 in FY 2002).** Consequently, pending applications increased by 29.7 percent, from 694 applications at the end of FY 2001 to 900 applications at the end of FY 2002.

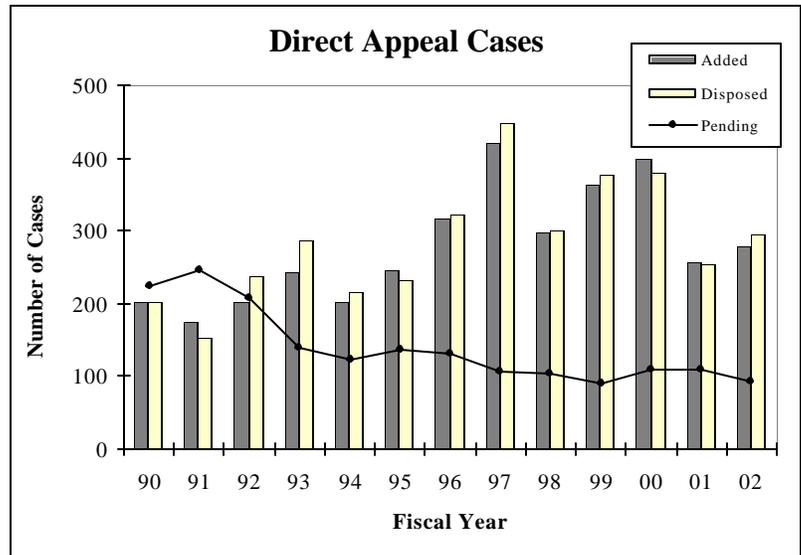


**Note:** Includes applications for writ of habeas corpus, original proceedings, motions for stay of execution, and motions for reconsideration for applications for writs of habeas corpus and original

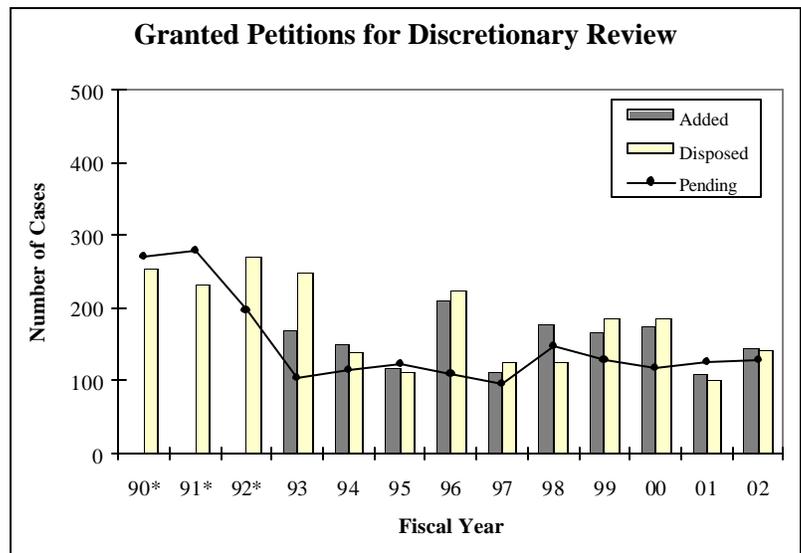
- **Original proceedings<sup>1</sup> filed with the Court increased 21.6 percent from the previous fiscal year (from 602 in FY 2001 to 732 in FY 2002).** Disposition of these matters also increased, but only by 16.6 percent (from 602 in FY 2001 to 702 in FY 2002). As a result of the increased number of filings, pending original proceedings cases rose 48.5 percent, from 68 cases at the end of FY 2001 to 101 cases at the end of FY 2002.

## DIRECT APPEALS AND GRANTED PETITIONS FOR DISCRETIONARY REVIEW

- **In FY 2002, the number of direct appeals added to the Court's docket (278) increased 8.6 percent from the previous fiscal year, in which 256 direct appeals were added.** Despite this increase, the number of death penalty cases (excluding DNA appeals) filed in FY 2002 was 30.9 percent (17 cases) lower than the peak of 55 cases filed in FY 2000.
- **The Court disposed of 295 direct appeal cases in FY 2002, 16.1 percent more than the 254 cases that were disposed of in the previous fiscal year.** Furthermore, it disposed of 6.1 percent (17) more cases than were added to the docket during the fiscal year.
- **The Court of Criminal Appeals added 146 granted petitions for discretionary review to its docket in FY 2002.** This represents an increase of 32.7 percent over the 110 granted petitions added in FY 2001.
- **The Court disposed of 143 granted petitions for discretionary review in FY 2002, 41 (40.2 percent) more than it disposed during FY 2001 (102).** The number of pending granted petitions for discretionary review at the end of FY 2002 (128) was only three more than at the end of FY 2001.



**Note:** Direct appeals cases include cases involving the death penalty (including DNA appeals), habeas corpus, and extraordinary matters.



**Note:** Data for granted petitions for discretionary review added to the docket was not available for fiscal years 1990 through 1992.

## MOTIONS AND OPINIONS

- **While the number of motions filed and disposed have both fluctuated each fiscal year, the number of motions pending at the end of the fiscal year has steadily declined since FY 1997.** Motions for rehearing and reconsideration filed during FY 2002 totaled 119, a 10.5 percent decrease from the previous fiscal year (133). The number of disposed motions in FY 2002 remained nearly the same as FY 2001 (130 and 132, respectively), and pending motions fell from 11 in FY 2001 to 5 cases in FY 2002.
- **Judges of the Court of Criminal Appeals wrote 595 opinions in FY 2002.** Of these, 438 (73.6 percent) were determinative opinions (signed or per curiam). Of the determinative opinions, 162 (37.0 percent) were signed and 276 (63.0 percent) were per curiam.

<sup>1</sup> Original proceedings include original writs of certiorari, writs of habeas corpus, original writs of mandamus, and original writs of prohibition involving extraordinary matters that were filed directly with the Court of Criminal Appeals, bypassing the trial court.