

Caseload Trends in the Court of Criminal Appeals

Analysis of Activity for Year Ended August 31, 2003

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.

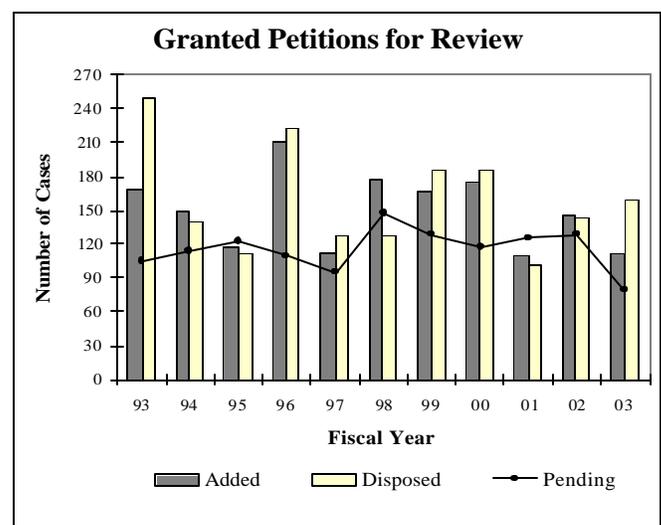
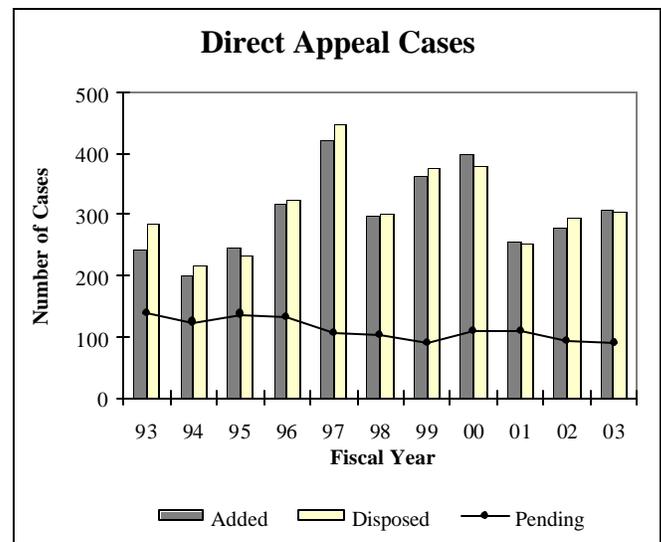
A significant portion of the Court's workload is the mandatory review of applications for post conviction habeas corpus relief in felony cases without a death penalty, under article 11.07 of the Texas Code of Criminal Procedure.

DIRECT APPEALS

- **During FY 2003, 308 direct appeals were added to the docket of the Court of Criminal Appeals.** This represents a 10.8 percent increase in the number of cases added to the docket in comparison to FY 2002. Of the 308 direct appeals added, there were 43 death penalty appeals, four DNA appeals involving a death sentence, eight DNA appeals involving a life sentence, and 253 habeas corpus and extraordinary matters.
- **In FY 2003, the number of direct appeal dispositions continued the slight growth trend that started with FY 2001, yet remained far below the peak of 447 dispositions in FY 1997.** During FY 2003, the Court disposed 306 direct appeal cases, compared to 295 cases disposed in FY 2002 and 254 cases disposed in FY 2001.
- **The number of pending cases at the end of FY 2003 (89 cases) was lower than at any point over the previous ten fiscal years (FY 1993 to FY 2002).** However, the number of pending cases in FY 2003 was consistent with a ten-year (FY 1994 to FY 2003) trend of general stability in the number of cases pending. Over this ten-year period, the average number of cases pending at the end of a fiscal year was 109.4.

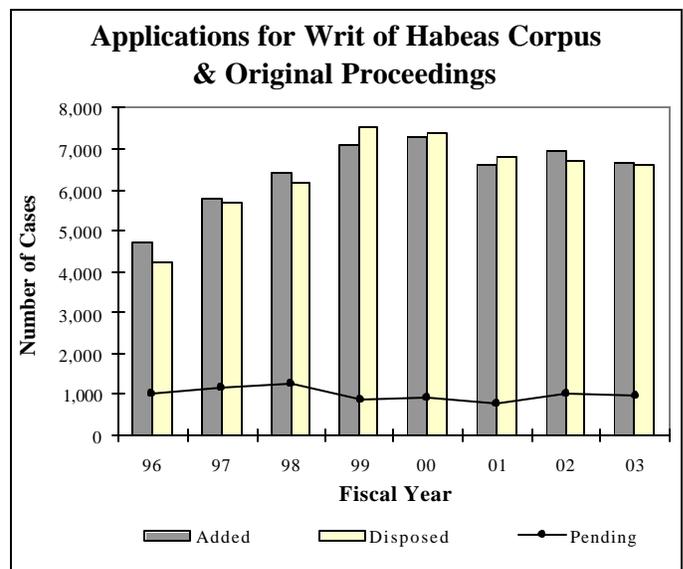
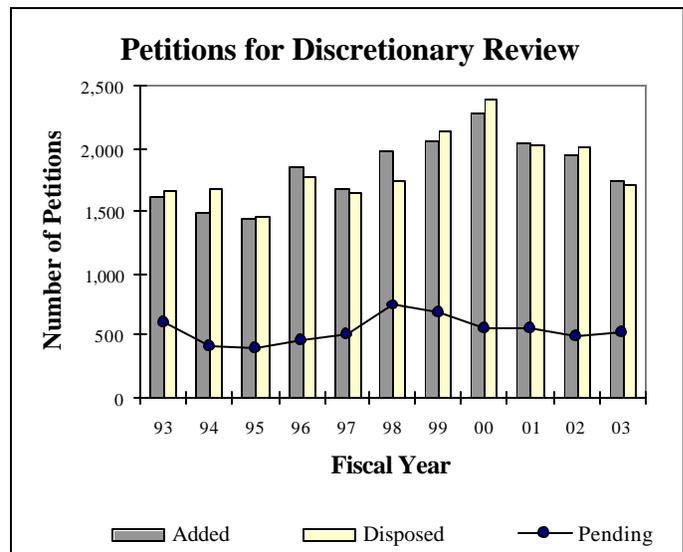
GRANTED PETITIONS FOR DISCRETIONARY REVIEW

- **The number of granted petitions for discretionary review added in FY 2003 (111 petitions) dropped from the addition of 146 granted petitions in the previous fiscal year.** It was also lower than the five-year (FY 1999 to FY 2003) average of 141.8 granted petitions for discretionary review added per year.
- **The number of dispositions of granted petitions for discretionary review increased in FY 2003, from 143 petitions in FY 2002 to 159 petitions in FY 2003.** The 159 dispositions in FY 2003 were slightly above the ten-year (FY 1994 to FY 2003) average of 150.4 dispositions per year.
- **There was a decrease in the number of granted petitions added to the docket in FY 2003 which, in conjunction with an increase in the number of granted petitions disposed, resulted in a sharp decrease (37.5 percent) in the number of pending granted petitions for discretionary review at the end of FY 2003 as compared to FY 2002.**



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

- **The number of petitions for discretionary review added to the docket in FY 2003 was 1,742, continuing the slight downward trend that began following the 10-year high in FY 2000, when 2,271 petitions were added.** The Court of Criminal Appeals also disposed of 15.3 percent fewer petitions for discretionary review in FY 2003 (1,708 petitions) than in the previous fiscal year (2,017 petitions), continuing another gradual downward trend that started after FY 2000. The number of petitions for discretionary review pending at the end of FY 2003 (524 petitions) remained close to the ten-year (FY 1994 to FY 2003) average of 531.0 petitions pending at the end of the year.
- **Petitions for discretionary review were filed in 147 of the 254 counties in Texas.** Nearly half of all petitions for discretionary review added to the docket in FY 2003 were filed in Harris County (513 petitions, or 29.4 percent) and Dallas County (313 petitions, or 18.0 percent).
- **The number of applications for writs of habeas corpus filed, disposed, and pending has remained relatively stable over the past five fiscal years.** In FY 2003, there were 6,660 applications added and 6,611 applications disposed, leaving 948 cases pending at the end of the fiscal year. The five-year (FY 1999 to FY 2003) averages were 6,913 applications filed, 7,004 disposed, and 903 applications pending per year.
- **The number of original proceedings¹ added to the docket increased from 732 cases in FY 2002 to 758 cases in FY 2003.** Likewise, the number of original proceeding cases disposed increased from 702 cases in FY 2002 to 721 cases in FY 2003.



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

OPINIONS AND MOTIONS

- **During FY 2003, the judges of the Court of Criminal Appeals wrote 612 opinions, which is fewer than the previous five-year (FY 1999 to FY 2003) average of 637.2 opinions per year, but above the ten-year (FY 1994 to FY 2003) average of 608.9 opinions written per year.** More than 77 percent (473 opinions) of the total opinions written for FY 2003 were “deciding” opinions. Of the deciding opinions written, 186 were signed opinions and 287 opinions were issued per curiam.
- **In FY 2003, the number of motions for rehearing and reconsideration added was 100.** The number of motions for rehearing and reconsideration disposed in FY 2003 (87 motions) was below the five-year (FY 1999 to FY 2003) average of 114 motions for rehearing and reconsideration disposed per year.

¹ 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.