

COURT OF CRIMINAL APPEALS

ANALYSIS OF ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

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.

docket of the Court of Criminal Appeals, of which 165 were cases where discretionary review was granted by the Court and 243 were direct appeals, death penalty appeals, writs of habeas corpus granted, and extraordinary writs. Death penalty appeals in fiscal year 1993 numbered 33, compared to 45 in fiscal year 1992.

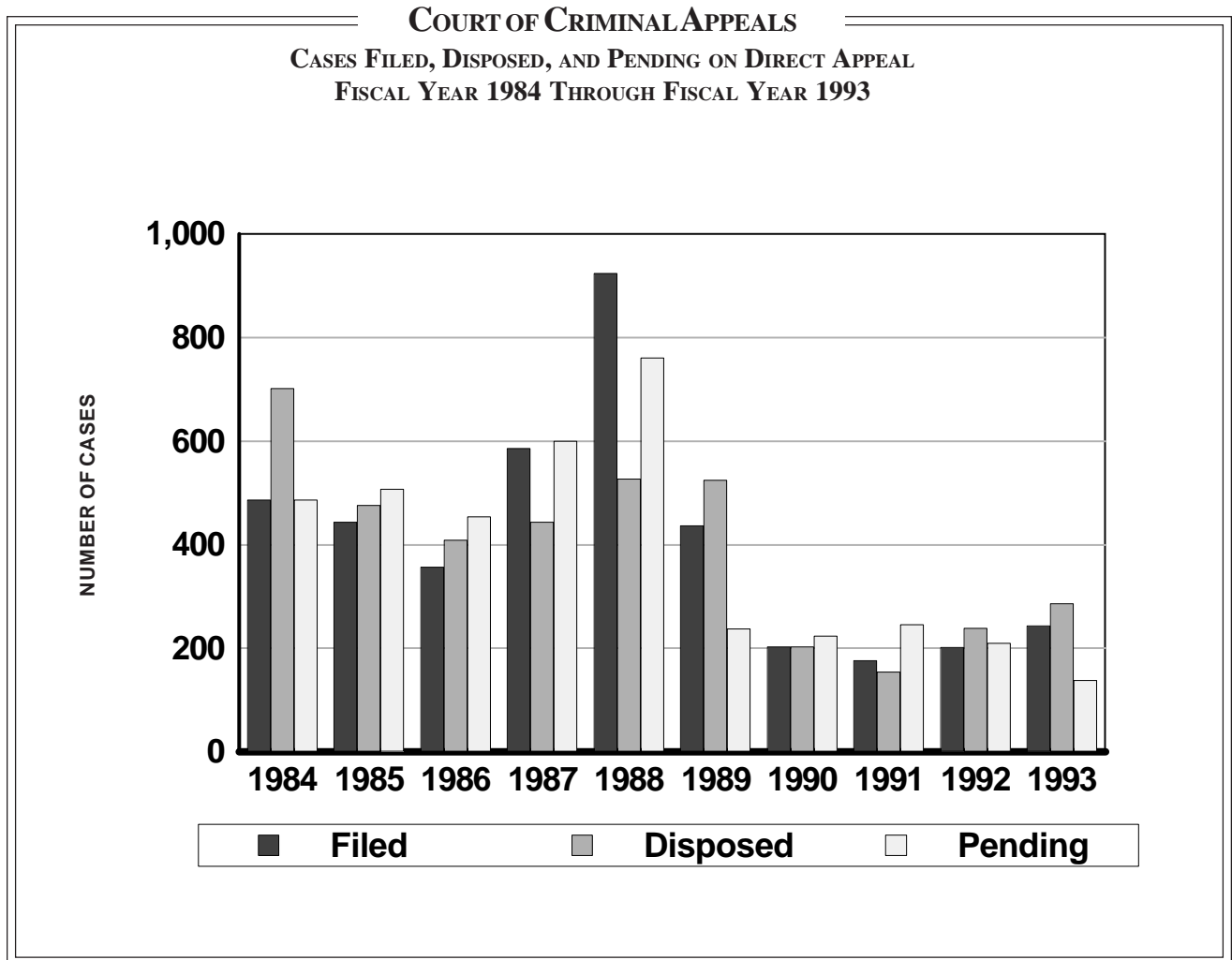
The 408 cases added in fiscal year 1993 represent an increase of 2.0 percent from the 400 cases added during fiscal year 1992.

MATTERS ADDED TO THE DOCKET

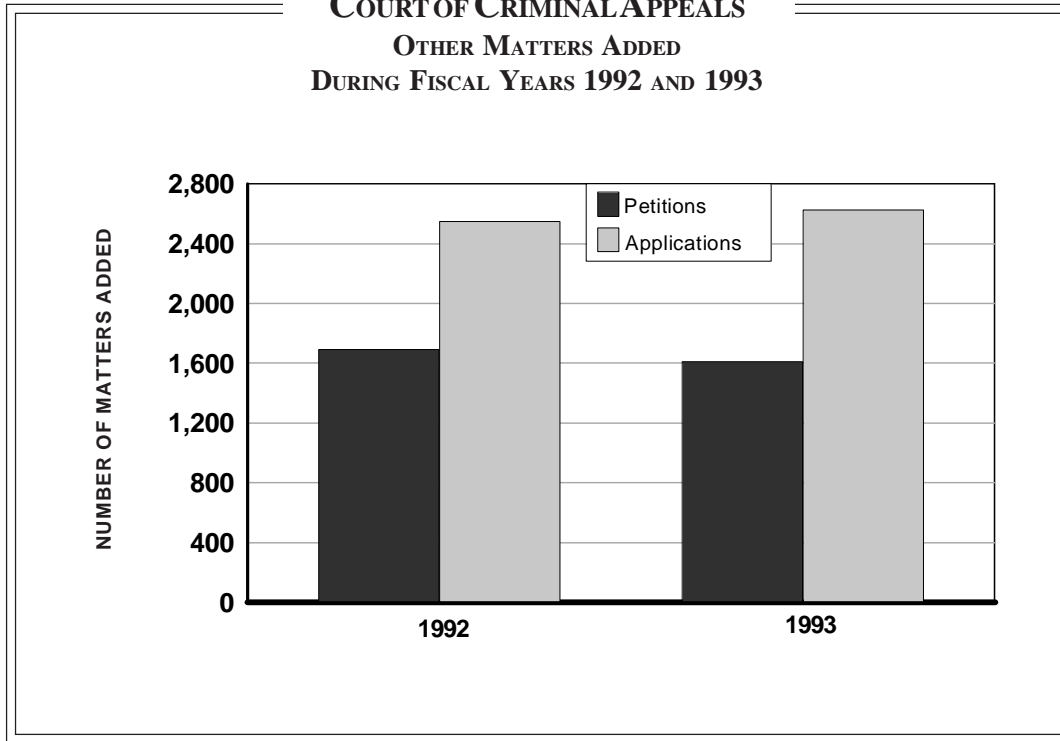
During the state fiscal year 1993, which ended August 31, 1993, 408 cases were added to the

OTHER MATTERS ADDED

The Court had 1,610 petitions for discretionary review filed during fiscal year 1993, 4.8 percent more than the 1,691 filed during the previous year. Petitions



COURT OF CRIMINAL APPEALS
OTHER MATTERS ADDED
DURING FISCAL YEARS 1992 AND 1993



for discretionary review were received from 136 counties, with 47 percent of them originating from Harris or Dallas Counties. Applications for writs of habeas corpus filed during the year totalled 2,627, a 3.0 percent increase over the 2,550 filed in fiscal year 1992. Also, 1,271 other motions or applications were handled by the Court, a 10.9 percent decrease from the 1,427 considered the previous year.

RATE OF DISPOSITIONS INCREASES

During fiscal year 1993, the Court disposed of 286 cases on direct appeal, compared to 238 such dispositions in fiscal year 1992. In 1993, those 286 dispositions represented 67.5 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 1992, this disposition rate was 53.2 percent.

In fiscal year 1993, 1,667 petitions for discretionary review were disposed, 165 (or 10 percent) of which were granted. The remainder were refused or dismissed. In fiscal year 1992, 1,526 petitions for discretionary review were disposed, 199 (or 13 percent) of which were granted.

There were 2,437 applications for writs of habeas corpus disposed in fiscal year 1993, compared to 2,244 in 1992, an increase of 8.6 percent.

Judges of the Court of Criminal Appeals wrote 679 opinions during fiscal year 1993, of which 519 (76 percent) were “deciding” opinions disposing of cases. The remainder were dissents, concurrences, and opinions on rehearings. Of the deciding opinions, 198 were signed and 321 were per curiam. During 1992, members of the Court wrote 493 opinions, 77 percent of which were deciding opinions.

TOTAL PENDING CASELOAD DECREASES

On August 31, 1993, 1,549 total matters (excluding miscellaneous motions and applications) were pending in the Court of Criminal Appeals. This represented a decrease of 0.3 percent from the 1,553 matters pending on August 31, 1992.

Of these 1,549 matters, 138 were direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs, 105 were granted discretionary review cases, 598 were petitions for discretionary review, and 708 were applications for writs of habeas corpus.

COURT OF CRIMINAL APPEALS

ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

SUMMARY OF DOCKET ACTIVITY

CASES DISPOSED OF DURING THE YEAR ENDED AUGUST 31, 1993:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs disposed of by the Court	286
Cases disposed of after granting petitions for discretionary review	249
Petitions for discretionary review disposed of by the Court	1,667
Applications for writs of habeas corpus, etc., disposed of by the Court	<u>2,437</u>
TOTAL CASES DISPOSED OF BY THE COURT	4,639

MOTIONS AND APPLICATIONS DISPOSED OF DURING THE YEAR ENDED AUGUST 31, 1993:

Petitions for discretionary review refused as untimely filed	17
Motions for extensions of time to file transcriptions of court reporter's notes, bills of exceptions, briefs, and petitions for discretionary review	<u>1,271</u>
TOTAL MOTIONS AND APPLICATIONS DISPOSED OF BY THE COURT	<u>1,288</u>
GRAND TOTAL OF MATTERS DISPOSED OF BY THE COURT	<u><u>5,927</u></u>

MATTERS PENDING AUGUST 31, 1993:

Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs	138
Cases on granted petitions for discretionary review pending	105
Petitions for discretionary review pending	598
Applications for writs of habeas corpus, etc., pending	<u>708</u>
TOTAL MATTERS PENDING AUGUST 31, 1993	<u><u>1,549</u></u>

COURT OF CRIMINAL APPEALS
ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993
(CONT.)

ON DIRECT APPEAL

Cases pending September 1, 1992	181
Cases filed for the year ended August 31, 1993.....	<u>243</u>
TOTAL ON DOCKET	424

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

Affirmed	60
Appeals abated.....	3
Appeals dismissed.....	4
Habeas Corpus relief granted in part and denied in part	1
Habeas Corpus applications abated	3
Habeas Corpus relief conditionally granted	1
Habeas Corpus applications denied	9
Habeas Corpus applications granted.....	137
Reversed and remanded	19
Mandamus relief granted.....	4
Prohibition relief denied	1
Out of time appeals granted	42
Reversed and remanded to show acquittal	1
Rehearings denied with written opinions	<u>1</u>
TOTAL CASES DISPOSED	286

Cases Pending August 31, 1993:

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

Cases not set for submission	49
Cases set for submission	21
Submitted.....	<u>68</u>
TOTAL CASES PENDING	138

ON PETITIONS FOR DISCRETIONARY REVIEW

Petitions for Discretionary Review pending September 1, 1992	654
Petitions for Discretionary Review filed during the year ended August 31, 1993	<u>1,610</u>
TOTAL PETITIONS ON DOCKET	2,264

Disposition of Petitions for Discretionary Review:

Granted	165
Refused.....	1,489
Dismissed	2
Other	<u>10</u>
TOTAL PETITIONS DISPOSED	<u>1,666</u>

Pending Petitions for Discretionary Review on August 31, 1993	<u>598</u>
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COURT OF CRIMINAL APPEALS
ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993
(CONT.)

ON GRANTED PETITIONS FOR DISCRETIONARY REVIEW

Granted Petitions pending September 1, 1992.....	185
Granted Petitions filed during the year ended August 31, 1993	169

TOTAL GRANTED PETITIONS ON DOCKET	354
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Cases disposed on granted petitions for discretionary review for the year ended August 31, 1993:

Remanded to trial court	1
Court of Appeals affirmed.....	43
Court of Appeals reversed and remanded to the Court of Appeals	51
Court of Appeals affirmed and remanded to the trial court	2
Court of Appeals and the trial court reversed and remanded to the trial court	5
Court of Appeals and trial court affirmed.....	11
Court of Appeals reversed and remanded to the trial court	20
Court of Appeals reversed and trial court affirmed	8
Court of Appeals vacated, remanded to Court of Appeals	43
Dismissed and refused as improvidently granted	25
Dismissed	3
Remanded to Court of Appeals	20
Court of Appeals reformed and affirmed	6
Abated.....	2
Granted in part, denied in part.....	1
Court of Appeals affirmed in part, reversed in part, trial court affirmed	3
Court of Appeals reversed in part, affirmed in part, remanded to trial court	3
Reversed & remanded to show acquittal	1
Withdrawn without opinion	1

TOTAL CASES DISPOSED	249
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Cases on granted petitions for discretionary review for year ended August 31, 1993:

Petitions under consideration (rehearings included).....	76
Petitions unsubmitted	29

TOTAL CASES PENDING	105
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MOTIONS FOR REHEARING ON DIRECT APPEAL

Dispositions of Motions for Rehearing on Direct Appeal:

Motions granted without written opinions	3
Motions denied with written opinions.....	0
Motions denied without written opinions	79
Motions dismissed without written opinions	1

TOTAL MOTIONS DISPOSED	83
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COURT OF CRIMINAL APPEALS
ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993
(CONT.)

MOTIONS FOR REHEARING ON REFUSED PETITIONS FOR DISCRETIONARY REVIEW

Dispositions of Motions for Rehearing on Discretionary Review Cases:

Motions granted without written opinions	2	
Motions denied with written opinions	1	
Motions denied without written opinions	59	
Motions granted, PDRs previously refused	1	
Motions dismissed without written opinions	<u>0</u>	
 TOTAL MOTIONS DISPOSED		 63

MOTIONS FOR REHEARING ON GRANTED PETITIONS FOR DISCRETIONARY REVIEW

Dispositions of Motions for Rehearing on Discretionary Review Cases:

Motions granted without written opinions	4	
Motions denied with written opinions	0	
Motions denied without written opinions	86	
Motions granted, PDRs previously refused	0	
Motions dismissed without written opinions	<u>1</u>	
 TOTAL MOTIONS DISPOSED		 91

OPINIONS WRITTEN BY THE COURT FOR YEAR ENDED AUGUST 31, 1993 ON DIRECT APPEALS AND PETITIONS FOR DISCRETIONARY REVIEW

Original opinions	519	
Concurring opinions	59	
Dissenting opinions	83	
Opinions concurring in part and dissenting in part	8	
Opinions granting rehearing	8	
Opinions denying rehearing	<u>2</u>	
 TOTAL		 679

APPLICATIONS FOR WRIT OF HABEAS CORPUS, ETC.

Applications pending September 1, 1992	518	
Applications filed during the Year Ended August 31, 1993	<u>2,627</u>	
 TOTAL APPLICATIONS ON DOCKET		 3,145

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

Applications ordered filed and set for submission	197	
Hearings ordered on applications	109	
Applications granted with written order	9	
Applications denied with written order	49	
Applications denied without written order	1,959	
Applications dismissed	63	
Applications marked "no action"	6	
Abuse of the Writ	34	
Dismissed as moot	<u>11</u>	
 TOTAL APPLICATIONS DISPOSED		 <u>2,437</u>

Applications for Writ of Habeas Corpus Pending on August 31, 1993	<u>708</u>
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COURT OF CRIMINAL APPEALS
ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993
 (CONT.)

**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	TOTAL
	Per Curiam Opinions	Signed Opinions	Concurring Opinions	Dissenting Opinions				
MICHAEL J. McCORMICK Presiding Judge	36	20	0	16	1	1	1	75
SAM HOUSTON CLINTON Judge	45	15	19	25	0	0	0	104
CHUCK MILLER Judge	31	18	8	5	1	2	0	65
CHARLES F. (CHUCK) CAMPBELL Judge	34	32	7	11	1	1	0	86
BILL WHITE Judge	34	16	0	3	0	0	0	53
CHARLES F. (CHARLIE) BAIRD Judge	40	29	15	10	1	1	0	96
MORRIS L. OVERSTREET Judge	44	17	0	3	4	0	0	68
FRANK MALONEY Judge	24	28	1	6	0	2	1	62
FORTUNATO P. BENAVIDES ¹ Judge	11	8	3	4	0	0	0	26
LAWRENCE E. MEYERS ² Judge	<u>22</u>	<u>15</u>	<u>6</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>44</u>
TOTAL	321	198	59	83	8	8	2	679

¹Left office December 31, 1992.

²Assumed office January 1, 1993.

COURT OF CRIMINAL APPEALS
ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993
 (CONT.)

**COUNTIES FROM WHICH PETITIONS FOR
 DISCRETIONARY REVIEW WERE FILED**

<u>NAME OF COUNTY</u>	<u>NO. OF PETITIONS</u>	<u>NAME OF COUNTY</u>	<u>NO. OF PETITIONS</u>	<u>NAME OF COUNTY</u>	<u>NO. OF PETITIONS</u>	<u>NAME OF COUNTY</u>	<u>NO. OF PETITIONS</u>
Harris	515	Kerr	6	Parker	3	Fisher	1
Dallas	247	Midland	6	Rusk	3	Freestone	1
Tarrant	115	Webb	6	San Patricio	3	Gonzales	1
Bexar	68	Anderson	5	Tom Green	3	Gray	1
Travis	39	Pecos	5	Wood	3	Hamilton	1
El Paso	29	Potter	5	Bandera	2	Haskell	1
Hidalgo	25	Randall	5	Bee	2	Hays	1
McLennan	24	Scurry	5	Caldwell	2	Hutchinson	1
Denton	23	Williamson	5	Camp	2	Jack	1
Smith	23	Burleson	4	Comanche	2	Kaufman	1
Nueces	19	Cameron	4	Henderson	2	Kendall	1
Taylor	18	Gillespie	4	Hill	2	Kenedy	1
Jefferson	16	Grayson	4	Hopkins	2	Kimble	1
Lubbock	15	Grimes	4	Houston	2	Lampasas	1
Wichita	15	Hood	4	Jackson	2	Limestone	1
Bell	14	Nacogdoches	4	Johnson	2	Madison	1
Brazos	14	Polk	4	Karnes	2	Montague	1
Brazoria	13	Runnels	4	Kleberg	2	Morris	1
Palo Pinto	13	Van Zandt	4	Milam	2	Ochiltree	1
Comal	12	Wilbarger	4	Navarro	2	Panola	1
Galveston	12	Wise	4	Newton	2	Red River	1
Montgomery	11	Angelina	3	Nolan	2	Reeves	1
Ector	10	Bastrop	3	Orange	2	Robertson	1
Gregg	9	Bosque	3	Rockwall	2	San Jacinto	1
Lamar	9	Bowie	3	Tyler	2	San Saba	1
Chambers	8	Brown	3	Victoria	2	Terry	1
Collin	8	Coryell	3	Wharton	2	Throckmorton	1
Liberty	8	Deaf Smith	3	Yoakum	2	Titus	1
Franklin	7	Falls	3	Aransas	1	Upshur	1
Walker	7	Hale	3	Archer	1	Val Verde	1
Ellis	6	Hockley	3	Austin	1	Waller	1
Fort Bend	6	Jim Wells	3	Brewster	1	Washington	1
Frio	6	Kinney	3	De Witt	1	Wheeler	1
Guadalupe	6	Leon	3	Erath	1	Young	1

**COURTS OF APPEALS FROM WHICH PETITIONS
 FOR DISCRETIONARY REVIEW WERE FILED**

FIRST, Houston	232	EIGHTH, El Paso	69
SECOND, Fort Worth	170	NINTH, Beaumont	49
THIRD, Austin	87	TENTH, Waco	84
FOURTH, San Antonio	109	ELEVENTH, Eastland	62
FIFTH, Dallas	225	TWELFTH, Tyler	40
SIXTH, Texarkana	58	THIRTEENTH, Corpus Christi	109
SEVENTH, Amarillo	57	FOURTEENTH, Houston	255

PETITIONING PARTIES TO COURT OF CRIMINAL APPEALS

Appellant	1,148	State	222
Appellee	18	State Prosecuting Attorney	41
Pro Se	177		