

Legislative Appropriations Request

For Fiscal Years 2010 and 2011

**Submitted to the
Governor's Office of Budget and Planning
and the Legislative Budget Board**

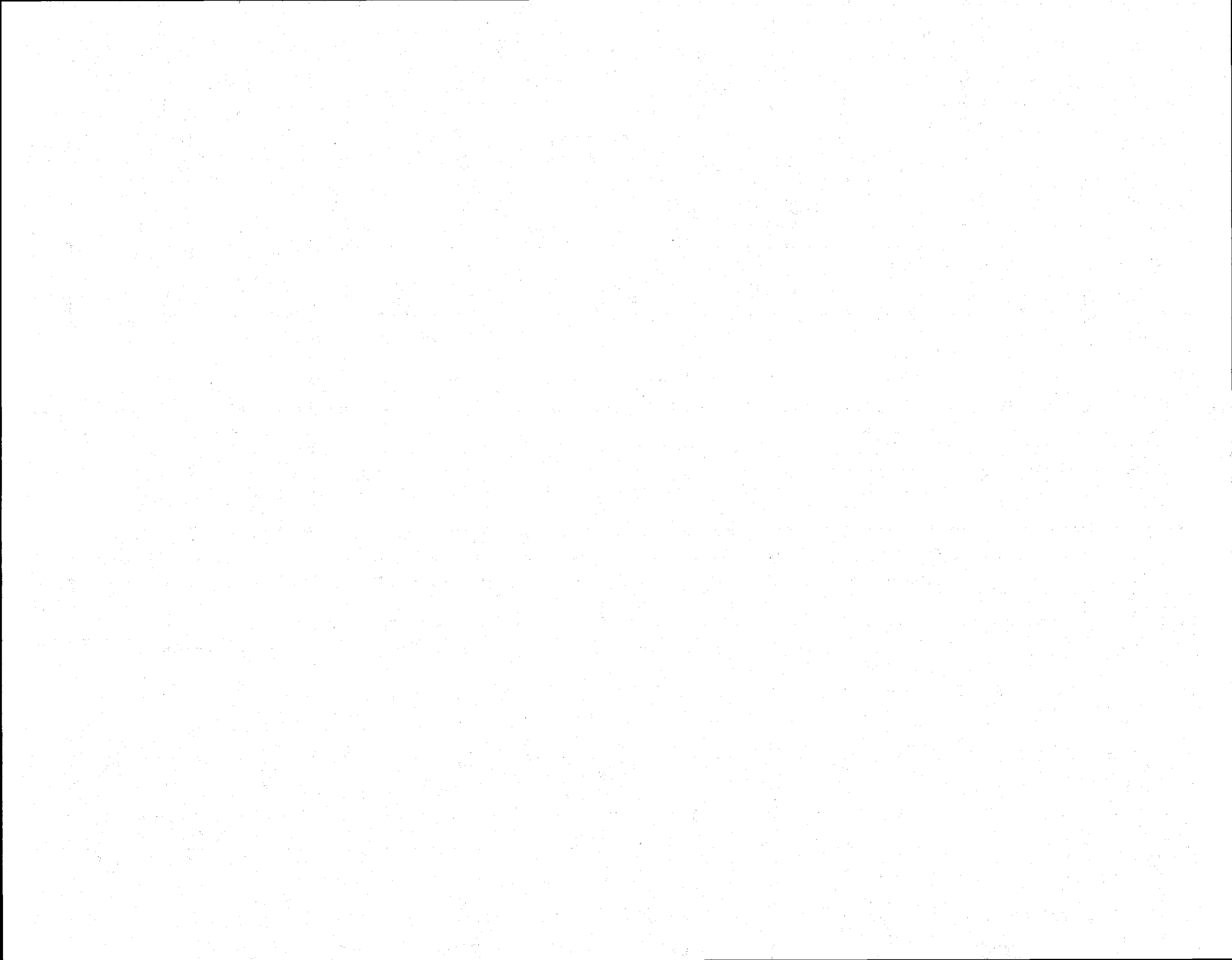
by

Court of Criminal Appeals

July 31, 2008

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ADMINISTRATOR'S STATEMENT
81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: **211** Agency name: **Court of Criminal Appeals**

The Court of Criminal Appeals was created by Article V, Section 4 of the Texas Constitution. The Court consists of a Presiding Judge and eight Judges. All nine judges are elected statewide for six year terms.

Currently, the Court has seventy-one employees, three of whom are with Judicial Education. Each Judge has a secretary, a staff attorney, and a court law clerk. In addition, the Court has a central staff, which consists of a General Counsel, sixteen attorneys and two secretaries. The Clerk's office consists of an appointed Clerk, one chief deputy clerk, six deputy clerks, a network specialist, one records manager, one accountant and two clerk III positions.

The Court also administers Fund 540, the Judicial Court and Personnel Training Fund. The fund provides for the continuing education of all levels of judges, court personnel, prosecuting attorneys and their staff, criminal defense lawyers representing indigents, and actual innocence training. This training is provided by grantees that apply for funding; currently there are seven grantees. The Court has three staff members who oversee the grant operations: one grant administrator, one program administrator and one internal auditor.

For FY 2010-2011, the Court is requesting that the funding from Fund 540 be increased. This additional funding will allow the grantees to offset increased training and operating costs and maintain current training levels. Additionally, the requested funding will allow the grant to provide training for the growing population of public defenders being established around the state.

Based on this increased funding, the Court requests the following with regard to the riders found in Article IV:

1. Change Article IV, rider 2.a.
2. Change Article IV, rider 2.b.
3. Change Article IV, rider 3.a.
4. Change Article IV, rider 3.b.
5. Change Article IV, rider 6.
6. Change Article IV, rider 8.
7. Continue Article IV, rider 9
8. Add Article IV, rider 10

The Court requests the following with regard to the across the board riders found in Article IV:

- 1.) Retain Article IV rider, Sec. 9, Appellate Court Exemptions (p. IV-39);
- 2.) Retain Article IV rider, Sec. 10, Appn: Unexpended Balances Between Fiscal Years within the Biennium (p. IV-39)
- 3.) Add Article IV rider, Sec. 16, Further Appropriation: Unexpended Balances Between Biennia (p. IV-39).

In addition to the above rider requests, the Court respectfully requests the following exceptional items for FY 2010-2011:

Our first exceptional item is a request for salary increases to compensate staff more appropriately, given the volume of work at the Court of Criminal Appeals, and to a degree more in line with staff at other Texas appellate courts. We are requesting an amount of \$597,352 to increase salaries for 26 staff attorneys, 9 court law clerks, 11 legal secretaries, 12 staff of the Clerk's office and the Clerk of the Court.

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Agency name: **Court of Criminal Appeals**

Our second exceptional item is for a new attorney position. The amount requested for this position is \$160,000. Some of the judges on the Court have convened committees to improve the criminal justice system. Examples include the Mental Health Task Force, created by Presiding Judge Keller, and the Criminal Justice Integrity Unit, created by Judge Barbara Hervey. These judges not only direct the substantive work of the committees, they also perform many necessary administrative tasks and do research attendant to the work. The ability of judges to engage in extra projects to improve the criminal justice system is limited by such burdens, which could be performed by special counsel. Special counsel could also assist the Court by assuming various other tasks, now either being performed by the judges or not being performed at all.

Our third exceptional item is funding for the Court's Imaging System. We are requesting funding in the amount of \$150,000 to replace imaging equipment in the event that we are not able to migrate the imaging system into the TAMES Project. This includes replacing the imaging server, imaging scan station, PC's with monitors, scanner and Jukebox DVD Storage. The manufacturer of the Jukebox storage device will not provide hardware support for the current jukebox after March 2010. The imaging server's operating system software is Microsoft Windows 2000 and the software's "End of Life Cycle", according to Microsoft's website is scheduled for January 2010. Purchasing a new server would allow the court to upgrade the server operating system software to a more current supported product such as Microsoft Windows 2003.

Our fourth exceptional item is for funding in the amount of \$100,000 for travel for special projects/committees and out-of-town oral arguments. Certain members of the Court are involved in various projects created to improve the criminal justice system in Texas. Some examples are Presiding Judge Keller's Mental Health Task Force and Judge Barbara Hervey's Criminal Justice Integrity Unit. The Mental Health Task Force was created to address issues concerning disposition of cases involving mentally ill offenders. The Criminal Justice Integrity Unit was designed to address matters such as eyewitness identification, crime lab reliability, and standards for evidence retention.

Also, for education and other purposes, the Court will on occasion travel outside Austin to hold oral argument.

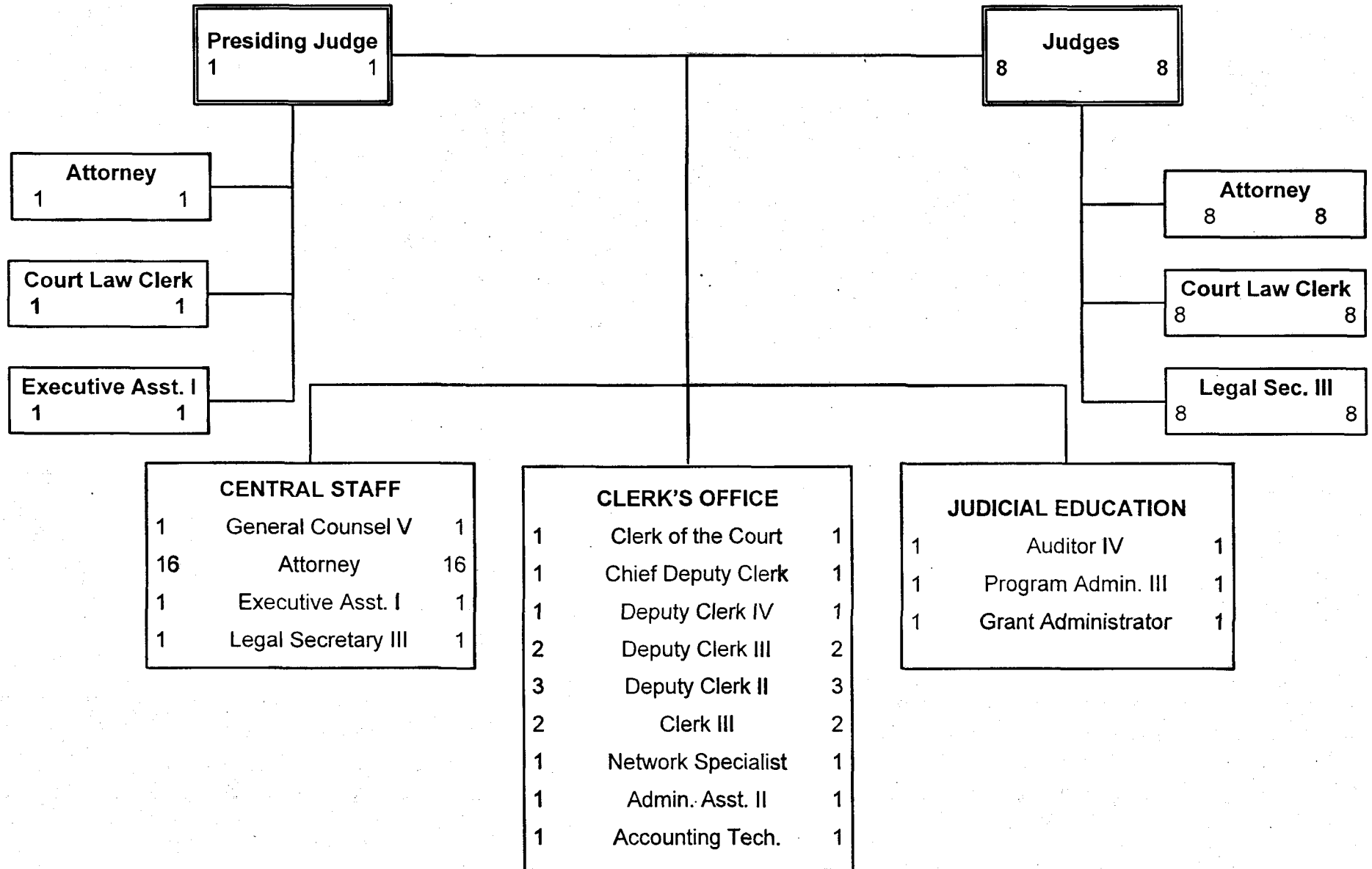
Our fifth exceptional item is for funding for longevity pay for 4 judges in the amount of \$26,880. Senate Bill 1519 entitles judicial officers in JRS I or II, who are active, to receive longevity pay with a minimum of 16 years of service. At this time we have 3 judges receiving longevity pay. In 2011 there will be 4. Additional funding is needed to pay the increase in longevity.

This Court supports the consolidated budget approach represented in the biennial appropriations request of the Office of Court Administration. If the OCA's request is not fully funded for the 2010-2011 biennium, this Court would need additional funds to maintain its own, separate information technology network.

The Court of Criminal Appeals appreciates the Legislature's efforts toward increasing appellate court funding in order that the courts may better and more efficiently administer justice for the people of Texas. We particularly appreciate the budget flexibility afforded the judiciary through consolidated appropriations, exemptions from certain limitations, and the ability to carry forward any unexpended balance within the biennium. These factors significantly enhance our management ability, and we respectfully request a continuation of these budget features. This Court carefully budgets the State's money under its stewardship and is as frugal as possible in its expenditures. Although we expect to fully expend our budgeted resources, in the event we have any unexpended balance, we particularly request that we be allowed to carry it forward to the next biennium.

ORGANIZATIONAL CHART

Texas Court of Criminal Appeals



2.A. SUMMARY OF BASE REQUEST BY STRATEGY
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:20:16PM

Agency code: 211 Agency name: Court of Criminal Appeals

Goal / Objective / STRATEGY	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>1</u> Appellate Court Operations					
<u>1</u> Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	4,710,412	4,718,226	4,780,072	4,780,072	4,780,072
TOTAL, GOAL 1	<u>\$4,710,412</u>	<u>\$4,718,226</u>	<u>\$4,780,072</u>	<u>\$4,780,072</u>	<u>\$4,780,072</u>
<u>2</u> Judicial Education					
<u>1</u> Judicial Education					
1 JUDICIAL EDUCATION	8,722,038	9,624,779	9,737,795	9,959,588	9,959,588
TOTAL, GOAL 2	<u>\$8,722,038</u>	<u>\$9,624,779</u>	<u>\$9,737,795</u>	<u>\$9,959,588</u>	<u>\$9,959,588</u>
TOTAL, AGENCY STRATEGY REQUEST	<u>\$13,432,450</u>	<u>\$14,343,005</u>	<u>\$14,517,867</u>	<u>\$14,739,660</u>	<u>\$14,739,660</u>
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$72,000	\$72,000
GRAND TOTAL, AGENCY REQUEST	<u>\$13,432,450</u>	<u>\$14,343,005</u>	<u>\$14,517,867</u>	<u>\$14,811,660</u>	<u>\$14,811,660</u>

2.A. SUMMARY OF BASE REQUEST BY STRATEGY
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:20:16PM

Agency code: 211

Agency name: Court of Criminal Appeals

Goal / Objective / STRATEGY	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
METHOD OF FINANCING:					
General Revenue Funds:					
1 General Revenue Fund	4,338,229	4,349,768	4,412,321	4,412,321	4,412,321
SUBTOTAL	\$4,338,229	\$4,349,768	\$4,412,321	\$4,412,321	\$4,412,321
Other Funds:					
540 Jud & Court Training Fd	8,722,038	9,624,779	9,084,795	10,031,588	9,581,588
573 Judicial Fund	333,500	333,251	333,251	333,251	333,251
666 Appropriated Receipts	8,683	5,207	657,500	4,500	454,500
777 Interagency Contracts	30,000	30,000	30,000	30,000	30,000
SUBTOTAL	\$9,094,221	\$9,993,237	\$10,105,546	\$10,399,339	\$10,399,339
TOTAL, METHOD OF FINANCING	\$13,432,450	\$14,343,005	\$14,517,867	\$14,811,660	\$14,811,660

*Rider appropriations for the historical years are included in the strategy amounts.

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:20:59PM

Agency code: 211 Agency name: Court of Criminal Appeals

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>GENERAL REVENUE</u>					
<u>1</u> General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriation from MOF Table	\$4,230,435	\$4,290,063	\$4,290,063	\$4,412,321	\$4,412,321
<i>TRANSFERS</i>					
Art IX, Sec 13.17(a), Salary Increase (2006-07 GAA)	\$59,629	\$0	\$0	\$0	\$0
Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)	\$0	\$59,705	\$122,258	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(28,659)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Art. IV-39, Sec. 10: UB between Fiscal Years Within the Biennium	\$76,824	\$0	\$0	\$0	\$0
TOTAL, General Revenue Fund	\$4,338,229	\$4,349,768	\$4,412,321	\$4,412,321	\$4,412,321
TOTAL, ALL GENERAL REVENUE	\$4,338,229	\$4,349,768	\$4,412,321	\$4,412,321	\$4,412,321

OTHER FUNDS

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:21:03PM

Agency code: 211

Agency name: Court of Criminal Appeals

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
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OTHER FUNDS

540 Judicial and Court Personnel Training Fund No. 540

REGULAR APPROPRIATIONS

Art. IV, Rider 6, Refund of UB Training Entities (2008-2009 GAA)

\$0	\$653,000	\$0	\$0	\$0
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Art. IV, Rider 6, Refund of UB Training Entities (2010-2011GAA)

\$0	\$0	\$0	\$450,000	\$0
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Art. IV, Rider 9, UB Authority, Admin Allocation (2008-2009 GAA)

\$(100,000)	\$100,000	\$0	\$0	\$0
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Art. IV, Rider 9, UB Authority, Admin Allocation (2010-2011 GAA)

\$0	\$0	\$0	\$100,000	\$0
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REGULAR APPROPRIATION FROM MOF TABLE

\$8,883,755	\$8,981,588	\$8,981,588	\$9,481,588	\$9,481,588
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RIDER APPROPRIATION

Art. IV, Rider 6, Refund of UB from Training Entities (2006-2007 GAA)

\$507,408	\$0	\$0	\$0	\$0
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Art. IV, Rider 6, Refund of UB from Training Entities (2006-2007 GAA)

\$(634,138)	\$0	\$0	\$0	\$0
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Art. IV, Rider 9, UB Authority, Admin Allocation (2006-2007 GAA)

\$66,145	\$0	\$0	\$0	\$0
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2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
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Agency code: 211 Agency name: Court of Criminal Appeals

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
Art. IV, Rider 9, UB Authority, Admin Allocation (2010-2011 GAA)	\$0	\$0	\$0	\$0	\$100,000
<i>TRANSFERS</i>					
Art IX, Sec 13.17(a), Salary Increase (2006-07 GAA)	\$8,106	\$0	\$0	\$0	\$0
Art IX, Sec 19.62(a), Salary Increase (2008-09 GAA)	\$0	\$4,053	\$8,207	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations	\$(9,238)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Art. IV, Rider 6, Revised UB amount	\$0	\$(18,862)	\$0	\$0	\$0
Art. IV, Rider 9, UB Authority, Admin Allocation (2008-2009 GAA)	\$0	\$(95,000)	\$95,000	\$0	\$0
TOTAL, Judicial and Court Personnel Training Fund No. 540	\$8,722,038	\$9,624,779	\$9,084,795	\$10,031,588	\$9,581,588

573 Judicial Fund No. 573

REGULAR APPROPRIATIONS

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 81st Regular Session, Agency Submission, Version I
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Agency code: 211 Agency name: Court of Criminal Appeals

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
REGULAR APPROPRIATION FROM MOF TABLE					
	\$0	\$333,251	\$333,251	\$333,251	\$333,251
<i>TRANSFERS</i>					
HB 11, 79th Legislature, 2nd Called Session (2005)					
	\$333,500	\$0	\$0	\$0	\$0
TOTAL, Judicial Fund No. 573	\$333,500	\$333,251	\$333,251	\$333,251	\$333,251
<u>666</u> Appropriated Receipts					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriation from MOF Table					
	\$0	\$4,500	\$4,500	\$4,500	\$4,500
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.03, Reimbursements and Payments (2006-07 GAA)					
	\$8,683	\$0	\$0	\$0	\$0
Art IX, Sec 8.03, Reimbursements and Payments (2008-09 GAA)					
	\$0	\$707	\$653,000	\$0	\$450,000
TOTAL, Appropriated Receipts	\$8,683	\$5,207	\$657,500	\$4,500	\$454,500
<u>777</u> Interagency Contracts					
<i>REGULAR APPROPRIATIONS</i>					

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
 81st Regular Session, Agency Submission, Version 1
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DATE: 8/1/2008
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Agency code: 211

Agency name: Court of Criminal Appeals

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
<u>OTHER FUNDS</u>					
Regular Appropriation from MOF Table	\$0	\$30,000	\$30,000	\$30,000	\$30,000
<i>RIDER APPROPRIATION</i>					
Art IX, Sec 8.03, Reimbursements and Payments (2006-07 GAA)	\$30,000	\$0	\$0	\$0	\$0
TOTAL, Interagency Contracts	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
TOTAL, ALL OTHER FUNDS	\$9,094,221	\$9,993,237	\$10,105,546	\$10,399,339	\$10,399,339
GRAND TOTAL	\$13,432,450	\$14,343,005	\$14,517,867	\$14,811,660	\$14,811,660

FULL-TIME-EQUIVALENT POSITIONS

REGULAR APPROPRIATIONS					
Full Time Equivalent Positions	70.0	71.0	71.0	71.0	71.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Adjusted FTE	(1.3)	(1.3)	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	68.7	69.7	71.0	71.0	71.0

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE
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DATE: 8/1/2008
TIME: 3:21:03PM

Agency code: 211

Agency name: Court of Criminal Appeals

METHOD OF FINANCING	Exp 2007	Est 2008	Bud 2009	Req 2010	Req 2011
NUMBER OF 100% FEDERALLY FUNDED FTEs	0.0	0.0	0.0	0.0	0.0

2.C. SUMMARY OF BASE REQUEST BY OBJECT OF EXPENSE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:21:59PM

Agency code: 211	Agency name: Court of Criminal Appeals				
OBJECT OF EXPENSE	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1001 SALARIES AND WAGES	\$4,450,119	\$4,635,056	\$4,777,935	\$4,777,935	\$4,777,935
1002 OTHER PERSONNEL COSTS	\$196,994	\$98,065	\$75,840	\$75,840	\$75,840
2001 PROFESSIONAL FEES AND SERVICES	\$6,624	\$1,904	\$1,904	\$1,904	\$1,904
2003 CONSUMABLE SUPPLIES	\$46,474	\$83,981	\$28,589	\$28,960	\$28,960
2005 TRAVEL	\$13,896	\$13,501	\$13,501	\$12,695	\$12,695
2006 RENT - BUILDING	\$11,332	\$11,575	\$11,576	\$11,576	\$11,576
2007 RENT - MACHINE AND OTHER	\$27,916	\$30,116	\$29,924	\$29,924	\$29,924
2008 DEBT SERVICE	\$(92)	\$0	\$0	\$0	\$0
2009 OTHER OPERATING EXPENSE	\$152,376	\$73,688	\$110,250	\$122,986	\$122,986
4000 GRANTS	\$8,526,811	\$9,395,119	\$9,468,348	\$9,677,840	\$9,677,840
OOE Total (Excluding Riders)	\$13,432,450	\$14,343,005	\$14,517,867	\$14,739,660	\$14,739,660
OOE Total (Riders)				\$72,000	\$72,000
Grand Total	\$13,432,450	\$14,343,005	\$14,517,867	\$14,811,660	\$14,811,660

2.C.1. OPERATING COSTS DETAIL ~ BASE REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/1/2008
 Time: 3:23:46PM

Agency Code: 211 Agency: Court of Criminal Appeals

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended 2007	Estimated 2008	Budgeted 2009	Requested 2010	Requested 2011
2	Postage	\$16,754	\$20,304	\$14,304	\$20,304	\$14,304
5	Westlaw/Lexis	5,498	9,534	8,846	8,846	8,846
6	Registrations/Training	5,153	1,789	1,789	1,789	1,789
13	Furniture & Equipment (Expensed)	6,564	4,636	4,636	4,636	4,636
15	Printing & Reproduction	1,324	2,142	2,142	2,142	2,142
19	Claims & Judgments	2,100	0	0	0	0
24	Freight/Delivery	3,454	3,033	3,033	3,033	3,033
27	Membership Dues	1,200	1,500	1,500	1,500	1,500
28	Liability Insurance	6,000	0	6,000	0	6,000
38	Computer Parts and Supplies	291	0	0	0	0
41	Telecommunication Charges	3,059	795	816	816	816
54	Furnishings & Equip. - Controlled	305	102	102	102	102
55	Computer Furn & Equip-Controlled	1,405	0	0	0	0
56	Computer Equipment - Expensed	140	0	0	0	0
64	SORM Assessment	5,701	6,277	6,277	6,277	6,277
76	Maintenance & Repair - Building	865	0	0	0	0
86	Capitol Complex Transfer	15,365	14,573	15,600	15,600	15,600
108	Publications	97	0	0	0	0
111	Purchased Contract Services	12,187	0	0	0	0
120	Interest Paid on Delay Payments	93	0	0	0	0
157	Fees and Other Charges	0	11	11	0	0
162	Pers Prop-Main & Rep (Comp.Sft)	57,300	276	276	287	287
163	Pers Prop-Main & Rep (Exp)	75	0	0	0	0
164	Books/Reference Materials	1,904	6,320	6,320	6,320	6,320
	Total, Operating Costs	\$146,834	\$71,292	\$71,652	\$71,652	\$71,652

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/1/2008
Time: 3:21:08PM

Agency code: 211		Agency name: Court of Criminal Appeals			
Goal/ Objective / Outcome	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1 Appellate Court Operations					
1 Appellate Court Operations					
KEY	1 Disposition Rate for PDR's Which Are Granted				
	57.00%	62.00%	62.00%	144.00%	144.00%
	2 Disposition Rate for Application for Writs of Habeas Corpus				
	94.00%	92.00%	92.00%	100.00%	100.00%
KEY	3 Disposition Rate for Death Penalty Cases				
	31.00%	33.00%	33.00%	138.00%	138.00%
KEY	4 Avg Time (in Days) from the Time PDRs Are Granted until Disposition				
	335.00	353.00	353.00	353.00	353.00
KEY	5 Average Time from Time Filed to Disposition in Death Penalty Cases				
	824.00	865.00	865.00	865.00	865.00

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST

81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008

TIME : 3:21:17PM

Agency code: 211

Agency name: Court of Criminal Appeals

Priority	Item	2010			2011			Biennium	
		GR and GR/Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Salary Increases	\$298,676	\$298,676		\$298,676	\$298,676		\$597,352	\$597,352
2	Special Counsel	\$80,000	\$80,000	1.0	\$80,000	\$80,000	1.0	\$160,000	\$160,000
3	Replace Imaging Equipment	\$150,000	\$150,000		\$0	\$0		\$150,000	\$150,000
4	Travel	\$50,000	\$50,000		\$50,000	\$50,000		\$100,000	\$100,000
5	Longevity Pay	\$11,520	\$11,520		\$15,360	\$15,360		\$26,880	\$26,880
Total, Exceptional Items Request		\$590,196	\$590,196	1.0	\$444,036	\$444,036	1.0	\$1,034,232	\$1,034,232

Method of Financing

General Revenue	\$590,196	\$590,196		\$444,036	\$444,036		\$1,034,232	\$1,034,232
General Revenue - Dedicated								
Federal Funds								
Other Funds								
	\$590,196	\$590,196		\$444,036	\$444,036		\$1,034,232	\$1,034,232

Full Time Equivalent Positions

1.0

1.0

Number of 100% Federally Funded FTEs

0.0

0.0

OPERATING COSTS DETAIL ~ EXCEPTIONAL ITEMS
 81st Regular Session, Agency Submission, Version 1
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Date: 8/1/2008
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Agency Code: 211 Agency: Court of Criminal Appeals

BASE REQUEST STRATEGY: Appellate Court Operations

Code	Type of Expense	Year	Exceptional 1	Exceptional 2	Exceptional 3	Exceptional 4	Exceptional 5
2	Postage	2010 2011					
5	Westlaw/Lexis	2010 2011					
6	Registrations/Training	2010 2011					
13	Furniture & Equipment (Expensed)	2010 2011					
15	Printing & Reproduction	2010 2011					
19	Claims & Judgments	2010 2011					
24	Freight/Delivery	2010 2011					
27	Membership Dues	2010 2011					
28	Liability Insurance	2010 2011					
38	Computer Parts and Supplies	2010 2011					
41	Telecommunication Charges	2010 2011					
54	Furnishings & Equip. - Controlled	2010 2011					
55	Computer Furn & Equip-Controlled	2010 2011					

OPERATING COSTS DETAIL ~ EXCEPTIONAL ITEMS
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

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Agency Code: 211 Agency: Court of Criminal Appeals

BASE REQUEST STRATEGY: Appellate Court Operations

Code	Type of Expense	Year	Exceptional 1	Exceptional 2	Exceptional 3	Exceptional 4	Exceptional 5
56	Computer Equipment - Expensed	2010 2011					
64	SORM Assessment	2010 2011					
76	Maintenance & Repair - Building	2010 2011					
86	Capitol Complex Transfer	2010 2011					
108	Publications	2010 2011					
111	Purchased Contract Services	2010 2011					
120	Interest Paid on Delay Payments	2010 2011					
157	Fees and Other Charges	2010 2011					
162	Pers Prop-Main & Rep (Comp.Sft)	2010 2011					
163	Pers Prop-Main & Rep (Exp)	2010 2011					
164	Books/Reference Materials	2010 2011					
	Total, Operating Costs	2010 2011					

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY
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DATE : 8/1/2008
 TIME : 3:21:29PM

Agency code: 211	Agency name: Court of Criminal Appeals					
<i>Goal/Objective/STRATEGY</i>	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
1 Appellate Court Operations						
<i>1 Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$4,780,072	\$4,780,072	\$590,196	\$444,036	\$5,370,268	\$5,224,108
TOTAL, GOAL 1	\$4,780,072	\$4,780,072	\$590,196	\$444,036	\$5,370,268	\$5,224,108
2 Judicial Education						
<i>1 Judicial Education</i>						
1 JUDICIAL EDUCATION	9,959,588	9,959,588	0	0	9,959,588	9,959,588
TOTAL, GOAL 2	\$9,959,588	\$9,959,588	\$0	\$0	\$9,959,588	\$9,959,588
TOTAL, AGENCY STRATEGY REQUEST	\$14,739,660	\$14,739,660	\$590,196	\$444,036	\$15,329,856	\$15,183,696
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST	\$72,000	\$72,000	\$0	\$0	\$72,000	\$72,000
GRAND TOTAL, AGENCY REQUEST	\$14,811,660	\$14,811,660	\$590,196	\$444,036	\$15,401,856	\$15,255,696

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/1/2008
 TIME : 3:21:33PM

Agency code: 211

Agency name: Court of Criminal Appeals

Goal/Objective/STRATEGY	Base 2010	Base 2011	Exceptional 2010	Exceptional 2011	Total Request 2010	Total Request 2011
General Revenue Funds:						
1 General Revenue Fund	\$4,412,321	\$4,412,321	\$590,196	\$444,036	\$5,002,517	\$4,856,357
	\$4,412,321	\$4,412,321	\$590,196	\$444,036	\$5,002,517	\$4,856,357
Other Funds:						
540 Jud & Court Training Fd	10,031,588	9,581,588	0	0	\$10,031,588	\$9,581,588
573 Judicial Fund	333,251	333,251	0	0	\$333,251	\$333,251
666 Appropriated Receipts	4,500	454,500	0	0	\$4,500	\$454,500
777 Interagency Contracts	30,000	30,000	0	0	\$30,000	\$30,000
	\$10,399,339	\$10,399,339	\$0	\$0	\$10,399,339	\$10,399,339
TOTAL, METHOD OF FINANCING	\$14,811,660	\$14,811,660	\$590,196	\$444,036	\$15,401,856	\$15,255,696
FULL TIME EQUIVALENT POSITIONS	71.0	71.0	1.0	1.0	72.0	72.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

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Date : 8/1/2008
Time: 3:21:40PM

Agency code: 211

Agency name: Court of Criminal Appeals

Goal/ Objective / Outcome

	BL 2010	BL 2011	Excp 2010	Excp 2011	Total Request 2010	Total Request 2011
1 Appellate Court Operations						
1 Appellate Court Operations						
KEY 1 Disposition Rate for PDR's Which Are Granted						
	144.00%	144.00%			144.00%	144.00%
2 Disposition Rate for Application for Writs of Habeas Corpus						
	100.00%	100.00%			100.00%	100.00%
KEY 3 Disposition Rate for Death Penalty Cases						
	138.00%	138.00%			138.00%	138.00%
KEY 4 Avg Time (in Days) from the Time PDRs Are Granted until Disposition						
	353.00	353.00			353.00	353.00
KEY 5 Average Time from Time Filed to Disposition in Death Penalty Cases						
	865.00	865.00			865.00	865.00

3.A. STRATEGY REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:21:50PM

Agency code: 211 Agency name: Court of Criminal Appeals

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Statewide Goal/Benchmark: 0 0

Service Categories:

Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
Output Measures:						
1	Number of Cases Disposed	10,929.00	10,950.00	10,950.00	10,950.00	10,950.00
Efficiency Measures:						
1	Average time (Days) from the Time FD to Disp for Writs of Habeas Corp	63.00	28.00	28.00	28.00	28.00
2	Average Time from the Time Filed to Disposition for PDR	67.00	55.00	55.00	55.00	55.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$4,273,467	\$4,434,393	\$4,554,260	\$4,554,260	\$4,554,260
1002	OTHER PERSONNEL COSTS	\$187,294	\$77,450	\$74,400	\$74,400	\$74,400
2001	PROFESSIONAL FEES AND SERVICES	\$6,624	\$1,904	\$1,904	\$1,904	\$1,904
2003	CONSUMABLE SUPPLIES	\$46,092	\$83,793	\$28,460	\$28,460	\$28,460
2005	TRAVEL	\$13,244	\$10,195	\$10,195	\$10,195	\$10,195
2006	RENT - BUILDING	\$11,332	\$11,575	\$11,576	\$11,576	\$11,576
2007	RENT - MACHINE AND OTHER	\$25,616	\$27,624	\$27,624	\$27,624	\$27,624
2008	DEBT SERVICE	\$(92)	\$0	\$0	\$0	\$0
2009	OTHER OPERATING EXPENSE	\$146,835	\$71,292	\$71,653	\$71,653	\$71,653
TOTAL, OBJECT OF EXPENSE		\$4,710,412	\$4,718,226	\$4,780,072	\$4,780,072	\$4,780,072
Method of Financing:						
1	General Revenue Fund	\$4,338,229	\$4,349,768	\$4,412,321	\$4,412,321	\$4,412,321
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$4,338,229	\$4,349,768	\$4,412,321	\$4,412,321	\$4,412,321
Method of Financing:						
573	Judicial Fund	\$333,500	\$333,251	\$333,251	\$333,251	\$333,251
666	Appropriated Receipts	\$8,683	\$5,207	\$4,500	\$4,500	\$4,500
777	Interagency Contracts	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000

3.A. STRATEGY REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:21:53PM

Agency code: **211** Agency name: **Court of Criminal Appeals**

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Statewide Goal/Benchmark: 0 0
 Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
SUBTOTAL, MOF (OTHER FUNDS)		\$372,183	\$368,458	\$367,751	\$367,751	\$367,751
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$4,780,072	\$4,780,072
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$4,710,412	\$4,718,226	\$4,780,072	\$4,780,072	\$4,780,072
FULL TIME EQUIVALENT POSITIONS:		65.7	66.7	68.0	68.0	68.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Court of Criminal Appeals was created by Article V, Section 4 of the Texas Constitution. The Court of Criminal Appeals consists of eight Judges and one Presiding Judge. This Court has final appellate jurisdiction coextensive with the limits of the state, and its determinations shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in the Texas Constitution or prescribed by law. The appeal of all cases in which the death penalty has been assessed shall be to the Court of Criminal Appeals. The appeal of all other criminal cases shall be to the Courts of Appeal as prescribed by law. In addition, the Court of Criminal Appeals may, on its own motion, review a decision of a Court of Appeals in a criminal case as provided by law. Discretionary review by the Court of Criminal Appeals is not a matter of right, but of sound judicial discretion.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The main factor which drives this strategy is the need to attract and retain highly trained and knowledgeable staff to work on an increasing caseload.

3.A. STRATEGY REQUEST
 81st Regular Session, Agency Submission, Version 1
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DATE: 8/1/2008
 TIME: 3:21:53PM

Agency code: 211 Agency name: Court of Criminal Appeals

GOAL: 2 Judicial Education
 OBJECTIVE: 1 Judicial Education
 STRATEGY: 1 Judicial Education

Statewide Goal/Benchmark: 0 0
 Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
Output Measures:						
1	Number of Judges Trained in Judicial Education Courses	3,059.00	3,838.00	5,212.00	5,212.00	5,212.00
2	Number of Court Personnel Trained in Judicial Education Courses	4,077.00	4,493.00	4,964.00	4,964.00	4,964.00
3	Number of Constables Trained in Judicial Education Courses	433.00	665.00	953.00	953.00	953.00
4	Number of Prosecuting Attorneys and Their Personnel Trained	1,355.00	1,440.00	2,660.00	2,660.00	2,660.00
5	Number of Defense Attorneys Trained in Judicial Education Courses	2,034.00	2,921.00	2,235.00	2,235.00	2,235.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$176,652	\$200,663	\$223,675	\$223,675	\$223,675
1002	OTHER PERSONNEL COSTS	\$9,700	\$20,615	\$1,440	\$1,440	\$1,440
2003	CONSUMABLE SUPPLIES	\$382	\$188	\$129	\$500	\$500
2005	TRAVEL	\$652	\$3,306	\$3,306	\$2,500	\$2,500
2007	RENT - MACHINE AND OTHER	\$2,300	\$2,492	\$2,300	\$2,300	\$2,300
2009	OTHER OPERATING EXPENSE	\$5,541	\$2,396	\$38,597	\$51,333	\$51,333
4000	GRANTS	\$8,526,811	\$9,395,119	\$9,468,348	\$9,677,840	\$9,677,840
TOTAL, OBJECT OF EXPENSE		\$8,722,038	\$9,624,779	\$9,737,795	\$9,959,588	\$9,959,588
Method of Financing:						
540	Jud & Court Training Fd	\$8,722,038	\$9,624,779	\$9,084,795	\$9,959,588	\$9,509,588
666	Appropriated Receipts	\$0	\$0	\$653,000	\$0	\$450,000
SUBTOTAL, MOF (OTHER FUNDS)		\$8,722,038	\$9,624,779	\$9,737,795	\$9,959,588	\$9,959,588

Rider Appropriations:
 540 Jud & Court Training Fd

3.A. STRATEGY REQUEST
 81st Regular Session, Agency Submission, Version 1
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DATE: 8/1/2008
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Agency code: 211 Agency name: Court of Criminal Appeals

GOAL: 2 Judicial Education
 OBJECTIVE: 1 Judicial Education
 STRATEGY: 1 Judicial Education

Statewide Goal/Benchmark: 0 0
 Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
2	1 Judicial Education				\$50,000	\$50,000
3	1 Cont. Ed. & Tech. Asst. for Prosecutors & Criminal Def. Attys				\$125,000	\$125,000
6	1 Appropriation: Refund of UB from Training Entities				\$(203,000)	\$(203,000)
8	1 Acutal Innocence Training				\$50,000	\$50,000
701	1 Public Defender Training				\$50,000	\$50,000
TOTAL, RIDER & UNEXPENDED BALANCES APPROP					\$72,000	\$72,000
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$10,031,588	\$10,031,588
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$8,722,038	\$9,624,779	\$9,737,795	\$9,959,588	\$9,959,588
FULL TIME EQUIVALENT POSITIONS:		3.0	3.0	3.0	3.0	3.0

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Court of Criminal Appeals has administered the appropriation for Judicial and Court Personnel Training since the 73rd Legislative Session as authorized by Chapter 56 of the Government Code and Article IV of the General Appropriations Act. The Court of Criminal Appeals oversees the training program and adopts rules relating to the education and training of judges and court personnel of appellate, district, statutory county, constitutional county, and municipal courts, and justices of the peace and their staff, prosecuting attorneys and their staff and criminal defense lawyers who represent indigents. The Court of Criminal Appeals provides funding in the forms of grants to entities who conduct the education and training programs. The Court of Criminal Appeals controls the budgets of the entities who receive grants, audits the expenditure of funds provided, and tracks participation in the education and training programs.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Many participants of the education and training programs have little or no prior experience in their offices or positions and they rely heavily on the information and materials provided to establish and maintain competency. Judicial and Court Personnel training serves as a preventative so that fewer cases of judicial mishandling appear before the State's Judicial Conduct Commission, and also so that attorneys defending indigents may receive representation that has been properly trained.

3.A. STRATEGY REQUEST
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SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$13,432,450	\$14,343,005	\$14,517,867	\$14,739,660	\$14,739,660
METHODS OF FINANCE (INCLUDING RIDERS):				\$14,811,660	\$14,811,660
METHODS OF FINANCE (EXCLUDING RIDERS):	\$13,432,450	\$14,343,005	\$14,517,867	\$14,739,660	\$14,739,660
FULL TIME EQUIVALENT POSITIONS:	68.7	69.7	71.0	71.0	71.0

3.B. Rider Revisions and Additions Request

Agency Code: 211	Agency Name: COURT OF CRIMINAL APPEALS	Prepared By: LOUISE PEARSON	Date: JULY 31, 2008	Request Level: Base
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Current Rider Number	Page Number in 2008-09 GAA	Proposed Rider Language
2a	IV-5	<p>The Court of Criminal Appeals may assign to the Office of Court Administration or to any other agency of the Judicial Branch the necessary administrative and accounting functions for the Judicial and Court Personnel Training Fund appropriation included in this Act to be performed under the direction of the Court of Criminal Appeals in compliance with Government Code, Chapter 56. To implement this provision, the Comptroller is authorized to transfer the appropriation from the Court of Criminal Appeals to the Office of Court Administration, or to any other agency of the Judicial Branch, as directed by order of the Court of Criminal Appeals. Of the amount appropriated for Strategy B.1.1, Judicial Education, \$475,000 <u>\$525,000</u> in fiscal year 200810 and \$475,000 <u>\$525,000</u> in fiscal year 200911 shall be expended for the continuing legal education of judges of county courts performing judicial functions.</p> <p><i>The Court is seeking for additional funds to be appropriated from Fund 540 in order for grantees to offset increased programming and operational costs and enable them to maintain current training levels.</i></p>
2b	IV-5	<p>Contingent on the passage of Senate Bill 496 or similar legislation relating to Government Code, Chapter 56 by the Eightieth Legislature, Regular Session, none <u>None</u> of the funds appropriated above in Strategy B.1.1, Judicial Education, in excess of 3 percent of the appropriated amount and any additional amounts appropriated for the purposes of this provision (\$90,000 in each fiscal year of the 200810-0911 biennium) in any fiscal year shall be expended for the administration of the judicial education function. The 3 percent administrative allocation is estimated to be \$287,838 <u>\$281,748</u> in fiscal year 200810 and \$266,748 <u>\$281,748</u> in fiscal year 200911, subject to amounts of refunds of unexpended balances from training entities or other funds that may be provided for judicial and court personnel training. For the purposes of this provision, the term administration shall include, but not be limited to, administrative oversight functions, accounting and auditing functions, management studies, performance audits, and other studies initiated by the Court of Criminal Appeals or the Office of Court Administration.</p> <p><i>The Court requests continuation of this rider.</i></p>

**3.B. Rider Revisions and Additions Request
(continued)**

3a	IV-5	<p>The Court of Criminal Appeals is authorized to contract with a statewide professional association of prosecuting attorneys and other entities whose purposes include providing continuing legal education courses, programs and technical assistance projects for prosecutors and prosecutor office personnel, provided, however, that such contract shall not exceed \$1,400,000 <u>\$1,475,000</u> in fiscal year 2008<u>10</u> and \$1,400,000 <u>\$1,475,000</u> in fiscal year 2009<u>11</u>.</p> <p><i>The Court is seeking for additional funds to be appropriated from Fund 540 in order for grantees to offset increased programming and operational costs and enable them to maintain current training levels.</i></p>
3b	IV-5	<p>The Court of Criminal Appeals is authorized to contract with a statewide professional association of criminal defense attorneys and other entities whose purposes include providing continuing legal education courses, programs and technical assistance projects for criminal defense attorneys who regularly represent indigent defendants in criminal matters, provided, however, that such contract shall not exceed \$1,250,000 <u>\$1,300,000</u> in fiscal year 2008<u>10</u> and \$1,250,000 <u>\$1,300,000</u> in fiscal year 2009<u>11</u>.</p> <p><i>The Court is seeking for additional funds to be appropriated from Fund 540 in order for grantees to offset increased programming and operational costs and enable them to maintain current training levels.</i></p>
6	IV-6	<p>Appropriation: Refunds of Unexpended Balances from Training Entities. The Court of Criminal Appeals shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered state funds held at the close of fiscal year 2007<u>09</u> and fiscal year 2008<u>10</u> by training entities receiving grants to conduct judicial and court personnel training. Refunds received by the Court of Criminal Appeals in fiscal year 2008<u>10</u> from training entities are appropriated above in Strategy B.1.1, Judicial Education (not to exceed \$653,000 <u>\$450,000</u> in fiscal year 2008<u>10</u> out of Judicial and Court Personnel Training Account No. 540.) In addition, under Article IX, § 8.03 of this Act, the Court of Criminal Appeals is authorized to spend an amount not to exceed \$653,000 <u>\$450,000</u> from refunds received from training entities in fiscal year 2009<u>11</u> for grants awarded in fiscal year 2008<u>10</u>.</p> <p><i>The Court requests continuation of this rider.</i></p>
8	IV-6	<p>Actual Innocence Training. Out of funds appropriated above in Strategy B.1.1, Judicial Education, an amount not to exceed \$150,000 <u>\$200,000</u> in fiscal year 2008<u>10</u> and an amount not to exceed \$150,000 <u>\$200,000</u> in fiscal year 2009<u>11</u> shall be used by the Court of Criminal Appeals to contract with statewide professional associations and other entities whose purposes include providing continuing legal education courses, programs, and technical assistance projects on actual innocence for criminal defense attorneys, prosecuting attorneys, judges, bailiffs, constables, warrant officers, or other persons as provided by statute. Any unexpended balances of these funds remaining as of August 31, 2008<u>10</u> are hereby appropriated to the Court of Criminal Appeals for the fiscal year beginning September 1, 2008<u>10</u> for the same purpose.</p> <p><i>The Court is seeking for additional funds to be appropriated from Fund 540 in order to fulfill the increasing demands for actual innocence training and to offset the increased programming and operational costs associated with providing this training.</i></p>

**3.B. Rider Revisions and Additions Request
(continued)**

9	IV-6	<p>Public Defender Training: <u>Out of funds appropriated above in Strategy B.1.1, Judicial Education, an amount not to exceed \$50,000 in fiscal year 2010 and an amount not to exceed \$50,000 in fiscal year 2011 shall be used by the Court of Criminal Appeals to contract with statewide professional associations and other entities whose purposes include providing continuing legal education courses, programs and technical assistance projects for public defenders and their staff who regularly represent indigent defendants in criminal matters.</u></p> <p>The Court is seeking for additional funds to be appropriated from Fund 540 in order to provide training for the attorneys and staff of public defender offices.</p>
910	IV-6	<p>Appropriation: Unexpended Balance Authority Between Biennia and Within the Biennium for Judicial Education, Administrative Allocation. Contingent on the passage of Senate Bill 496 or similar legislation relating to Government Code, Chapter 56 by the Eightieth Legislature, Regular Session, all <u>All</u> unexpended balances of funds appropriated to Strategy B.1.1, Judicial Education, at the end of fiscal year 200709 are appropriated to Strategy B.1.1, Judicial Education in fiscal year 200810 (not to exceed \$100,000 in Judicial and Court Personnel Training Fund No. 540, and included in amounts appropriated above). Further, all unexpended balances of funds appropriated to Strategy B.1.1, Judicial Education, at the end of fiscal year 200810 are appropriated to Strategy B.1.1, Judicial Education in fiscal year 200911 (not to exceed \$100,000 in Judicial and Court Personnel Training Fund No. 540) and included in amounts appropriated above.</p> <p><i>The Court requests continuation of this rider.</i></p>
Sec. 9	IV-39	<p>Appellate Court Exemptions. The following provision of Article IX of this Act do not apply to the appellate courts:</p> <ul style="list-style-type: none"> a. Article IX, Sec. 5.08, Limitation on Travel Expenditures b. Article IX, Sec. 6.10, Limitation on State Employment Levels c. Article IX, Sec. 6.15, Performance Rewards and Penalties d. Article IX, Sec. 14.03, Limit on Expenditures – Capital Budget <p><i>The Court requests continuation of this rider. Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. All of the exemptions listed above are included in the current General Appropriations act (HB1, 80th Leg., RS). The flexibility afforded by these measures enhances the Court's management ability.</i></p>
Sec. 10	IV-39	<p>Appropriation: Unexpended Balances Between Fiscal Years within the Biennium. Any unexpended balances from appropriation made to the appellate courts for fiscal years 200810 are appropriated to the same court for fiscal year 200911 for the same purposes.</p> <p><i>The Court requests that the Legislature continue this rider to give the court additional flexibility in managing its budget.</i></p>

**3.B. Rider Revisions and Additions Request
(continued)**

Sec. 17	IV-39	<p>Further Appropriation: Unexpended Balances Between Biennia. Any unexpended balance from appropriations made to the Court of Criminal Appeals for fiscal year 2011 are hereby appropriated to the same court for fiscal year 2012 for the same purposes.</p> <p><i>Reason for addition: This provision has been granted to the Court in past and the Court respectfully requests it for the FY 2010-11 biennium. This allows the Court greater flexibility and more efficient use of funds.</i></p>
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3.C. RIDER APPROPRIATIONS AND UNEXPENDED BALANCES REQUEST

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
TIME: 3:23:02PM

Agency code: 211 Agency name: Court of Criminal Appeals

RIDER	STRATEGY	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
2 1	Judicial Education 2-1-1 JUDICIAL EDUCATION	\$0	\$0	\$0	\$50,000	\$50,000
OBJECT OF EXPENSE:						
	4000 GRANTS	\$0	\$0	\$0	\$50,000	\$50,000
Total, Object of Expense		\$0	\$0	\$0	\$50,000	\$50,000
METHOD OF FINANCING:						
	540 Jud & Court Training Fd	\$0	\$0	\$0	\$50,000	\$50,000
Total, Method of Financing		\$0	\$0	\$0	\$50,000	\$50,000

Description/Justification for continuation of existing riders or proposed new rider

2a. The CCA may assign to the OCA or to any other agency of the Judicial Branch the necessary administrative and accounting functions for the Judicial and Court Personnel Training Fund appropriation included in this Act to be performed under the direction of the CCA in compliance with Govt. Code, Ch. 56. To implement this provision, the Comptroller is authorized to transfer the appropriation from the CCA to the OCA, or to any other agency of the Judicial Branch, as directed by order of the CCA. Of the amount appropriated for Strategy B.1.1, Judicial Education, \$525,000 in fiscal year 2010 and \$525,000 in fiscal year 2011 shall be expended for the continuing legal education of judges of county courts performing judicial functions.

Justification: The Court is seeking for additional funds to be appropriated from Fund 540 in order for grantees to offset increased programming and operational costs and enable them to maintain current training levels.

2b. None of the funds appropriated above in Strategy B.1.1, Judicial Education, in excess of 3 percent of the appropriated amount and any additional amounts appropriated for the purposes of this provision (\$90,000 in each fiscal year of the 2010-11 biennium) in any fiscal year shall be expended for the administration of the judicial education function. The 3 percent administrative allocation is estimated to be \$281,748 in fiscal year 2010 and \$281,748 in fiscal year 2011, subject to amounts of refunds of unexpended balances from training entities or other funds that may be provided for judicial and court personnel training. For the purposes of this provision, the term administration shall include, but not be limited to, administrative oversight functions, accounting and auditing functions, management studies, performance audits, and other studies initiated by the CCCA or the OCA.

Justification: The Court requests continuation of this rider.

3.C. RIDER APPROPRIATIONS AND UNEXPENDED BALANCES REQUEST

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
TIME: 3:23:06PM

Agency code: 211 Agency name: Court of Criminal Appeals

RIDER	STRATEGY	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
3 1	Prosecutors & Criminal Defense Atty 2-1-1 JUDICIAL EDUCATION	\$0	\$0	\$0	\$125,000	\$125,000
OBJECT OF EXPENSE:						
	4000 GRANTS	\$0	\$0	\$0	\$125,000	\$125,000
Total, Object of Expense		\$0	\$0	\$0	\$125,000	\$125,000
METHOD OF FINANCING:						
	540 Jud & Court Training Fd	\$0	\$0	\$0	\$125,000	\$125,000
Total, Method of Financing		\$0	\$0	\$0	\$125,000	\$125,000

Description/Justification for continuation of existing riders or proposed new rider

3a. The Court of Criminal Appeals is authorized to contract with a statewide professional association of prosecuting attorneys and other entities whose purposes include providing continuing legal education courses, programs and technical assistance projects for prosecutors and prosecutor office personnel, provided, however, that such contract shall not exceed \$1,475,000 in fiscal year 2010 and \$1,475,000 in fiscal year 2011.

Justification: The Court is for seeking for additional funds to be appropriated from Fund 540 in order for grantees to offset increased programming and operational costs and enable them to maintain current training levels.

3b. The Court of Criminal Appeals is authorized to contract with a statewide professional association of criminal defense attorneys and other entities whose purposes include providing continuing legal education courses, programs and technical assistance projects for criminal defense attorneys who regularly represent indigent defendants in criminal matters, provided, however, that such contract shall not exceed \$1,300,000 in fiscal year 2010 and \$1,300,000 in fiscal year 2011.

Justification: The Court is seeking for additional funds to be appropriated from Fund 540 in order for grantees to offset increased programming and operational costs and enable them to maintain current training levels.

3.C. RIDER APPROPRIATIONS AND UNEXPENDED BALANCES REQUEST

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
TIME: 3:23:06PM

Agency code: 211 Agency name: Court of Criminal Appeals

RIDER	STRATEGY	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
6 1	Refund of UB from Training Entities 2-1-1 JUDICIAL EDUCATION	\$0	\$0	\$0	\$(203,000)	\$(203,000)
OBJECT OF EXPENSE:						
	4000 GRANTS	\$0	\$0	\$0	\$(203,000)	\$(203,000)
Total, Object of Expense		\$0	\$0	\$0	\$(203,000)	\$(203,000)
METHOD OF FINANCING:						
	540 Jud & Court Training Fd	\$0	\$0	\$0	\$(203,000)	\$(203,000)
Total, Method of Financing		\$0	\$0	\$0	\$(203,000)	\$(203,000)

Description/Justification for continuation of existing riders or proposed new rider

Appropriation: Refunds of Unexpended Balances from Training Entities. The Court of Criminal Appeals shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered state funds held at the close of fiscal year 2009 and fiscal year 2010 by training entities receiving grants to conduct judicial and court personnel training. Refunds received by the Court of Criminal Appeals in fiscal year 2010 from training entities are appropriated above in Strategy B.1.1, Judicial Education (not to exceed \$450,000 in fiscal year 2010 out of Judicial and Court Personnel Training Account No. 540.) In addition, under Article IX, § 8.03 of this Act, the Court of Criminal Appeals is authorized to spend an amount not to exceed \$450,000 from refunds received from training entities in fiscal year 2011 for grants awarded in fiscal year 2010.

Justification: The Court requests continuation of this rider. Please note the change in the amounts refunded have been based on estimated received from the grantees for the current fiscal year.

3.C. RIDER APPROPRIATIONS AND UNEXPENDED BALANCES REQUEST

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
TIME: 3:23:06PM

Agency code: **211** Agency name: **Court of Criminal Appeals**

RIDER	STRATEGY	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
8 1	Actual Innocence Training 2-1-1 JUDICIAL EDUCATION	\$0	\$0	\$0	\$50,000	\$50,000
OBJECT OF EXPENSE:						
	4000 GRANTS	\$0	\$0	\$0	\$50,000	\$50,000
Total, Object of Expense		\$0	\$0	\$0	\$50,000	\$50,000
METHOD OF FINANCING:						
	540 Jud & Court Training Fd	\$0	\$0	\$0	\$50,000	\$50,000
Total, Method of Financing		\$0	\$0	\$0	\$50,000	\$50,000

Description/Justification for continuation of existing riders or proposed new rider

Actual Innocence Training. Out of funds appropriated above in Strategy B.1.1, Judicial Education, an amount not to exceed \$200,000 in fiscal year 2010 and an amount not to exceed \$200,000 in fiscal year 2011 shall be used by the Court of Criminal Appeals to contract with statewide professional associations and other entities whose purposes include providing continuing legal education courses, programs, and technical assistance projects on actual innocence for criminal defense attorneys, prosecuting attorneys, judges, bailiffs, constables, warrant officers, or other persons as provided by statute. Any unexpended balances of these funds remaining as of August 31, 2010 are hereby appropriated to the Court of Criminal Appeals for the fiscal year beginning September 1, 2010 for the same purpose.

Justification: The Court is seeking for additional funds to be appropriated from Fund 540 in order to fulfill the increasing demands for actual innocence training and to offset the increased programming and operational costs associated with providing this training.

3.C. RIDER APPROPRIATIONS AND UNEXPENDED BALANCES REQUEST

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
TIME: 3:23:06PM

Agency code: 211 Agency name: Court of Criminal Appeals

RIDER	STRATEGY	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
701	1 Public Defender Training 2-1-1 JUDICIAL EDUCATION	\$0	\$0	\$0	\$50,000	\$50,000
OBJECT OF EXPENSE:						
	4000 GRANTS	\$0	\$0	\$0	\$50,000	\$50,000
Total, Object of Expense		\$0	\$0	\$0	\$50,000	\$50,000
METHOD OF FINANCING:						
	540 Jud & Court Training Fd	\$0	\$0	\$0	\$50,000	\$50,000
Total, Method of Financing		\$0	\$0	\$0	\$50,000	\$50,000

Description/Justification for continuation of existing riders or proposed new rider

Public Defender Training: Out of funds appropriated above in Strategy B.1.1, Judicial Education, an amount not to exceed \$50,000 in fiscal year 2010 and an amount not to exceed \$50,000 in fiscal year 2011 shall be used by the Court of Criminal Appeals to contract with statewide professional associations and other entities whose purposes include providing continuing legal education courses, programs and technical assistance projects for public defenders and their staff who regularly represent indigent defendants in criminal matters.

Justification: The Court is seeking for additional funds to be appropriated from Fund 540 in order to provide training for the attorneys and staff of public defender offices.

3.C. RIDER APPROPRIATIONS AND UNEXPENDED BALANCES REQUEST

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
TIME: 3:23:06PM

Agency code: 211 Agency name: Court of Criminal Appeals

RIDER	STRATEGY	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
SUMMARY:						
OBJECT OF EXPENSE TOTAL		\$0	\$0	\$0	\$72,000	\$72,000
METHOD OF FINANCING TOTAL		\$0	\$0	\$0	\$72,000	\$72,000

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:22:08PM

Agency code: 211

Agency name:

Court of Criminal Appeals

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Salary Increases for Court of Criminal Appeals' Staff		
	Item Priority: 1		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	298,676	298,676
	TOTAL, OBJECT OF EXPENSE	\$298,676	\$298,676
METHOD OF FINANCING:			
1	General Revenue Fund	298,676	298,676
	TOTAL, METHOD OF FINANCING	\$298,676	\$298,676

DESCRIPTION / JUSTIFICATION:

The Court's first exceptional item is a request for funding for salary increases - \$597,352(\$298,676 per year).

Funding for this exceptional item would allow the Court to compensate staff more appropriately, given the volume of work at the Court of Criminal Appeals, and to a degree more in line with staff at other Texas appellate courts.

Staff Attorneys - 26 (\$188,655)
 Court Law Clerks - 9 (\$29,365)
 Legal Secretaries - 11 (\$33,000)
 Clerk's Office Staff - 13 (\$47,656)

EXTERNAL/INTERNAL FACTORS:

It is anticipated that failure to receive these funds would result in a loss of experienced staff to higher-paying appellate court jobs.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:22:12PM

Agency code: 211

Agency name:

Court of Criminal Appeals

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: New Attorney Position		
	Item Priority: 2		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	80,000	80,000
	TOTAL, OBJECT OF EXPENSE	\$80,000	\$80,000
METHOD OF FINANCING:			
1	General Revenue Fund	80,000	80,000
	TOTAL, METHOD OF FINANCING	\$80,000	\$80,000
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.00	1.00

DESCRIPTION / JUSTIFICATION:

The Court's second exceptional item is a request for funding for a new attorney position - \$160,000 (\$80,000 per year).

Some of the judges on the Court have convened committees to improve the criminal justice system. Examples include the Mental Health Task Force, created by Presiding Judge Keller, and the Criminal Justice Integrity Unit, created by Judge Barbara Hervey. These judges not only direct the substantive work of the committees, they also perform many necessary administrative tasks and do research attendant to the work. The ability of judges to engage in extra projects to improve the criminal justice system is limited by such burdens, which could be performed by special counsel. Special counsel could also assist the Court by assuming various other tasks, now either being performed by the judges or not being performed at all.

EXTERNAL/INTERNAL FACTORS:

Judges who engage in extra work to improve the criminal justice system would be limited in such endeavors.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:22:12PM

Agency code: 211

Agency name:

Court of Criminal Appeals

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Imaging System Maintenance/Replacement		
	Item Priority: 3		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:			
2009	OTHER OPERATING EXPENSE	150,000	0
	TOTAL, OBJECT OF EXPENSE	\$150,000	\$0
METHOD OF FINANCING:			
1	General Revenue Fund	150,000	0
	TOTAL, METHOD OF FINANCING	\$150,000	\$0

DESCRIPTION / JUSTIFICATION:

The Court's third exceptional item is for funding for the Court's Imaging System Maintenance/Replacement - \$150,000.

The Court addresses and disposes of roughly 6,000 post-conviction applications for writ of habeas corpus each year. In order to resolve serious issues involving storage of the files in these cases, as well as accessibility to the files, the Court now images these files for access through our case management system, rather than keep the paper files. This funding is requested so that we might be able to replace the imaging equipment in the event that we are not able to migrate the Imaging System into the TAMES Project. This includes replacing the imaging server, imaging scan station, PC's with monitors, scanner and Jukebox DVD Storage. The manufacturer of the Jukebox storage device will not provide hardware support for the current jukebox after March 2010. The imaging server's operating system software is Microsoft Windows 2000 and the software's "End of Life Cycle", according to Microsoft's website is scheduled for January 2010. Purchasing a new server would allow the court to upgrade the server operating system software to a more current supported product such as Microsoft Windows 2003.

EXTERNAL/INTERNAL FACTORS:

The Court disposes of roughly 6,000 post-conviction habeas corpus applications each year. Without a properly functioning imaging system, these files must be retained in paper format, causing a serious storage problem, as well as difficulties with retrieving information.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:22:12PM

Agency code: 211

Agency name:

Court of Criminal Appeals

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Travel for Special Projects/Committees and Out-of-town Oral Arguments		
	Item Priority: 4		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:			
2005	TRAVEL	50,000	50,000
TOTAL, OBJECT OF EXPENSE		50,000	50,000
METHOD OF FINANCING:			
1	General Revenue Fund	50,000	50,000
TOTAL, METHOD OF FINANCING		50,000	50,000

DESCRIPTION / JUSTIFICATION:

The Court's fourth exceptional item is for funding for travel for special projects/committees and out-of-town oral arguments - \$100,000 (\$50,000 per year).

Certain members of the Court are involved in various projects created to improve the criminal justice system in Texas. Some examples are Presiding Judge Keller's Mental Health Task Force and Judge Barbara Hervey's Criminal Justice Integrity Unit. The Mental Health Task Force was created to address issues concerning disposition of cases involving mentally ill offenders. The Criminal Justice Integrity Unit was designed to address matters such as eyewitness identification, crime lab reliability, and standards for evidence retention.

Also, for educational and other purposes, the Court will on occasion travel outside Austin to hold oral argument.

EXTERNAL/INTERNAL FACTORS:

Failure to receive these funds could result in the Court's inability to travel for oral argument, and an inability to convene committees to improve the criminal justice system.

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:22:12PM

Agency code: 211

Agency name:
 Court of Criminal Appeals

CODE	DESCRIPTION	Excp 2010	Excp 2011
	Item Name: Longevity Pay for Judges		
	Item Priority: 5		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
OBJECTS OF EXPENSE:			
1002	OTHER PERSONNEL COSTS	11,520	15,360
	TOTAL, OBJECT OF EXPENSE	\$11,520	\$15,360
METHOD OF FINANCING:			
1	General Revenue Fund	11,520	15,360
	TOTAL, METHOD OF FINANCING	\$11,520	\$15,360

DESCRIPTION / JUSTIFICATION:

The Court's fifth exceptional item is for funding for longevity pay for four (4) judges - \$26,880 (\$11,520 in FY10 and \$15,360 in FY11).

Senate Bill 1519 entitles judicial officers in JRS I or II, who are active, to receive longevity pay with a minimum of 16 years of service. At this time we have three (3) judges receiving longevity pay. In 2011 there will be four (4). Additional funding is needed to pay the increase in longevity.

EXTERNAL/INTERNAL FACTORS:

Funds budgeted elsewhere would be used to pay these costs, thus reducing the Court's ability to perform other functions efficiently.

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:22:18PM

Agency code: 211 Agency name: Court of Criminal Appeals

Code Description	Excp 2010	Excp 2011
Item Name: Salary Increases for Court of Criminal Appeals' Staff		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	298,676	298,676
TOTAL, OBJECT OF EXPENSE	\$298,676	\$298,676
METHOD OF FINANCING:		
1 General Revenue Fund	298,676	298,676
TOTAL, METHOD OF FINANCING	\$298,676	\$298,676

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008

TIME: 3:22:22PM

Agency code: **211**

Agency name: **Court of Criminal Appeals**

Code Description	Excp 2010	Excp 2011
Item Name: New Attorney Position		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:		
1001 SALARIES AND WAGES	80,000	80,000
TOTAL, OBJECT OF EXPENSE	\$80,000	\$80,000
METHOD OF FINANCING:		
1 General Revenue Fund	80,000	80,000
TOTAL, METHOD OF FINANCING	\$80,000	\$80,000
FULL-TIME EQUIVALENT POSITIONS (FTE):	1.0	1.0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008

TIME: 3:22:22PM

Agency code: 211

Agency name: Court of Criminal Appeals

Code	Description	Excp 2010	Excp 2011
Item Name:	Imaging System Maintenance/Replacement		
Allocation to Strategy:	1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:			
	2009 OTHER OPERATING EXPENSE	150,000	0
TOTAL, OBJECT OF EXPENSE		\$150,000	\$0
METHOD OF FINANCING:			
	1 General Revenue Fund	150,000	0
TOTAL, METHOD OF FINANCING		\$150,000	\$0

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008

TIME: 3:22:22PM

Agency code: 211

Agency name: Court of Criminal Appeals

Code Description	Excp 2010	Excp 2011
Item Name: Travel for Special Projects/Committees and Out-of-town Oral Arguments		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:		
2005 TRAVEL	50,000	50,000
TOTAL, OBJECT OF EXPENSE	\$50,000	\$50,000
METHOD OF FINANCING:		
1 General Revenue Fund	50,000	50,000
TOTAL, METHOD OF FINANCING	\$50,000	\$50,000

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:22:22PM

Agency code: 211 Agency name: Court of Criminal Appeals

Code Description	Excp 2010	Excp 2011
Item Name: Longevity Pay for Judges		
Allocation to Strategy: 1-1-1 Appellate Court Operations		
OBJECTS OF EXPENSE:		
1002 OTHER PERSONNEL COSTS	11,520	15,360
TOTAL, OBJECT OF EXPENSE	\$11,520	\$15,360
METHOD OF FINANCING:		
1 General Revenue Fund	11,520	15,360
TOTAL, METHOD OF FINANCING	\$11,520	\$15,360

4.C. EXCEPTIONAL ITEMS STRATEGY REQUEST
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
TIME: 3:22:27PM

Agency Code: **211**

Agency name: **Court of Criminal Appeals**

GOAL: 1 Appellate Court Operations
 OBJECTIVE: 1 Appellate Court Operations
 STRATEGY: 1 Appellate Court Operations

Statewide Goal/Benchmark: 0 - 0
 Service Categories:
 Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION	Excp 2010	Excp 2011
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	378,676	378,676
1002 OTHER PERSONNEL COSTS	11,520	15,360
2005 TRAVEL	50,000	50,000
2009 OTHER OPERATING EXPENSE	150,000	0
Total, Objects of Expense	\$590,196	\$444,036

METHOD OF FINANCING:

1 General Revenue Fund	590,196	444,036
Total, Method of Finance	\$590,196	\$444,036

FULL-TIME EQUIVALENT POSITIONS (FTE):

	1.0	1.0
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

- Salary Increases for Court of Criminal Appeals' Staff
- New Attorney Position
- Imaging System Maintenance/Replacement
- Travel for Special Projects/Committees and Out-of-town Oral Arguments
- Longevity Pay for Judges

6.A. HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/1/2008
Time: 3:23:12PM

Agency Code: 211 Agency: Court of Criminal Appeals

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2006 - 2007 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	HUB Expenditures FY 2006			Total Expenditures FY 2006	HUB Expenditures FY 2007			Total Expenditures FY 2007
		% Goal	% Actual	Actual \$		% Goal	% Actual	Actual \$	
11.9%	Heavy Construction	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
26.1%	Building Construction	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
57.2%	Special Trade Construction	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
20.0%	Professional Services	0.0 %	0.0%	\$0	\$0	0.0 %	0.0%	\$0	\$0
33.0%	Other Services	4.4 %	4.4%	\$2,125	\$48,532	5.7 %	5.7%	\$1,519	\$26,484
12.6%	Commodities	8.1 %	8.1%	\$3,498	\$42,931	28.3 %	28.4%	\$8,932	\$31,480
	Total Expenditures		6.1%	\$5,623	\$91,463		18.0%	\$10,451	\$57,964

B. Assessment of Fiscal Year 2006 - 2007 Efforts to Meet HUB Procurement Goals

Attainment:

The Court did not attain or exceed the applicable statewide HUB procurement goals for FY 2006.

The Court attained or exceeded one of two, of 50%, of the applicable statewide HUB procurement goals for FY 2007.

Applicability:

The "Heavy Construction", "Building Construction", "Special Trade Construction," and "Professional Services" categories are not applicable to Court operations in either FY 2006 or FY 2007, since the Court did not have any strategies or programs related to construction.

Factors Affecting Attainment:

In FY 2006 and FY 2007, the goal of the "Other Services" was not met since the majority of the contracts/purchases were made with vendors offering the lowest price and best value.

"Good-Faith" Efforts:

The Court has made good faith efforts to comply with the statewide HUB procurement goals per 34 TAC, Sec. 20.13.

-ensured that contract specifications, terms, and conditions reflected the Court's actual requirements were clearly stated and did not impose unreasonable or unnecessary contract requirements.

-95% of all our supplies are purchased from TIBH (The Central Store) for which we do not receive HUB credit.

6.I. 10 Percent Biennial Base Reduction Options Schedule

Approved Reduction Amount

\$858,013

"Approved Base" here refers to approved 2008-09 base AFTER policy letter exceptions have been excluded.

Agency Code: 211		Agency Name: COURT OF CRIMINAL APPEALS						FTE Reductions (FY 2010-11 Base Request Compared to Budgeted 2009)		Revenue Impact? Y/N	Cumulative GR-related reduction as a % of Approved Base	
Rank	Reduction Item		Biennial Application of 10% Percent Reduction						FY 10	FY 11		
	Strat	Name	GR	GR-Dedicated	Federal	Other	All Funds					
1		APPELLATE COURT OPERATIONS	858,013					\$ 858,013	10	10	Y	10.0%
2								\$ -				10.0%
3								\$ -				10.0%
4								\$ -				10.0%
5								\$ -				10.0%
6								\$ -				10.0%
7								\$ -				10.0%
8								\$ -				10.0%
9								\$ -				10.0%
10								\$ -				10.0%
11								\$ -				10.0%
12								\$ -				10.0%
Agency Biennial Total			\$ 858,013	\$ -	\$ -	\$ -	\$ -	\$ 858,013	10.0	10.0		10.0%
Agency Biennial Total (GR + GR-D)				\$ 858,013								

Rank / Name
Explanation of Impact to Programs and Revenue Collections

1 APPELLATE COURT OPERATIONS
 Reduced funding for the judiciary in the 2010-2011 biennium would cause a reduction in the rate of disposition of matters pending before the Court. The Court disposed of 10,950 matters during the last fiscal year. This biennial ten percent reduction would provide the funding necessary to maintain 9 court law clerks and 1 deputy clerk to support case disposition. The core function of the Court is to process and review appeals from criminal trial courts. This requires highly skilled and trained professionals for researching and writing opinions. Consequently, 95% of the Court's FY2010-2011 appropriated budget is dedicated to salaries. A 10% reduction in the Court's appropriated budget will require the Court to eliminate 9 court law clerks and 1 deputy clerk representing 16% of the Court's staff. The minimum number of lawyers an appellate court must have to perform at a reasonable productive and efficient level is two lawyers to each judge. To prevent the backlog of cases and maintain disposition and clearance rates, this Court specifically needs the assistance of 9 court law clerks and 1 deputy clerk.

2 0

3 0

4 0

7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME: 3:23:36PM

Agency code: 211

Agency name: Court of Criminal Appeals

Strategy	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
1-1-1 Appellate Court Operations					
OBJECTS OF EXPENSE:					
1001 SALARIES AND WAGES	\$ 261,698	\$ 278,366	\$ 281,319	\$ 281,319	\$ 281,319
1002 OTHER PERSONNEL COSTS	11,271	4,799	4,632	4,632	4,632
2001 PROFESSIONAL FEES AND SERVICES	398	118	118	118	118
2003 CONSUMABLE SUPPLIES	2,773	5,192	1,771	1,771	1,771
2005 TRAVEL	797	631	634	634	634
2006 RENT - BUILDING	681	717	706	706	706
2007 RENT - MACHINE AND OTHER	1,541	1,711	720	720	720
2009 OTHER OPERATING EXPENSE	8,836	4,418	4,461	4,461	4,461
Total, Objects of Expense	\$ 287,995	\$ 295,952	\$ 294,361	\$ 294,361	\$ 294,361
METHOD OF FINANCING:					
1 General Revenue Fund	287,995	295,952	294,361	294,361	294,361
Total, Method of Financing	\$ 287,995	\$ 295,952	\$ 294,361	\$ 294,361	\$ 294,361
FULL-TIME-EQUIVALENT POSITIONS (FTE):	14.0	14.0	14.0	14.0	14.0
DESCRIPTION					

Agency code: 211

Agency name: Court of Criminal Appeals

Strategy	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
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1-1-1 Appellate Court Operations

The administrative and supports costs in this strategy are related to the percentage of salaries and related operating costs of court personnel performing administrative functions. Direct administrative salary costs for 2007 are shown as follows:

Presiding Judge	\$152,000	35%	\$53,375	0.35
Judge	\$150,000	35%	\$52,500	0.35
Judge	\$150,000	2%	\$ 3,000	0.02
Judge	\$150,000	2%	\$ 3,000	0.02
Judge	\$150,000	2%	\$ 3,000	0.02
Judge	\$150,000	2%	\$ 3,000	0.02
Judge	\$150,000	2%	\$ 3,000	0.02
Judge	\$150,000	2%	\$ 3,000	0.02
Judge	\$150,000	2%	\$ 3,000	0.02
General Counsel	\$ 93,965	2%	\$ 1,879	0.02
Attorney	\$ 88,169	2%	\$ 1,763	0.02
Network Specialist	\$ 44,573	100%	\$44,575	1.00
Clerk of the Court	\$ 79,500	85%	\$67,575	0.85
Deputy Clerk	\$ 35,699	75%	\$35,700	0.75
				3.48

7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME : 3:23:40PM

Agency code: 211

Agency name: Court of Criminal Appeals

Strategy		Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
2-1-1	Judicial Education					
OBJECTS OF EXPENSE:						
1001	SALARIES AND WAGES	\$ 176,652	\$ 200,663	\$ 223,675	\$ 223,675	\$ 223,675
1002	OTHER PERSONNEL COSTS	9,770	20,615	1,440	1,440	1,440
2003	CONSUMABLE SUPPLIES	382	188	129	500	500
2005	TRAVEL	652	3,306	3,306	2,500	2,500
2006	RENT - BUILDING	2,300	2,492	2,300	2,300	2,300
2009	OTHER OPERATING EXPENSE	5,541	2,396	38,597	51,333	51,333
4000	GRANTS	8,526,811	9,395,119	9,468,348	9,677,840	9,677,840
Total, Objects of Expense		\$ 8,722,108	\$ 9,624,779	\$ 9,737,795	\$ 9,959,588	\$ 9,959,588

METHOD OF FINANCING:

540	Jud & Court Training Fd	8,722,108	9,624,779	9,737,795	9,959,588	9,959,588
Total, Method of Financing		\$ 8,722,108	\$ 9,624,779	\$ 9,737,795	\$ 9,959,588	\$ 9,959,588

FULL-TIME-EQUIVALENT POSITIONS (FTE):

DESCRIPTION

Auditor	\$ 78,511	100%	\$53,375	1
Grant Administrator	\$ 80,559	100%	\$52,500	1
Program Administrator	\$ 41,592	100%	\$ 3,000	1

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7.B. DIRECT ADMINISTRATIVE AND SUPPORT COSTS
 81st Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2008
 TIME : 3:23:40PM

Agency code: 211

Agency name: Court of Criminal Appeals

	Exp 2007	Est 2008	Bud 2009	BL 2010	BL 2011
GRAND TOTALS					
Objects of Expense					
1001 SALARIES AND WAGES	\$438,350	\$479,029	\$504,994	\$504,994	\$504,994
1002 OTHER PERSONNEL COSTS	\$21,041	\$25,414	\$6,072	\$6,072	\$6,072
2001 PROFESSIONAL FEES AND SERVICES	\$398	\$118	\$118	\$118	\$118
2003 CONSUMABLE SUPPLIES	\$3,155	\$5,380	\$1,900	\$2,271	\$2,271
2005 TRAVEL	\$1,449	\$3,937	\$3,940	\$3,134	\$3,134
2006 RENT - BUILDING	\$2,981	\$3,209	\$3,006	\$3,006	\$3,006
2007 RENT - MACHINE AND OTHER	\$1,541	\$1,711	\$720	\$720	\$720
2009 OTHER OPERATING EXPENSE	\$14,377	\$6,814	\$43,058	\$55,794	\$55,794
4000 GRANTS	\$8,526,811	\$9,395,119	\$9,468,348	\$9,677,840	\$9,677,840
Total, Objects of Expense	\$9,010,103	\$9,920,731	\$10,032,156	\$10,253,949	\$10,253,949
Method of Financing					
1 General Revenue Fund	\$287,995	\$295,952	\$294,361	\$294,361	\$294,361
540 Jud & Court Training Fd	\$8,722,108	\$9,624,779	\$9,737,795	\$9,959,588	\$9,959,588
Total, Method of Financing	\$9,010,103	\$9,920,731	\$10,032,156	\$10,253,949	\$10,253,949
Full-Time-Equivalent Positions (FTE)	17.0	17.0	17.0	17.0	17.0

GENERAL REVENUE (GR) & GENERAL REVENUE DEDICATED (GR-D) BASELINE REPORT

DATE: 8/1/2008

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

TIME: 3:22:36PM

Agency code: Agency name: Court of Criminal Appeals

GR Baseline Request Limit = \$8,824,642

GR-D Baseline Request Limit = \$1

Strategy/Strategy Option/Rider				2010 Funds				2011 Funds				Biennial Cumulative GR	Biennial Cumulative Ded	Page #
FTEs	Total	GR	Ded	FTEs	Total	GR	Ded							
Strategy: 1 - 1 - 1 Appellate Court Operations														
68.0	4,780,072	4,412,321	0	68.0	4,780,072	4,412,321	0	8,824,642	0					
Strategy: 2 - 1 - 1 Judicial Education														
3.0	9,959,588	0	0	3.0	9,959,588	0	0	8,824,642	0					
Rider: 2 - 1 Judicial Education														
0.0	50,000	0	0	0.0	50,000	0	0	8,824,642	0					
Rider: 3 - 1 Cont. Ed. & Tech. Asst. for Prosecutors & Criminal Def. Attys														
0.0	125,000	0	0	0.0	125,000	0	0	8,824,642	0					
Rider: 6 - 1 Appropriation: Refund of UB from Training Entities														
0.0	(203,000)	0	0	0.0	(203,000)	0	0	8,824,642	0					
Rider: 8 - 1 Acutal Innocence Training														
0.0	50,000	0	0	0.0	50,000	0	0	8,824,642	0					
Rider: 701 - 1 Public Defender Training														
0.0	50,000	0	0	0.0	50,000	0	0	8,824,642	0					
71.0				71.0				*****GR Baseline Request Limit=\$8,824,642*****						
Excp Item: 1 Salary Increases for Court of Criminal Appeals' Staff														
0.0	298,676	298,676	0	0.0	298,676	298,676	0	9,421,994	0					
Strategy Detail for Excp Item: 1														
Strategy: 1 - 1 - 1 Appellate Court Operations														
0.0	298,676	298,676	0	0.0	298,676	298,676	0							
Excp Item: 2 New Attorney Position														
1.0	80,000	80,000	0	1.0	80,000	80,000	0	9,581,994	0					

GENERAL REVENUE (GR) & GENERAL REVENUE DEDICATED (GR-D) BASELINE REPORT

DATE: 8/1/2008

81st Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

TIME: 3:22:39PM

Agency code:

Agency name: **Court of Criminal Appeals**

GR Baseline Request Limit = \$8,824,642

GR-D Baseline Request Limit = \$1

Strategy/Strategy Option/Rider				2010 Funds				2011 Funds				Biennial	Biennial	Page #
FTEs	Total	GR	Ded	FTEs	Total	GR	Ded	Cumulative GR	Cumulative Ded					
Strategy Detail for Excp Item: 2														
Strategy: 1 - 1 - 1 Appellate Court Operations														
1.0	80,000	80,000	0	1.0	80,000	80,000	0							
Excp Item: 3 Imaging System Maintenance/Replacement											9,731,994	0		
0.0	150,000	150,000	0	0.0	0	0	0							
Strategy Detail for Excp Item: 3														
Strategy: 1 - 1 - 1 Appellate Court Operations														
0.0	150,000	150,000	0	0.0	0	0	0							
Excp Item: 4 Travel for Special Projects/Committees and Out-of-town Oral Arguments											9,831,994	0		
0.0	50,000	50,000	0	0.0	50,000	50,000	0							
Strategy Detail for Excp Item: 4														
Strategy: 1 - 1 - 1 Appellate Court Operations														
0.0	50,000	50,000	0	0.0	50,000	50,000	0							
Excp Item: 5 Longevity Pay for Judges											9,858,874	0		
0.0	11,520	11,520	0	0.0	15,360	15,360	0							
Strategy Detail for Excp Item: 5														
Strategy: 1 - 1 - 1 Appellate Court Operations														
0.0	11,520	11,520	0	0.0	15,360	15,360	0							
72.0	\$15,401,856	\$5,002,517	\$0	72.0	\$15,255,696	\$4,856,357	0							