

2015 ANNUAL REPORT





2015 ANNUAL REPORT



This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2015, through December 31, 2015, is being submitted pursuant to paragraph 6.35, Judge's Manual.

Many Horn's Vaidik Nancy H. Vaidik

CHIEF JUDGE & PRESIDING JUDGE FIFTH DISTRICT

Line 2

Edward W. Najam, Jr. PRESIDING JUDGE FIRST DISTRICT

n S. Kil

James S. Kirsch PRESIDING JUDGE SECOND DISTRICT

Rudolph R. Pyle, III PRESIDING JUDGE FOURTH DISTRICT

Ten Al-Terry A. Crone

PRESIDING JUDGE THIRD DISTRICT



THE MISSION OF THE COURT OF APPEALS OF INDIANA: To serve all people by providing EQUAL JUSTICE UNDER LAW

FIRST DISTRICT Edward W. Najam, Jr., Presiding Judge | John G. Baker, Judge | L. Mark Bailey, Judge

SECOND DISTRICT

James S. Kirsch, Presiding Judge | Cale J. Bradford, Judge | Robert R. Altice, Jr., Judge

THIRD DISTRICT

Terry A. Crone, Presiding Judge | Paul D. Mathias, Judge | Michael P. Barnes, Judge

FOURTH DISTRICT

Rudolph R. Pyle, III, Presiding Judge | Patricia A. Riley, Judge | Melissa S. May, Judge

FIFTH DISTRICT

Nancy H. Vaidik, Chief Judge | Margret G. Robb, Judge | Elaine B. Brown, Judge

115 WEST WASHINGTON STREET, SUITE 1080S | INDIANAPOLIS, INDIANA 46204 (317) 232-6906 | http://www.courts.in.gov/appeals

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his Annual Report provides statistical information about the work of the Court of Appeals of Indiana in calendar year 2015. As judicial officers across the country have long known, the Court of Appeals is one of the highest-volume and most efficient appellate courts in the country.

Statistics alone cannot summarize the court's work or its commitment to serving all people by providing equal justice under law. The court's fuller story includes the teaching and leadership roles that our judges fill across Indiana, and an unswerving commitment to excellence exhibited by our judges, senior judges, and legal/administrative staff.

Beyond that, 2015 was a milestone year for the court on many fronts, including the adoption of new technologies and significant changes in judicial and administrative personnel.

• With our Supreme Court, the Court of Appeals launched a pilot e-filing program in November that will have wider application in 2016. The promise is huge: increased public access to court documents, greater ease of use by practitioners, and cost-saving paper reductions.

• Our motions panel, which processes about 7,000 filings each year, is now paperless. Specifically, the Appellate Clerk forwards all filed motions in electronic form to the panel and staff attorneys for review and action. Gone are the huge piles of paper that staff once shuffled from office to office.

• Our court also adopted a new opinion format that is easier to read in both print and online versions. The new format is also more useful for optical character recognition that makes scanned documents searchable.

• Judge Ezra H. Friedlander retired after 22 years of distinguished court service and was succeeded by Judge Robert R. Altice, Jr.

• We said goodbye to Senior Judge Patrick Sullivan, who died in October. Judge Sullivan was the longest serving judge in Court of Appeals history and the last serving judge to have been elected to the Court.

• We also said goodbye and best wishes to our longtime Court Administrator Steve Lancaster, who retired in September after 20 years, and we said hello to new Administrator Larry Morris.

One thing that hasn't changed? The Court's commitment to the efficient administration of justice and its proud role in the third great branch of Indiana government. On behalf of the entire Court, I assure you that those commitments will continue as strong as ever in Indiana's bicentennial year of 2016.

Nany Horn's Vaidik

Nancy H. Vaidik CHIEF JUDGE & PRESIDING JUDGE FIFTH DISTRICT

TOTAL CASELOAD*

YEAR	FILED	DISPOSED
2011	4,315	3,950
2012	4,160	3,510
2013	3,931	3,362
2014	3,413	3,383
2015	3,267	2,920

* Total caseload is defined by the National Center for State Courts in "Appellate Court Tools" as all appellate cases that have been disposed of in a year. A case is an appellate case when a notice of appeal is filed, when a petition for a permissive interlocutory appeal is filed, or when a petition requesting permission to file a successive petition for post-conviction relief is filed.

TOTAL CASES DISPOSED (BY TYPE) CRIMINAL CIVIL OTHER 1,637

CIVIL AND CRIMINAL CASELOADS

	CRIM	IINAL	CI	VIL	OTHER		
	FILED	DISPOSED	FILED	DISPOSED	FILED	DISPOSED	
2011	2,288	2,050	1,190	1,104	837	796	
2012	2,175	1,863	1,259	1,034	726	613	
2013	2,107	1,843	1,134	980	690	539	
2014	1,818	1,823	1,049	1,002	546	558	
2015	1,838	1,637	1,048	976	381	307	

COURT SUMMARY

AVERAGE AGE OF CASES PENDING

1.2 MONTHS

AS OF 12/31/2015

1.5 MONTHS AS OF 12/31/2014

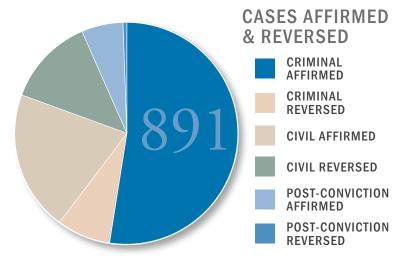
	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Cases Pending 12/31/2014	134	13	92	2	16	257
Cases Fully-Briefed Received	997	115	581	24	188	1,905
Geographic District One	295	24	198	0	53	570
Geographic District Two	490	49	220	24	95	878
Geographic District Three	212	42	163	0	40	457
Cases Disposed	1,038	113	580	24	176	1,931
By Majority Opinion	1,032	113	570	24	176	1,915
By Order	6	0	10	0	0	16
Net Increase/Decrease	(41)	2	1	0	12	(26)
Cases Pending 12/31/2015	93	15	93	2	28	231
Cases Affirmed	891	107	345	19	155	1,517
Cases Affirmed Percent	86.3%	94.7%	60.5%	79.2%	88.1%	79.2%
Cases Reversed	133	6	215	4	20	378
Cases Reversed Percent	12.9%	5.3%	37.7%	16.7%	11.4%	19.7%
Cases Remanded	8	0	10	1	1	20
Cases Remanded Percent	0.8%	0.0%	1.8%	4.2%	0.6%	1.0%
Oral Arguments Heard	17	1	41	1	1	61

6,375

Total number of Motions, Petitions for Time, Misc. Motions Received

6,516 Total Motions, Petitions for

Total Motions, Petitions for Time, Misc. Orders Issued



SUMMARY BY JUDGE

JUDGES (DISTRICT)	MAJORITY OPINIONS ISSUED	ALL OPINIONS ISSUED	ORDERS ISSUED	CASES VOTED ON	ORAL ARGUMENTS HEARD	CASES PENDING 12/31/2014	CASES PENDING 12/31/2015
Altice (2nd)**	28	30	2	93	5	0	19
Bailey (1st)	122	131	1	388	9	10	8
Baker (1st)	164	183	0	418	19	12	6
Barnes (3rd)	127	136	1	367	13	18	16
Bradford (2nd)	134	139	1	386	16	9	6
Brown (5th)	124	136	0	355	10	11	12
Crone (3rd)	142	151	2	402	12	10	10
Friedlander (2nd)*	67	71	1	266	6	20	0
Kirsch (2nd)	109	112	0	370	9	16	17
Mathias (3rd)	107	114	2	348	10	17	24
May (4th)	130	137	1	392	12	35	20
Najam (1st)	118	118	1	367	11	8	10
Pyle (4th)	89	90	1	373	6	22	21
Riley (4th)	118	130	0	364	14	20	20
Robb (5th)	112	125	0	349	18	19	19
Vaidik (5th)	97	104	3	370	10	13	10
SENIOR JUDGES						17	13
Barteau	28	29	0	30	2	0	0
Darden	28	28	0	28	0	0	0
Friedlander	10	11	0	17	0	0	0
Garrard	12	12	0	12	0	0	0
Sharpnack	28	28	0	28	0	0	0
Shepard	16	16	0	17	1	0	0
Sullivan	5	6	0	5	0	0	0
TOTAL	1,915	2,037	16	5,745	183	257	231

* Judge Ezra H. Friedlander retired on August 31, 2015. ** Judge Robert R. Altice, Jr. was sworn in September 2, 2015.

CASELOAD

			INTAKE			DIS	POSITIO	NS	CASES	
JUDGES (DISTRICT)	CASES	CASES	Т	RANSFER	S	MAJORITY	000500		PENDING	
(DISTRICT)	PENDING 1/1/2015	ASSIGNED	IN	OUT	TOTAL	OPINIONS	ORDERS	TOTALS	12/31/2015	
Altice (2nd)	0	40	13	4	49	28	2	30	19	
Bailey (1st)	10	120	7	6	121	122	1	123	8	
Baker (1st)	12	118	43	3	158	164	0	164	6	
Barnes (3rd)	18	117	9	0	126	127	1	128	16	
Bradford (2nd)	9	121	14	3	132	134	1	135	6	
Brown (5th)	11	122	4	1	125	124	0	124	12	
Crone (3rd)	10	120	27	3	144	142	2	144	10	
Friedlander (2nd)	20	81	1	34	48	67	1	68	0	
Kirsch (2nd)	16	120	3	13	110	109	0	109	17	
Mathias (3rd)	17	120	5	9	116	107	2	109	24	
May (4th)	35	123	4	11	116	130	1	131	20	
Najam (1st)	8	121	6	6	121	118	1	119	10	
Pyle (4th)	22	119	2	32	89	89	1	90	21	
Riley (4th)	20	118	4	4	118	118	0	118	20	
Robb (5th)	19	124	5	17	112	112	0	112	19	
Vaidik (5th)*	13	101	6	10	97	97	3	100	10	
TOTAL	240	1,785	153	156	1,782	1,788	16	1,804	218	

*By Court policy, the Chief Judge's case load is 80% of that of other judges to accommodate the time needed for administrative tasks.

			INTAKE				SPOSITIO	NS	CASES
JUDGES	CASES	CASES	TRANSFERS			MAJORITY			PENDING
	PENDING 1/1/2015	ASSIGNED	IN	OUT	TOTAL	OPINIONS	ORDERS	TOTALS	12/31/2015
SENIOR JUDGES	17	120	5	2	123	(127)	(0)	(127)	13
Barteau	0	0	0	0	0	28	0	28	0
Darden	0	0	0	0	0	28	0	28	0
Friedlander	0	0	0	0	0	10	0	10	0
Garrard	0	0	0	0	0	12	0	12	0
Sharpnack	0	0	0	0	0	28	0	28	0
Shepard	0	0	0	0	0	16	0	16	0
Sullivan	0	0	0	0	0	5	0	5	0
TOTAL	257	1,905	158	158	1,905	1,915	16	1,931	231

OPINIONS ISSUED

PORTION OF ISSUED OPINIONS THAT ARE MAJORITY OPINIONS

OTAL ISSUED MAJORITY OPINIONS - 1,915

TOTAL ISSUED OPINIONS - 2,037

	MAJO	RITY OPIN	IONS	5 Z	5	5,0	(0)	(0)
JUDGES (DISTRICT)	ISSUED	PUBLISHED	PERCENT PUBLISHED	CONCURRING OPINIONS	DISSENTING	REHEARING OPINIONS	0 DINIONS	TOTAL OPINIONS
Altice (2nd)	28	4	14.3%	2	0	0	0	30
Bailey (1st)	122	28	23.0%	2	4	3	0	131
Baker (1st)	164	43	26.2%	4	11	4	0	183
Barnes (3rd)	127	26	20.5%	1	6	2	0	136
Bradford (2nd)	134	25	18.7%	0	4	1	0	139
Brown (5th)	124	41	33.1%	0	9	3	0	136
Crone (3rd)	142	29	20.4%	3	4	2	0	151
Friedlander (2nd)	67	13	19.4%	1	3	0	0	71
Kirsch (2nd)	109	15	13.8%	0	2	1	0	112
Mathias (3rd)	107	26	24.3%	2	4	1	0	114
May (4th)	130	39	30.0%	1	6	0	0	137
Najam (1st)	118	41	34.7%	0	0	0	0	118
Pyle (4th)	89	30	33.7%	0	1	0	0	90
Riley (4th)	118	34	28.8%	0	9	3	0	130
Robb (5th)	112	32	28.6%	5	5	3	0	125
Vaidik (5th)	97	29	29.9%	2	5	0	0	104
			SENIOR	JUDGES				
Barteau	28	3	10.7%	0	0	1	0	29
Darden	28	6	21.4%	0	0	0	0	28
Friedlander	10	0	0.0%	0	1	0	0	11
Garrard	12	1	8.3%	0	0	0	0	12
Sharpnack	28	16	57.1%	0	0	0	0	28
Shepard	16	4	25.0%	0	0	0	0	16
Sullivan	5	0	0.0%	0	0	1	0	6
TOTAL	1,915	485	25.3%	23	74	25	0	2,037

CASES HANDED DOWN

JUDGES CRIM		IINAL	POST-CO	NVICTION	NVICTION CIVIL		
(DISTRICT)	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL	
Altice (2nd)	20	37	1	4	3	19	
Bailey (1st)	64	157	5	11	40	64	
Baker (1st)	83	144	8	13	54	75	
Barnes (3rd)	70	133	5	15	41	67	
Bradford (2nd)	63	135	11	14	49	72	
Brown (5th)	68	120	7	16	32	71	
Crone (3rd)	69	143	8	13	50	74	
Friedlander (2nd)	39	101	2	10	22	71	
Kirsch (2nd)	57	143	10	15	30	79	
Mathias (3rd)	60	136	6	13	27	67	
May (4th)	67	136	7	15	40	86	
Najam (1st)	60	133	10	16	36	75	
Pyle (4th)	57	146	6	19	18	86	
Riley (4th)	64	129	7	13	37	83	
Robb (5th)	63	124	5	16	30	67	
Vaidik (5th)	51	143	5	23	27	78	
TOTAL	955	2,060	103	226	536	1,134	

JUDGES	EXPE	DITE	OTI	IER	TO	TOTAL	
(DISTRICT)	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL	
Altice (2nd)	1	1	3	4	28	65	
Bailey (1st)	1	4	12	30	122	266	
Baker (1st)	2	3	17	19	164	254	
Barnes (3rd)	2	3	9	22	127	240	
Bradford (2nd)	2	2	9	29	134	252	
Brown (5th)	2	3	15	21	124	231	
Crone (3rd)	1	4	14	26	142	260	
Friedlander (2nd)	1	1	3	16	67	199	
Kirsch (2nd)	1	1	11	23	109	261	
Mathias (3rd)	1	3	13	22	107	241	
May (4th)	2	5	14	20	130	262	
Najam (1st)	1	2	11	23	118	249	
Pyle (4th)	0	6	8	27	89	284	
Riley (4th)	1	3	9	18	118	246	
Robb (5th)	2	4	12	26	112	237	
Vaidik (5th)	1	3	13	26	97	273	
TOTAL	21	48	173	352	1,788	3,820	

CASES HANDED DOWN

SENIOR JUDGES

SENIOR CRIM		IINAL	POST-CO	NVICTION	CIVIL	
JUDGES	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Barteau	18	1	1	0	6	1
Darden	21	0	4	0	3	0
Friedlander	6	3	1	0	3	4
Garrard	7	0	1	0	4	0
Sharpnack	12	0	2	0	12	0
Shepard	8	0	1	0	6	1
Sullivan	5	0	0	0	0	0
TOTAL	77	4	10	0	34	6

SENIOR	EXPE	DITE	OTH	IER	TOTAL		
JUDGES	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL	
Barteau	1	0	2	0	28	2	
Darden	0	0	0	0	28	0	
Friedlander	0	0	0	0	10	7	
Garrard	0	0	0	0	12	0	
Sharpnack	1	0	1	0	28	0	
Shepard	1	0	0	0	16	1	
Sullivan	0	0	0	0	5	0	
TOTAL	3	0	3	0	127	10	

The **Court of Appeals** handed down **1,915 written decisions** in 2015.

Judge Patrick D. Sullivan

COURT OF APPEALS OF INDIANA: 1968 - 2015

Judge Sullivan was the longest-serving judge in the court's history and the last serving member to have won popular election to the court, in 1968. He won retention elections in 1972, 1982, 1992 and 2002, and retired from the court on July 31, 2007. From that time until his death in October 2015, Judge Sullivan served the court as a senior judge.



ORAL ARGUMENTS

JUDGES	CRIN	IINAL	POST-CO	NVICTION	TION CIVIL		
(DISTRICT)	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL	
Altice (2nd)	0	1	0	0	1	3	
Bailey (1st)	1	2	0	0	1	5	
Baker (1st)	3	3	0	0	10	3	
Barnes (3rd)	1	3	0	1	0	6	
Bradford (2nd)	1	5	0	0	7	3	
Brown (5th)	1	1	0	0	3	5	
Crone (3rd)	1	6	0	0	1	4	
Friedlander (2nd)	0	0	0	0	0	6	
Kirsch (2nd)	1	1	0	0	3	4	
Mathias (3rd)	5	2	0	0	1	2	
May (4th)	2	1	1	0	3	3	
Najam (1st)	0	1	0	0	4	6	
Pyle (4th)	0	1	0	0	0	3	
Riley (4th)	0	2	0	0	3	9	
Robb (5th)	1	1	0	0	2	14	
Vaidik (5th)	0	3	0	1	2	4	
TOTAL	17	33	1	2	41	80	

JUDGES	EXPEDITE		OTHER		TOTAL	
(DISTRICT)	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	0	0	0	0	1	4
Bailey (1st)	0	0	0	0	2	7
Baker (1st)	0	0	0	0	13	6
Barnes (3rd)	1	0	0	1	2	11
Bradford (2nd)	0	0	0	0	8	8
Brown (5th)	0	0	0	0	4	6
Crone (3rd)	0	0	0	0	2	10
Friedlander (2nd)	0	0	0	0	0	6
Kirsch (2nd)	0	0	0	0	4	5
Mathias (3rd)	0	0	0	0	6	4
May (4th)	0	1	0	1	6	6
Najam (1st)	0	0	0	0	4	7
Pyle (4th)	0	1	1	0	1	5
Riley (4th)	0	0	0	0	3	11
Robb (5th)	0	0	0	0	3	15
Vaidik (5th)	0	0	0	0	2	8
TOTAL	1	2	1	2	61	119



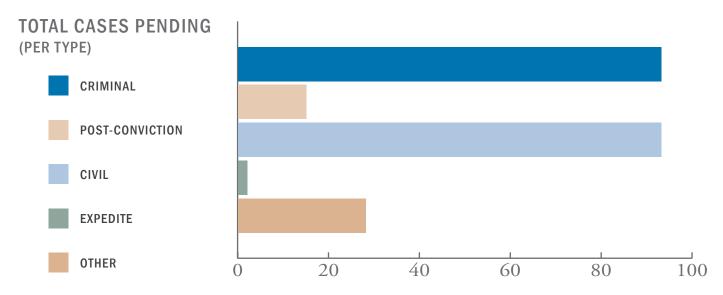
ORAL ARGUMENTS

SENIOR JUDGES

SENIOR	CRIMINAL		POST-CONVICTION		CIVIL	
JUDGES	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Barteau	0	1	0	0	0	1
Darden	0	0	0	0	0	0
Friedlander	0	0	0	0	0	0
Garrard	0	0	0	0	0	0
Sharpnack	0	0	0	0	0	0
Shepard	0	0	0	0	0	1
Sullivan	0	0	0	0	0	0
TOTAL	0	1	0	0	0	2

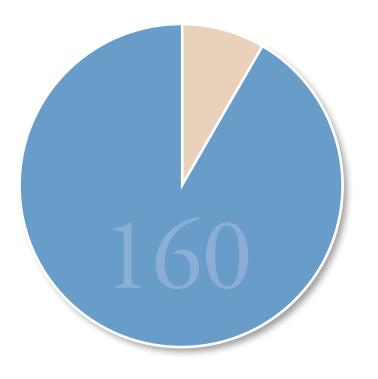
SENIOR	EXPEDITE		OTHER		TOTAL	
JUDGES	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Barteau	0	0	0	0	0	2
Darden	0	0	0	0	0	0
Friedlander	0	0	0	0	0	0
Garrard	0	0	0	0	0	0
Sharpnack	0	0	0	0	0	0
Shepard	0	0	0	0	0	1
Sullivan	0	0	0	0	0	0
TOTAL	0	0	0	0	0	3

CASES PENDING



JUDGES (DISTRICT)	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Altice (2nd)	7	1	9	0	2	19
Bailey (1st)	3	2	2	0	1	8
Baker (1st)	1	2	2	0	1	6
Barnes (3rd)	7	1	7	0	1	16
Bradford (2nd)	2	1	2	0	1	6
Brown (5th)	3	0	8	0	1	12
Crone (3rd)	2	1	5	1	1	10
Kirsch (2nd)	7	1	6	0	3	17
Mathias (3rd)	10	0	9	1	4	24
May (4th)	13	0	6	0	1	20
Najam (1st)	6	0	3	0	1	10
Pyle (4th)	9	1	9	0	2	21
Riley (4th)	7	2	9	0	2	20
Robb (5th)	7	1	7	0	4	19
Vaidik (5th)	4	0	4	0	2	10
SENIOR JUDGES	5	2	5	0	1	13
TOTAL	93	15	93	2	28	231

SUCCESSIVE PETITIONS FOR POST-CONVICTION RELIEF



15 Pending as of 12/31/2014

160 Petitions filed

175 Total petitions

AUTHORIZATION

10

Petitions authorized to be filed in trial court for hearing

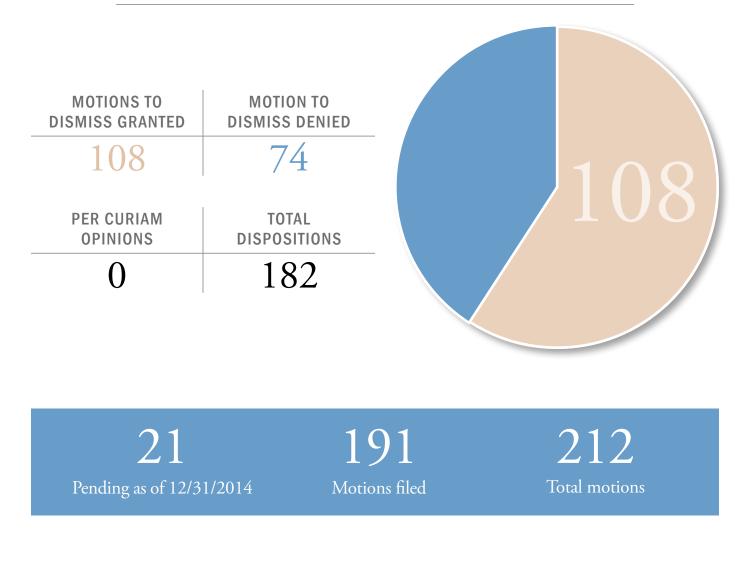
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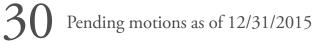
Petitions not authorized to be filed in trial court for hearing ("No Merit")

175

25 Petitions pending Total petitions

APPELLEE'S MOTIONS TO DISMISS





STATISTICS REGARDING DISPOSITION OF CHIEF JUDGE MATTERS

6,375 Motions, Petitions for Time, Misc. Motions Received

JANUARY 1, 2015 - DECEMBER 31, 2015

Orders Granting Petitions to File Belated Notice of Appeal	10
Orders Denying Petitions to File Belated Notice of Appeal	11
Orders Granting Pre-Appeal Conferences	1
Orders Denying Pre-Appeal Conferences	4
Orders with Instructions from Pre-Appeal Conference	0
Orders Granting Permissive Interlocutory Appeals	80
Orders Denying Permissive Interlocutory Appeals	117
Orders Granting Successive Petitions for Post-Conviction Relief	10
Orders Denying Successive Petitions for Post-Conviction Relief	140
Orders Granting Consolidations of Appeals	82
Orders Denying Consolidations of Appeals	9
Orders Granting Petitions to Amend Brief	43
Orders Denying Petitions to Amend Brief	6
Orders Granting Withdrawals of Record	312
Orders Denying Withdrawals of Record	31
Miscellaneous Orders	2,935

REHEARINGS

Petitions for Rehearing Granted without Opinion	0
Petitions for Rehearing Denied without Opinion	190
Petitions for Rehearing Granted with Opinion	25
Petitions for Rehearing Denied with Opinion	0

TIME GRANTS

Petitions for Time to File Record Granted	161
Petitions for Time to File Record Denied	5
Petitions for Time to File Appellant's Brief Granted	942
Petitions for Time to File Appellant's Brief Denied	28
Petitions for Time to File Appellee's Brief Granted	290
Petitions for Time to File Appellee's Brief Denied	4
Petitions for Time to File Appellant's Reply Brief Granted	99
Petitions for Time to File Appellant's Reply Brief Denied	4

ORAL ARGUMENT ACTION

Orders Setting Oral Arguments	68
Orders Denying Petitions for Oral Arguments	62

DISMISSALS

Orders Granting Appellant's Motions to Dismiss	240
Orders Denying Appellant's Motions to Dismiss	28
Orders Granting Appellee's Motions to Dismiss	108
Orders Denying Appellee's Motions to Dismiss	74
Court-Directed Orders of Dismissal	397

6,516 TOTAL



2 0 1 5 A N N U A L R E P O R T

This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2015, through December 31, 2015, is being submitted pursuant to paragraph 6.35, Judge's Manual.

Information about the Court of Appeals of Indiana and the Indiana Judicial Branch can be found online at:

HTTP://WWW.COURTS.IN.GOV/APPEALS/

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