

Court of Appeals of Indiana



2004 Annual Report

First District

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

Second District

James S. Kirsch, Chief Judge
Patrick D. Sullivan, Judge
Ezra H. Friedlander, Judge

Third District

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

Fourth District

Carr L. Darden, Presiding Judge
Patricia A. Riley, Judge
Melissa S. May, Judge

Fifth District

Margret G. Robb, Presiding Judge
John T. Sharpnack, Judge
Nancy H. Vaidik, Judge

The Mission of the Court of Appeals of Indiana

TO SERVE ALL PEOPLE BY PROVIDING EQUAL JUSTICE UNDER LAW

Room 433, 200 West Washington Street, Indianapolis, Indiana 46204 (317) 232-6893

<http://www.in.gov/judiciary/appeals>

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2004 - December 31, 2004

Court Summary

	Criminal	Post- Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-03	228	42	155	11	27	463
Cases Fully-Briefed Received	1169	204	638	33	224	2268
Geographic District One	257	48	205	1	56	567
Geographic District Two	670	105	222	32	104	1133
Geographic District Three	242	51	211	0	64	568
Cases Disposed	1206	197	651	41	207	2302
By Majority Opinion	1204	196	644	41	206	2291
By Order	2	1	7	0	1	11
Net Increase/Decrease	-32	3	-15	-8	19	-33
Cases Pending 12-31-04	195	45	141	3	46	430
Cases Affirmed	1006	169	408	36	147	1766
Cases Affirmed Percent	83.6%	86.2%	63.4%	87.8%	71.4%	77.1%
Cases Reversed	180	25	223	5	57	490
Cases Reversed Percent	14.9%	12.8%	34.6%	12.2%	27.7%	21.4%
Cases Remanded	18	2	13	0	2	35
Cases Remanded Percent	1.5%	1.0%	2.0%	0.0%	0.9%	1.5%
Oral Arguments Heard	20	0	37	1	9	67

Oral Arguments Heard includes 4 Stay Hearings

Average Age of Cases Pending

12-31-03	1.2	Months
12-31-04	1.8	Months

Motions, Petitions for Time, Misc. Orders Handed Down..... 7293

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Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2003	Cases Pending 12/31/2004
District One							
Najam	145	146	0	411	8	15	13
Bailey	193	202	0	502	16	22	27
Baker	219	251	1	599	22	16	16
District Two							
Sullivan	133	166	0	446	11	36	38
Friedlander	134	135	1	486	12	38	19
Kirsch	134	140	1	455	15	40	25
District Three							
Brook	17	18	1	43	1	21	0
Mathias	112	123	1	305	5	29	41
Barnes	142	154	0	440	16	24	27
Crone	92	101	0	281	11	0	28
District Four							
Darden	131	135	0	436	12	38	31
Riley	148	155	2	462	14	28	22
May	125	128	1	434	14	30	32
District Five							
Sharpnack	150	155	0	468	12	31	23
Robb	131	153	1	437	18	24	31
Vaidik	146	158	2	458	10	32	26
Senior Judges							
Brook	16	17	0	21	0	0	0
Garrard	13	13	0	17	0	0	0
Hoffman	25	28	0	54	4	0	0
Ratliff	45	46	0	73	0	0	0
Robertson	37	37	0	41	0	0	0
Staton	3	4	0	4	0	0	0
TOTAL	2291	2465	11	6873	201	463	430

COURT OF APPEALS OF INDIANA**ANNUAL REPORT**

January 1, 2004 - December 31, 2004

Caseload

	Cases Pending 1/1/2004	I N T A K E Cases Assigned	T R A N S F E R S Transfers In Out Total			D I S P O S I T I O N S Majority Opinions Orders Total			Cases Pending 12/31/2004
District One									
Najam	15	144	1	2	143	145	0	145	13
Bailey	22	146	57	5	198	193	0	193	27
Baker	16	141	83	4	220	219	1	220	16
District Two									
Sullivan	36	143	0	8	135	133	0	133	38
Friedlander	38	143	2	29	116	134	1	135	19
Kirsch	40	123	2	5	120	134	1	135	25
District Three									
Brook	21	6	0	9	-3	17	1	18	0
Mathias	29	143	1	19	125	112	1	113	41
Barnes	24	144	4	3	145	142	0	142	27
Crone	0	118	4	2	120	92	0	92	28
District Four									
Darden	38	137	4	17	124	131	0	131	31
Riley	28	147	0	3	144	148	2	150	22
May	30	144	1	17	128	125	1	126	32
District Five									
Sharpnack	31	142	4	4	142	150	0	150	23
Robb	24	141	1	3	139	131	1	132	31
Vaidik	32	139	8	5	142	146	2	148	26
Senior Judges	39	167	3	143	131	139	0	139	31
Brook	0	0	8	0	0	16	0	16	0
Garrard	0	0	11	0	0	13	0	13	0
Hoffman	0	0	18	0	0	25	0	25	0
Ratliff	0	0	31	0	0	45	0	45	0
Robertson	0	0	36	0	0	37	0	37	0
Staton	0	0	0	0	0	3	0	3	0
TOTAL	463	2268	279	279	2268	2291	11	2302	430

COURT OF APPEALS OF INDIANA

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January 1, 2004 - December 31, 2004

Opinions Issued

	Majority Opinions			Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	TOTAL
	Issued	Published	Percent Published					
District One								
Najam	145	51	35.2%	0	0	1	0	146
Bailey	193	37	19.2%	3	5	1	0	202
Baker	219	70	32.0%	10	15	7	0	251
District Two								
Sullivan	133	42	31.6%	15	14	3	1	166
Friedlander	134	33	24.6%	0	0	0	1	135
Kirsch	134	31	23.1%	1	5	0	0	140
District Three								
Brook	17	7	41.2%	0	1	0	0	18
Mathias	112	39	34.8%	4	6	1	0	123
Barnes	142	35	24.6%	7	3	2	0	154
Crone	92	9	9.8%	3	5	1	0	101
District Four								
Darden	131	17	13.0%	2	1	1	0	135
Riley	148	56	37.8%	2	3	0	2	155
May	125	44	35.2%	0	3	0	0	128
District Five								
Sharpnack	150	52	34.7%	0	4	0	1	155
Robb	131	20	15.3%	7	12	3	0	153
Vaidik	146	41	28.1%	1	6	5	0	158
Senior Judges								
Brook	16	7	43.7%	0	1	0	0	17
Garrard	13	2	15.4%	0	0	0	0	13
Hoffman	25	8	32.0%	0	3	0	0	28
Ratliff	45	16	35.6%	0	0	1	0	46
Robertson	37	2	5.4%	0	0	0	0	37
Staton	3	1	33.3%	0	1	0	0	4
TOTAL	2291	620	27.1%	55	88	26	5	2465

COURT OF APPEALS OF INDIANA

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January 1, 2004 - December 31, 2004

Cases Handed Down

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
District One												
Najam	74	143	16	22	45	68	2	4	8	29	145	266
Bailey	90	155	23	20	66	94	2	2	12	38	193	309
Baker	95	203	25	36	56	105	6	7	37	29	219	380
District Two												
Sullivan	71	168	12	23	39	87	2	7	9	28	133	313
Friedlander	79	164	6	37	36	103	1	7	12	41	134	352
Kirsch	64	175	13	25	41	89	2	3	14	29	134	321
District Three												
Brook	13	10	0	1	3	10	1	1	0	4	17	26
Mathias	62	98	9	12	27	65	3	3	11	15	112	193
Barnes	81	162	8	20	33	89	4	5	16	22	142	298
Crone	45	106	12	14	27	43	1	4	7	22	92	189
District Four												
Darden	66	164	13	24	42	86	2	5	8	26	131	305
Riley	75	160	12	31	44	97	2	2	15	24	148	314
May	72	164	7	30	39	82	2	6	5	27	125	309
District Five												
Sharpnack	82	170	9	26	46	90	2	9	11	23	150	318
Robb	70	162	7	33	33	73	2	10	19	28	131	306
Vaidik	74	167	12	31	42	89	4	6	14	19	146	312
Senior Judge												
Brook	10	1	1	1	4	0	0	0	1	3	16	5
Garrard	9	0	1	1	2	3	0	0	1	0	13	4
Hoffman	15	18	1	2	7	9	1	0	1	0	25	29
Ratliff	22	13	6	1	12	9	2	1	3	4	45	28
Robertson	32	2	3	2	0	0	0	0	2	0	37	4
Staton	3	1	0	0	0	0	0	0	0	0	3	1
TOTAL	1204	2406	196	392	644	1291	41	82	206	411	2291	4582

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ORAL ARGUMENTS

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
District One												
Najam	1	3	0	0	0	2	0	0	0	2	1	7
Bailey	3	2	0	0	1	9	0	0	0	1	4	12
Baker	3	3	0	0	6	5	0	1	2	2	11	11
District Two												
Sullivan	0	1	0	0	3	5	0	0	1	1	4	7
Friedlander	0	1	0	0	2	8	0	0	0	1	2	10
Kirsch	1	3	0	0	4	6	0	0	0	1	5	10
District Three												
Brook	0	1	0	0	0	0	0	0	0	0	0	1
Mathias	1	0	0	0	1	1	0	0	2	0	4	1
Barnes	1	4	0	0	2	7	0	0	0	2	3	13
Crone	0	1	0	0	2	4	1	0	0	3	3	8
District Four												
Darden	2	2	0	0	3	4	0	0	1	0	6	6
Riley	0	4	0	0	3	5	0	0	1	1	4	10
May	6	4	0	0	1	3	0	0	0	0	7	7
District Five												
Sharpnack	0	4	0	0	2	5	0	0	1	0	3	9
Robb	2	2	0	0	3	7	0	0	1	3	6	12
Vaidik	0	4	0	0	3	1	0	1	0	1	3	7
Senior Judge												
Brook	0	0	0	0	0	0	0	0	0	0	0	0
Garrard	0	0	0	0	0	0	0	0	0	0	0	0
Hoffman	0	1	0	0	1	2	0	0	0	0	1	3
Ratliff	0	0	0	0	0	0	0	0	0	0	0	0
Robertson	0	0	0	0	0	0	0	0	0	0	0	0
Staton	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	20	40	0	0	37	74	1	2	9	18	67	134

COURT OF APPEALS OF INDIANA

A N N U A L R E P O R T

January 1, 2004 - December 31, 2004

Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
District One						
Najam	6	2	4	0	1	13
Bailey	13	3	7	0	4	27
Baker	5	1	6	0	4	16
District Two						
Sullivan	19	4	11	1	3	38
Friedlander	9	2	5	0	3	19
Kirsch	10	4	8	0	3	25
District Three						
Brook	0	0	0	0	0	0
Mathias	20	5	10	0	6	41
Barnes	10	1	12	0	4	27
Crone	16	2	8	0	2	28
District Four						
Darden	15	4	10	0	2	31
Riley	11	1	9	0	1	22
May	13	4	13	0	2	32
District Five						
Sharpnack	6	6	6	1	4	23
Robb	12	3	12	1	3	31
Vaidik	13	1	11	0	1	26
Senior Judges	17	2	9	0	3	31
TOTAL	195	45	141	3	46	430

COURT OF APPEALS OF INDIANA

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Age of Cases Pending

	0 to 3 Months	4 to 6 Months	7 to 9 Months	10 to 12 Months	Over 12 Months	Average Age (In Months)
District One						
Najam	12	1	0	0	0	1.2
Bailey	25	2	0	0	0	1.2
Baker	15	0	1	0	0	1.5
District Two						
Sullivan	32	6	0	0	0	1.9
Friedlander	19	0	0	0	0	1.2
Kirsch	18	7	0	0	0	2.3
District Three						
Brook	0	0	0	0	0	0
Mathias	24	17	0	0	0	2.4
Barnes	22	4	0	0	1	1.9
Crone	27	1	0	0	0	2.1
District Four						
Darden	24	6	1	0	0	2.1
Riley	21	1	0	0	0	1.3
May	22	7	3	0	0	2.7
District Five						
Sharpnack	22	1	0	0	0	1.3
Robb	24	7	0	0	0	1.9
Vaidik	24	1	1	0	0	1.6
Senior Judges	27	4	0	0	0	1.7
TOTAL	358	65	6	0	1	1.8
Percent	83.3%	15.1%	1.4%	0.0%	0.2%	

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Fully-Briefed Cases Distributed

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
District One						
Najam	73	15	44	2	8	142
Bailey	88	20	61	2	16	187
Baker	90	26	58	5	38	217
District Two						
Sullivan	72	13	38	2	11	136
Friedlander	68	7	30	1	11	117
Kirsch	58	11	38	1	14	122
District Three						
Brook	1	0	0	0	0	1
Mathias	66	12	28	2	17	125
Barnes	78	7	39	3	18	145
Crone	60	14	35	1	10	120
District Four						
Darden	67	15	42	2	9	135
Riley	71	12	42	2	16	143
May	74	9	37	1	6	127
District Five						
Sharpnack	75	12	39	2	14	142
Robb	74	8	41	2	15	140
Vaidik	73	12	40	3	13	141
Senior Judges	81	11	26	2	8	128
TOTAL	1169	204	638	33	224	2268

COURT OF APPEALS OF INDIANA
A N N U A L R E P O R T

January 1, 2004 - December 31, 2004

Successive Petitions for Post-Conviction Relief

Pending 12-31-03.....	43
Petitions Filed.....	<u>187</u>
TOTAL	230

Compliance

Petitions Not in Compliance with Form of Rule.....	3
Petitions in Compliance with Form of Rule.....	<u>199</u>
TOTAL	202

Authorization

Petitions Not in Compliance with Form of Rule.....	3
Petitions Authorized To Be Filed in Trial Court for Hearing.....	18
Petitions Not Authorized To Be Filed in Trial Court for Hearing ("No Merit").....	181
Petitions Pending.....	<u>28</u>
TOTAL	230

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Motions to Dismiss or Affirm

Pendings Motions 12-31-03.....	22
Motions Filed.....	<u>174</u>
TOTAL.....	196

Dispositions:

Motion to Dismiss or Affirm Sustained.....	80
Motion to Dismiss or Affirm Overruled.....	89
Dismissed on Appellant's Motion.....	0
Miscellaneous.....	<u>5</u>
Subtotal.....	174
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	174
Pending Motions 12-31-04.....	22

COURT OF APPEALS OF INDIANA

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Statistics Regarding Disposition of Chief Judge Matters

Preliminary Actions

Orders Granting Petitions to File Belated Appeal.....	51
Orders Denying Petitions to File Belated Appeal.....	2
Orders Granting Pre-Appeal Conferences.....	2
Orders Denying Pre-Appeal Conferences.....	0
Orders with Instructions from Pre-Appeal Conference.....	0
Orders Granting Permissive Interlocutory Appeals.....	110
Orders Denying Permissive Interlocutory Appeals.....	185

Time Grants

Petitions for Time to File Record Granted.....	332
Petitions for Time to File Record Denied.....	13
Petitions for Time to File Appellant's Brief Granted.....	1352
Petitions for Time to File Appellant's Brief Denied.....	13
Petitions for Time to File Appellee's Brief Granted.....	732
Petitions for Time to File Appellee's Brief Denied.....	1
Petitions for Time to File Appellant's Reply Brief Granted.....	156
Petitions for Time to File Appellant's Reply Brief Denied.....	0

Oral Argument Action

Orders Setting Oral Arguments.....	64
Orders Denying Petitions for Oral Arguments.....	3

Others

Orders Granting Consolidations of Appeals.....	67
Orders Denying Consolidations of Appeals.....	11
Orders Granting Writs of Certiorari.....	1
Orders Denying Writs of Certiorari.....	0
Orders Granting Petitions to Amend Brief.....	2
Orders Denying Petitions to Amend Brief.....	0
Orders Granting Withdrawals of Record.....	361
Orders Denying Withdrawals of Record.....	40
Miscellaneous Orders.....	0

Dismissals

Orders Granting Appellants' Motions to Dismiss.....	168
Orders Denying Appellants' Motions to Dismiss.....	7
Orders Granting Appellees' Motions to Dismiss or Affirm.....	80
Orders Denying Appellees' Motions to Dismiss or Affirm.....	89
Court-Directed Orders of Dismissal.....	461

Rehearings

Petitions for Rehearing Granted without Opinion.....	0
Petitions for Rehearing Denied without Opinion.....	231
Petitions for Rehearing Granted with Opinion.....	21
Petitions for Rehearing Denied with Opinion.....	4

TOTAL.....	7293
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