

Court of Appeals of Indiana



2014 Annual Report

Court of Appeals of Indiana

2014 Annual Report

First District

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

Second District

Ezra H. Friedlander, Presiding Judge
James S. Kirsch, Judge
Cale J. Bradford, 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

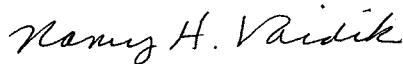
The Mission of the Court of Appeals of Indiana
TO SERVE ALL PEOPLE BY PROVIDING EQUAL JUSTICE UNDER LAW

115 West Washington Street, Suite 1080S, Indianapolis, Indiana 46204 (317) 232-6906
<http://www.in.gov/judiciary/appeals>

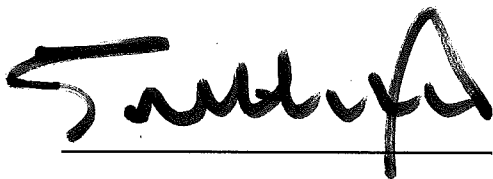
Court of Appeals of Indiana

2014 Annual Report

This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2014, through December 31, 2014, is being submitted pursuant to paragraph 6.35, Judge's Manual.



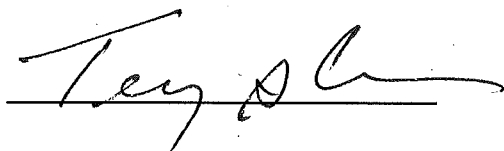
Nancy H. Vaidik
Chief Judge and
Presiding Judge
Fifth District



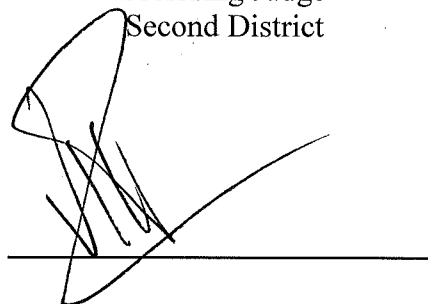
Edward W. Najam, Jr.
Presiding Judge
First District



Ezra H. Friedlander
Presiding Judge
Second District



Terry A. Crone
Presiding Judge
Third District



Rudolph R. Pyle, III
Presiding Judge
Fourth District

COURT OF APPEALS OF INDIANA

ANNUAL R E P O R T

January 1, 2014 - December 31, 2014

Total Caseload*

<u>Year</u>	<u>Filed</u>	<u>Disposed</u>
2009	3988	3901
2010	4392	3924
2011	4315	3950
2012	4160	3510
2013	3931	3362
2014	3413	3383

Civil and Criminal Caseloads

<u>Year</u>	<u>Criminal</u>		<u>Civil</u>		<u>Other</u>	
	<u>Filed</u>	<u>Disposed</u>	<u>Filed</u>	<u>Disposed</u>	<u>Filed</u>	<u>Disposed</u>
2009	2147	2238	1229	1066	612	597
2010	2407	2104	1213	1110	772	710
2011	2288	2050	1190	1104	837	796
2012	2175	1863	1259	1034	726	613
2013	2107	1843	1134	980	690	539
2014	1818	1823	1049	1002	546	558

*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.

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2014 - December 31, 2014

Court Summary

	Criminal	Post-Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12/31/2013	161	14	106	5	39	325
Cases Fully-Briefed Received	1119	111	558	43	253	2084
Geographic District One	320	27	177	0	81	605
Geographic District Two	548	52	226	43	115	984
Geographic District Three	251	32	155	0	57	495
Cases Disposed	1147	111	579	46	269	2152
By Majority Opinion	1146	111	574	46	269	2146
By Order	1	0	5	0	0	6
Net Increase/Decrease	-28	0	-21	-3	-16	-68
Cases Pending 12/31/2014	133	14	85	2	23	257
Cases Affirmed	1004	102	394	39	226	1765
Cases Affirmed Percent	87.6%	91.9%	68.6%	84.8%	84.0%	82.2%
Cases Reversed	125	9	170	5	41	350
Cases Reversed Percent	10.9%	8.1%	29.6%	10.9%	15.2%	16.3%
Cases Remanded	17	0	10	2	2	31
Cases Remanded Percent	1.5%	0.0%	1.8%	4.3%	0.8%	1.5%
Oral Arguments Heard	22	2	42	1	2	69

Oral Arguments Heard includes: 2 Stay Hearings

Average Age of Cases Pending

12/31/2013 1.0 Months

12/31/2014 1.5 Months

Total number of Motions, Petitions for Time, Misc Motions Received 6718

Total Motions, Petitions for Time, Misc. Orders Issued 6829

COURT OF APPEALS OF INDIANA
ANNUAL REPORT

January 1, 2014 - December 31, 2014

Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2013	Cases Pending 12/31/2014
Judges (District)							
Bailey (1st)	135	141	0	419	11	11	10
Baker (1st)	156	174	0	434	22	15	12
Barnes (3rd)	146	160	0	430	12	22	18
Bradford (2nd)	148	164	0	465	21	21	9
Brown (5th)	135	143	0	421	4	13	11
Crone (3rd)	149	158	1	418	16	17	10
Friedlander (2nd)	135	141	0	398	7	20	20
Kirsch (2nd)	133	139	0	432	12	26	16
Mathias (3rd)	138	149	1	427	8	19	17
May (4th)	126	130	0	419	19	31	35
Najam (1st)	144	148	2	417	9	13	8
Pyle (4th)	101	102	0	398	10	28	22
Riley (4th)	127	148	1	423	16	26	20
Robb (5th)	134	153	0	431	25	24	19
Vaidik (5th)	114	120	1	379	12	18	13
Senior Judges						21	17
Barteau	27	27	0	28	1	0	0
Darden	29	29	0	29	0	0	0
Garrard	14	14	0	14	0	0	0
Sharpnack	27	27	0	27	0	0	0
Shepard	15	17	0	16	2	0	0
Sullivan	13	14	0	13	0	0	0
TOTAL	2146	2298	6	6438	207	325	257

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2014 - December 31, 2014

Caseload

	Cases Pending 1/1/2014	INTAKE				DISPOSITIONS			Cases Pending 12/31/2014
		Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders	Total	
Judges (District)									
Bailey (1st)	11	130	6	2	134	135	0	135	10
Baker (1st)	15	129	30	6	153	156	0	156	12
Barnes (3rd)	22	129	15	2	142	146	0	146	18
Bradford (2nd)	21	132	9	5	136	148	0	148	9
Brown (5th)	13	129	6	2	133	135	0	135	11
Crone (3rd)	17	130	17	4	143	149	1	150	10
Friedlander (2nd)	20	133	5	3	135	135	0	135	20
Kirsch (2nd)	26	134	3	14	123	133	0	133	16
Mathias (3rd)	19	138	7	8	137	138	1	139	17
May (4th)	31	131	4	5	130	126	0	126	35
Najam (1st)	13	132	11	2	141	144	2	146	8
Pyle (4th)	28	134	1	40	95	101	0	101	22
Riley (4th)	26	131	4	13	122	127	1	128	20
Robb (5th)	24	130	2	3	129	134	0	134	19
Vaidik (5th)*	18	109	8	7	110	114	1	115	13
Senior Judges	21	133	1	13	121	(125)	(0)	(125)	17
Barteau	0	0	0	0	0	27	0	27	0
Darden	0	0	0	0	0	29	0	29	0
Garrard	0	0	0	0	0	14	0	14	0
Sharpnack	0	0	0	0	0	27	0	27	0
Shepard	0	0	0	0	0	15	0	15	0
Sullivan	0	0	0	0	0	13	0	13	0
TOTAL	325	2084	129	129	2084	2146	6	2152	257

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

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2014 - December 31, 2014

Opinions Issued

	MAJORITY OPINIONS			Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	TOTAL
	Issued	Published	Percent Published					
Judges (District)								
Bailey (1st)	135	22	16.3%	3	1	2	0	141
Baker (1st)	156	32	20.5%	6	10	2	0	174
Barnes (3rd)	146	36	24.7%	5	7	2	0	160
Bradford (2nd)	148	35	23.6%	7	7	1	1	164
Brown (5th)	135	44	32.6%	2	6	0	0	143
Crone (3rd)	149	35	23.5%	3	6	0	0	158
Friedlander (2nd)	135	15	11.1%	1	3	2	0	141
Kirsch (2nd)	133	16	12.0%	0	6	0	0	139
Mathias (3rd)	138	28	20.3%	3	4	4	0	149
May (4th)	126	43	34.1%	2	1	1	0	130
Najam (1st)	144	41	28.5%	0	2	2	0	148
Pyle (4th)	101	40	39.6%	1	0	0	0	102
Riley (4th)	127	33	26.0%	1	16	3	1	148
Robb (5th)	134	37	27.6%	7	10	2	0	153
Vaidik (5th)	114	29	25.4%	1	4	0	1	120
Senior Judges								
Barteau	27	6	22.2%	0	0	0	0	27
Darden	29	9	31.0%	0	0	0	0	29
Garrard	14	1	7.1%	0	0	0	0	14
Sharpnack	27	6	22.2%	0	0	0	0	27
Shepard	15	5	33.3%	0	1	1	0	17
Sullivan	13	2	15.4%	0	0	1	0	14
TOTAL	2146	515	24.0%	42	84	23	3	2298

COURT OF APPEALS OF INDIANA

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January 1, 2014 - December 31, 2014

Cases Handed Down

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
Judges (District)												
Bailey (1st)	69	149	9	17	33	78	3	6	21	34	135	284
Baker (1st)	85	142	5	20	43	80	3	5	20	31	156	278
Barnes (3rd)	78	146	6	17	36	82	3	4	23	35	146	284
Bradford (2nd)	83	174	3	14	37	91	3	4	22	34	148	317
Brown (5th)	71	159	7	14	43	69	3	5	11	39	135	286
Crone (3rd)	74	133	9	20	41	75	3	7	22	34	149	269
Friedlander (2nd)	73	141	6	16	37	58	4	6	15	42	135	263
Kirsch (2nd)	67	167	9	11	36	77	2	6	19	38	133	299
Mathias (3rd)	71	151	10	18	41	79	3	8	13	33	138	289
May (4th)	71	164	2	11	28	70	3	6	22	42	126	293
Najam (1st)	69	144	11	13	47	68	4	7	13	41	144	273
Pyle (4th)	54	150	8	17	21	88	2	7	16	35	101	297
Riley (4th)	69	162	7	14	39	78	3	6	9	36	127	296
Robb (5th)	71	163	10	7	37	85	3	8	13	34	134	297
Vaidik (5th)	59	147	5	13	29	69	2	7	19	29	114	265
Senior Judges												
Barteau	18	0	1	0	6	1	0	0	2	0	27	1
Darden	19	0	0	0	6	0	0	0	4	0	29	0
Garrard	7	0	0	0	7	0	0	0	0	0	14	0
Sharpnack	18	0	1	0	4	0	2	0	2	0	27	0
Shepard	11	0	0	0	3	0	0	0	1	1	15	1
Sullivan	9	0	2	0	0	0	0	0	2	0	13	0
TOTAL	1146	2292	111	222	574	1148	46	92	269	538	2146	4292

COURT OF APPEALS OF INDIANA

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January 1, 2014 - December 31, 2014

Oral Arguments

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
Judges (District)												
Bailey (1st)	1	5	0	0	1	3	0	1	0	0	2	9
Baker (1st)	2	5	0	1	5	9	0	0	0	0	7	15
Barnes (3rd)	1	1	0	1	2	6	0	0	0	1	3	9
Bradford (2nd)	4	5	0	0	4	7	0	0	1	0	9	12
Brown (5th)	0	1	0	0	1	1	0	0	0	1	1	3
Crone (3rd)	1	3	0	0	6	5	0	0	0	1	7	9
Friedlander (2nd)	1	1	0	0	2	3	0	0	0	0	3	4
Kirsch (2nd)	0	3	0	1	3	4	1	0	0	0	4	8
Mathias (3rd)	3	1	0	0	1	3	0	0	0	0	4	4
May (4th)	3	2	0	1	4	8	0	1	0	0	7	12
Najam (1st)	0	1	0	0	3	5	0	0	0	0	3	6
Pyle (4th)	1	2	0	0	1	6	0	0	0	0	2	8
Riley (4th)	0	7	0	0	5	4	0	0	0	0	5	11
Robb (5th)	5	4	1	0	3	11	0	0	1	0	10	15
Vaidik (5th)	0	3	1	0	0	8	0	0	0	0	1	11
Senior Judges												
Barteau	0	0	0	0	0	1	0	0	0	0	0	1
Darden	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
Sharpnack	0	0	0	0	0	0	0	0	0	0	0	0
Shepard	0	0	0	0	1	0	0	0	0	1	1	1
Sullivan	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	22	44	2	4	42	84	1	2	2	4	69	138

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2014 - December 31, 2014

Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
Judges (District)						
Bailey (1st)	6	0	3	0	1	10
Baker (1st)	7	1	3	0	1	12
Barnes (3rd)	10	1	5	1	1	18
Bradford (2nd)	4	0	4	0	1	9
Brown (5th)	4	2	5	0	0	11
Crone (3rd)	5	0	4	0	1	10
Friedlander (2nd)	9	1	8	0	2	20
Kirsch (2nd)	10	1	5	0	0	16
Mathias (3rd)	8	0	6	0	3	17
May (4th)	17	2	14	0	2	35
Najam (1st)	5	0	3	0	0	8
Pyle (4th)	13	1	4	0	4	22
Riley (4th)	11	2	6	0	1	20
Robb (5th)	10	0	5	0	4	19
Vaidik (5th)	6	0	5	0	2	13
Senior Judges	8	3	5	1	0	17
TOTAL	133	14	85	2	23	257

COURT OF APPEALS OF INDIANA

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January 1, 2014 - December 31, 2014

Successive Petitions for Post-Conviction Relief

Pending 12/31/2013.....	15
Petitions Filed.....	<u>156</u>
TOTAL.....	171

Authorization

Petitions Authorized To Be Filed in Trial Court for Hearing.....	7
Petitions Not Authorized To Be Filed in Trial Court for Hearing("No Merit")...	149
Petitions Pending.....	<u>15</u>
TOTAL.....	171

COURT OF APPEALS OF INDIANA

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January 1, 2014 - December 31, 2014

Appellee's Motions to Dismiss

Pending 12/31/2013.....	26
Motions Filed.....	<u>256</u>
TOTAL.....	282

Dispositions:

Motion to Dismiss Granted.....	179
Motion to Dismiss Denied.....	<u>81</u>
Subtotal.....	260
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	260
Pending Motions 12/31/2014.....	22

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2014 - December 31, 2014

Statistics Regarding Disposition of Chief Judge Matters

Total number of Motions, Petitions for Time, Misc Motions Received	6718
January 1, 2014 - December 31, 2014	
Orders Granting Petitions to File Belated Notice of Appeal	8
Orders Denying Petitions to File Belated Notice of Appeal	11
Orders Granting Pre-Appeal Conferences	0
Orders Denying Pre-Appeal Conferences	2
Orders with Instructions from Pre-Appeal Conference	0
Orders Granting Permissive Interlocutory Appeals	70
Orders Denying Permissive Interlocutory Appeals	116
Orders Granting Successive Petitions for Post-Conviction Relief	7
Orders Denying Successive Petitions for Post-Conviction Relief	149
Orders Granting Consolidations of Appeals	70
Orders Denying Consolidations of Appeals	17
Orders Granting Petitions to Amend Brief	43
Orders Denying Petitions to Amend Brief	3
Orders Granting Withdrawals of Record	327
Orders Denying Withdrawals of Record	32
Miscellaneous Orders	2851
Time Grants	
Petitions for Time to File Record Granted	187
Petitions for Time to File Record Denied	8
Petitions for Time to File Appellant's Brief Granted	1048
Petitions for Time to File Appellant's Brief Denied	38
Petitions for Time to File Appellee's Brief Granted	276
Petitions for Time to File Appellee's Brief Denied	8
Petitions for Time to File Appellant's Reply Brief Granted	107
Petitions for Time to File Appellant's Reply Brief Denied	1
Oral Argument Action	
Orders Setting Oral Arguments	76
Orders Denying Petitions for Oral Arguments	77
Dismissals	
Orders Granting Appellant's Motions to Dismiss	233
Orders Denying Appellant's Motions to Dismiss	17
Orders Granting Appellee's Motions to Dismiss	179
Orders Denying Appellee's Motions to Dismiss	81
Court-Directed Orders of Dismissal	569
Rehearings	
Petitions for Rehearing Granted without Opinion	0
Petitions for Rehearing Denied without Opinion	195
Petitions for Rehearing Granted with Opinion	23
Petitions for Rehearing Denied with Opinion	0
TOTAL	6829