

Indiana Court of Appeals 2001 Annual Report



First District

The Honorable L. Mark Bailey
The Honorable John G. Baker
The Honorable Edward W. Najam, Jr.

Second District

The Honorable Patrick D. Sullivan
The Honorable James S. Kirsch
The Honorable Ezra H. Friedlander

Third District

The Honorable Sanford M. Brook
The Honorable Paul D. Mathias
The Honorable Michael P. Barnes

Steve Lancaster, Administrator
Indiana Court of Appeals
200 West Washington Street, Suite Room 414
Indianapolis, IN 46204

Phone: (317) 232-4196
Fax: (317) 232-4627

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

Fourth District

The Honorable Melissa S. Mattingly-May
The Honorable Patricia A. Riley
The Honorable Carr L. Darden

Fifth District

The Honorable John T. Sharpnack
The Honorable Margret G. Robb
The Honorable Nancy H. Vaidik

“To Serve all people by providing equal justice under law”

Indiana Court of Appeals 2001 Court Summary

	Criminal	Post-Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-2000	216	25	146	4	26	417
Cases Fully-Briefed Rec'd	944	155	644	22	173	1938
Geographic District One	239	44	224	1	48	556
Geographic District Two	509	75	218	21	77	900
Geographic District Three	196	36	202	0	48	482
Cases Disposed	1019	150	663	19	173	2024
By Majority Opinion	1015	150	648	18	172	2003
By Order	4	0	15	1	1	21
Net Increase/Decrease	-76	3	-16	3	0	-86
Cases Pending 12-31-2001	140	28	130	7	26	331
Cases Affirmed	834	127	406	13	123	1503
Cases Affirmed Percent	82.1%	85.2%	62.7%	72.2%	71.5%	75.0%
Cases Reversed	160	22	229	5	47	463
Cases Reversed Percent	15.7%	14.8%	35.3%	27.8%	27.3%	23.1%
Cases Remanded	22	0	13	0	2	37
Cases Remanded Percent	2.2%	0.0%	2.0%	0.0%	1.2%	1.8%
Oral Arguments Heard*	26	3	58	1	6	94

* Oral Arguments Heard includes 5 Stay Hearings.

Average Age of Cases Pending

12-31-00..... 1.5 Months
12-31-01..... 1.4 Months

Motions, Petitions for Time, Miscellaneous Orders Handed Down 6,024

Indiana Court of Appeals Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/00	Cases Pending 12/31/01
District One							
Najam	147	150	0	429	22	38	12
Bailey	133	144	2	403	19	26	18
Baker	166	189	2	425	17	13	10
District Two							
Sullivan	81	121	4	349	15	34	24
Friedlander	111	127	0	370	10	22	28
Kirsch	134	1145	1	384	19	20	22
District Three							
Brook	133	144	0	422	29	31	19
Mathias	130	140	0	395	12	34	19
Barnes	113	121	2	340	20	23	28
District Four							
Darden	130	136	0	400	21	29	22
Riley	135	151	1	403	18	19	18
Mattingly-May	105	113	3	390	21	35	32
District Five							
Sharpnack	106	113	2	361	9	22	13
Robb	128	151	0	412	28	18	20
Vaidik	123	131	2	397	21	25	20
Senior Judges	0	0	0	0	0	28	26
Barteau	9	9	0	9	0	0	0
Garrard	8	8	0	8	0	0	0
Hoffman	39	39	1	39	1	0	0
Ratliff	35	36	1	36	0	0	0
Robertson	35	35	0	35	0	0	0
Staton	2	2	0	2	0	0	0
TOTAL	2003	2205	21	6009	282	417	331

Indiana Court of Appeals Caseload Statistics

	Cases	I N T A K E				D I S P O S I T I O N S			Cases
	Pending	Cases	Transfers		Total	Majority	Orders	Total	Pending
	1/1/01	Assigned	In	Out		Opinions			12/31/01
District One									
Najam	38	121	6	6	121	147	0	147	12
Bailey	26	121	9	3	127	133	2	135	18
Baker	13	123	44	2	165	166	2	168	10
District Two									
Sullivan	34	114	3	42	75	81	4	85	24
Friedlander	22	125	4	12	117	111	0	111	28
Kirsch	20	123	17	3	137	134	1	135	22
District Three									
Brook	31	126	3	8	121	133	0	133	19
Mathias	34	125	2	12	115	130	0	130	19
Barnes	23	128	2	10	120	113	2	115	28
District Four									
Darden	29	119	7	3	123	130	0	130	22
Riley	19	121	19	5	135	135	1	136	18
Mattingly-May	35	122	5	22	105	105	3	108	32
District Five									
Sharpnack	22	101	1	3	99	106	2	108	13
Robb	18	118	15	3	130	128	0	128	20
Vaidik	25	120	3	3	120	123	2	125	20
Senior Judges	28	131	3	6	128	128	2	130	26
Barteau	0	0	9	0	0	9	0	9	0
Garrard	0	0	8	0	0	8	0	8	0
Hoffman	0	0	40	0	0	39	1	40	0
Ratliff	0	0	36	0	0	35	1	36	0
Robertson	0	0	35	0	0	35	0	35	0
Staton	0	0	2	0	0	2	0	2	0
TOTAL	417	1938	143	143	1938	2003	21	2024	331

Indiana Court of Appeals

Opinions Issued

	Majority Opinions			Opinions				TOTAL
	Issued	Published	Percent					
			Published	Concurring	Dissenting	Rehearing	Other	
District One								
Najam	147	32	21.8%	2	0	1	0	150
Bailey	133	23	17.3%	3	5	3	0	144
Baker	166	50	29.3%	9	10	4	0	189
District Two								
Sullivan	81	33	40.7%	19	18	2	1	121
Friedlander	111	21	18.9%	3	11	2	0	127
Kirsch	134	35	26.1%	2	8	1	0	145
District Three								
Brook	133	30	22.6%	4	4	1	2	144
Mathias	130	44	33.8%	1	6	2	1	140
Barnes	113	22	19.5%	5	2	1	0	121
District Four								
Darden	130	33	25.4%	1	2	3	0	136
Riley	135	55	40.7%	3	10	3	0	151
Mattingly-May	105	36	34.3%	2	6	0	0	113
District Five								
Sharpnack	106	31	29.2%	0	5	1	1	113
Robb	128	37	28.9%	7	11	5	0	151
Vaidik	123	43	35.0%	2	4	2	0	131
Senior Judges								
Barteau	9	3	33.3%	0	0	0	0	9
Garrard	8	1	12.5%	0	0	0	0	8
Hoffman	39	17	43.6%	0	0	0	0	39
Ratliff	35	14	40.0%	0	1	0	0	36
Robertson	35	2	5.7%	0	0	0	0	35
Staton	2	0	0.0%	0	0	0	0	2
TOTAL	2003	562	28.1%	63	103	31	5	2205

Indiana Court of Appeals 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	80	149	12	17	42	91	2	6	11	19	147	282
Bailey	61	134	15	21	46	83	2	2	9	30	133	270
Baker	67	126	13	21	57	93	1	1	28	18	166	259
District Two												
Sullivan	54	140	1	20	16	84	1	2	9	22	81	268
Friedlander	60	128	6	17	28	90	0	1	17	23	111	259
Kirsch	72	126	8	16	40	89	1	5	13	14	134	250
District Three												
Brook	68	152	11	23	46	92	1	2	7	20	133	289
Mathias	66	129	15	20	41	90	1	2	7	24	130	265
Barnes	61	115	8	17	33	66	0	2	11	27	113	227
District Four												
Darden	63	135	8	25	41	82	1	2	17	26	130	270
Riley	62	136	10	20	52	84	1	4	10	24	135	268
Mattingly-May	51	148	10	19	36	83	1	2	7	33	105	285
District Five												
Sharpnack	48	133	6	17	42	82	2	4	8	19	106	255
Robb	62	132	9	27	48	98	0	0	9	27	128	284
Vaidik	57	146	16	20	38	89	3	1	9	18	123	274
Senior Judges												
Barteau	3	0	0	0	6	0	0	0	0	0	9	0
Garrard	6	0	0	0	2	0	0	0	0	0	8	0
Hoffman	19	0	1	0	18	0	1	0	0	0	39	0
Ratliff	20	1	0	0	15	0	0	0	0	0	35	1
Robertson	43	0	1	0	0	0	0	0	0	0	35	0
Staton	1	0	0	0	1	0	0	0	0	0	2	0
TOTAL	1015	2030	150	300	648	1296	18	36	172	344	2003	4006

Indiana Court of Appeals

Oral Arguments Heard

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
District One												
Najam	2	6	0	0	2	11	0	0	0	1	4	18
Bailey	1	5	0	1	1	7	0	1	0	3	2	17
Baker	2	2	0	1	4	8	0	0	0	0	6	11
District Two												
Sullivan	2	1	0	1	3	8	0	0	0	0	5	10
Friedlander	0	2	0	1	1	3	0	0	3	0	4	6
Kirsch	1	3	0	1	4	8	1	0	0	1	6	13
District Three												
Brook	5	6	0	0	10	7	0	1	0	0	15	14
Mathias	1	2	0	0	6	3	0	0	0	0	7	5
Barnes	0	7	0	1	2	8	0	0	0	2	2	18
District Four												
Darden	1	2	2	0	2	11	0	0	2	1	7	14
Riley	1	1	0	0	7	9	0	0	0	0	8	10
Mattingly-May	6	4	0	0	2	6	0	0	0	3	8	13
District Five												
Sharpnack	0	3	0	0	0	5	0	0	1	0	1	8
Robb	3	4	0	0	6	14	0	0	0	1	9	19
Vaidik	1	4	1	0	7	8	0	0	0	0	9	12
Senior Judges												
Bartau	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	0	0	0	1	0	0	0	0	0	1	0
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	26	52	3	6	58	116	1	2	6	12	94	188

Indiana Court of Appeals

Cases Pending

	CRIMINAL	POST- CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
<i>District One</i>						
Najam	3	2	5	0	2	12
Bailey	5	4	8	0	1	18
Baker	4	0	4	0	2	10
<i>District Two</i>						
Sullivan	16	1	4	1	2	24
Friedlander	14	1	8	1	4	28
Kirsch	10	1	8	0	3	22
<i>District Three</i>						
Brook	5	4	8	0	2	19
Mathias	7	2	8	1	1	19
Barnes	12	1	13	1	1	28
<i>District Four</i>						
Darden	7	4	11	0	0	22
Riley	5	4	5	0	4	18
Mattingly-May	13	3	14	1	1	32
<i>District Five</i>						
Sharpnack	7	1	4	0	1	13
Robb	11	1	6	1	1	20
Vaidik	10	0	9	0	1	20
<i>Senior Judges</i>	<i>11</i>	<i>0</i>	<i>14</i>	<i>1</i>	<i>0</i>	<i>26</i>
<i>TOTAL</i>	<i>140</i>	<i>29</i>	<i>129</i>	<i>7</i>	<i>26</i>	<i>331</i>

Indiana Court of Appeals

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	10	2	0	0	0	1.1
Bailey	17	1	0	0	0	1
Baker	10	0	0	0	0	0.8
District Two						
Sullivan	22	2	0	0	0	1.5
Friedlander	23	5	0	0	0	1.7
Kirsch	21	1	0	0	0	1.1
District Three						
Brook	17	2	0	0	0	1.3
Mathias	18	1	0	0	0	1.1
Barnes	24	2	2	0	0	1.8
District Four						
Darden	20	0	2	0	0	1.6
Riley	18	0	0	0	0	1.1
Mattingly-May	24	7	1	0	0	2.1
District Five						
Sharpnack	13	0	0	0	0	0.8
Robb	19	1	0	0	0	1.2
Vaidik	19	1	0	0	0	1.0
Senior Judges	24	2	0	0	0	1.6
TOTAL	299	27	5	0	0	1.4
Percent	90.3%	8.2%	1.5%	0.0%	0.0%	

Indiana Court of Appeals

Fully-Briefed Cases Distributed

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
District One						
Najam	65	9	34	1	13	122
Bailey	53	16	48	1	8	126
Baker	63	12	57	2	26	160
District Two						
Sullivan	48	2	15	2	8	75
Friedlander	61	7	31	1	17	117
Kirsch	70	9	39	1	14	134
District Three						
Brook	57	14	41	1	8	121
Mathias	58	14	41	2	8	123
Barnes	62	8	40	1	11	121
District Four						
Darden	57	12	41	1	14	125
Riley	60	12	50	1	12	135
Mattingly-May	47	10	36	2	8	103
District Five						
Sharpnack	46	7	38	1	8	100
Robb	64	8	46	1	9	128
Vaidik	55	13	41	2	9	120
Senior Judges	78	2	46	2	0	128
TOTAL	944	155	644	22	173	1938

Indiana Court of Appeals

Successive Petitions for Post-Conviction Relief

Pending 12-31-00.....	17
Petitions Filed.....	<u>162</u>
TOTAL	179

Compliance

Petitions Not in Compliance with Form of Rule	0
Petitions in Compliance with Form of Rule.....	<u>124</u>
TOTAL	124

Authorization

Petitions Not in Compliance with Form of Rule	0
Petitions Authorized To Be Filed in Trial Court for Hearing.....	16
Petitions Not Authorized To Be Filed in Trial Court for Hearing ("No Merit")	108
Petitions Pending	<u>55</u>
TOTAL	179

Motions to Dismiss or Affirm

Pending Motions 12-31-00	13
Motions Filed.....	<u>142</u>
TOTAL	155

Dispositions:

Motion to Dismiss of Affirm Sustained.....	52
Motion to Dismiss or Affirm Overruled.....	71
Dismissed on Appellant's Motion	5
Miscellaneous	<u>6</u>
Subtotal.....	134
By Per Curiam Opinions.....	0
TOTAL	134
Pending Motions 12-31-01	21

Indiana Court of Appeals

Statistics Regarding Disposition of Chief Judge Matters

Preliminary Actions

Orders Granting Petitions to File Belated Appeal.....	44
Orders Denying Petitions to File Belated Appeal.....	17
Orders Granting Pre-Appeal Conferences	2
Orders Denying Pre-Appeal Conferences.....	9
Orders with Instructions from Pre-Appeal Conference.....	3
Orders Granting Permissive Interlocutory Appeals.....	87
Orders Denying Permissive Interlocutory Appeals.....	83

Time Grants

Petitions for Time to File Record Granted.....	412
Petitions for Time to File Record Denied.....	11
Petitions for Time to File Appellant's Brief Granted.....	913
Petitions for Time to File Appellant's Brief Denied.....	7
Petitions for Time to File Appellee's Brief Granted.....	715
Petitions for Time to File Appellee's Brief Denied.....	2
Petitions for Time to File Appellant's Reply Brief Granted.....	119
Petitions for Time to File Appellant's Reply Brief Denied.....	1

Oral Argument Action

Orders Setting Oral Arguments.....	104
Orders Denying Petitions for Oral Arguments.....	16

Others

Orders Granting Consolidations of Appeals.....	56
Orders Denying Consolidations of Appeals.....	8
Orders Granting Writs of Certiorari.....	16
Orders Denying Writs of Certiorari.....	2
Orders Granting Petitions to Amend Brief.....	38
Orders Denying Petitions to Amend Brief.....	2
Orders Granting Withdrawals of Record.....	392
Orders Denying Withdrawals of Record.....	34
Miscellaneous Orders.....	1580

Dismissals

Orders Granting Appellants' Motions to Dismiss.....	170
Orders Denying Appellants' Motions to Dismiss.....	2
Orders Granting Appellees' Motions to Dismiss or Affirm.....	51
Orders Denying Appellees' Motions to Dismiss or Affirm.....	65
Court-Directed Orders of Dismissal.....	124

Rehearings

Petitions for Rehearing Granted without Opinion.....	3
Petitions for Rehearing Denied without Opinion.....	240
Petitions for Rehearing Granted with Opinion.....	26
Petitions for Rehearing Denied with Opinion.....	5

TOTAL.....6024