

Court of Appeals of Indiana



2003 Annual Report

First District

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

Second District

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

Third District

Sanford M. Brook, Chief Judge
Paul D. Mathias, Judge
Michael P. Barnes, Judge

Fourth District

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

Fifth District

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

2003 Court Summary

	Criminal	Post- Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-02	203	29	129	10	35	406
Cases Fully-Briefed Received	1176	207	620	56	240	2299
Geographic District One	262	42	203	2	55	564
Geographic District Two	694	108	223	54	123	1202
Geographic District Three	220	57	194	0	62	533
Cases Disposed	1151	194	594	55	248	2242
By Majority Opinion	1151	194	581	53	246	2225
By Order	0	0	13	2	2	17
Net Increase/Decrease	+25	+13	+26	+1	-8	+57
Cases Pending 12-31-03	228	42	155	11	27	463
Cases Affirmed	978	166	353	31	176	1704
Cases Affirmed Percent	85.0%	85.6%	60.7%	58.5%	71.5%	76.5%
Cases Reversed	156	28	213	19	68	484
Cases Reversed Percent	13.6%	14.4%	36.7%	35.8%	27.6%	21.8%
Cases Remanded	17	0	15	3	2	37
Cases Remanded Percent	1.5%	0.0%	2.6%	5.7%	80.0%	1.7%
Oral Arguments Heard	13	0	34	3	9	59
Oral Arguments Heard includes 9 Stay Hearings						
Average Age of Cases Pending						
12-31-02				1.4	Months	
12-31-03				1.2	Months	
Motions, Petitions for Time, Misc. Orders Handed Down.....				6740		

COURT OF APPEALS OF INDIANA

Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2002	Cases Pending 12/31/2003
District One							
Najam	144	148	0	468	41	13	15
Bailey	155	164	4	459	44	19	22
Baker	217	255	0	491	74	22	16
District Two							
Sullivan	116	179	1	435	56	36	36
Friedlander	134	149	1	414	44	31	38
Kirsch	135	149	3	436	53	30	40
District Three							
Brook	126	144	1	436	54	21	21
Mathias	135	149	0	444	36	28	29
Barnes	143	159	0	409	28	19	24
District Four							
Darden	120	127	2	381	40	26	38
Riley	135	142	2	437	36	28	28
May	145	157	0	450	44	35	30
District Five							
Sharpnack	127	133	2	445	38	25	31
Robb	141	156	1	445	41	23	24
Vaidik	135	149	0	407	28	20	32
Senior Judges							
Garrard	0	0	0	0	0	30	30
Hoffman	15	16	0	16	4	0	1
Ratliff	28	29	0	28	8	0	1
Robertson	32	32	0	32	8	0	5
Robertson	41	41	0	41	0	0	1
Staton	1	1	0	1	4	0	1
TOTAL	2225	2479	17	6675	177	406	463

COURT OF APPEALS OF INDIANA

Caseload

	Cases Pending 1/1/2003	I N T A K E Cases Assigned	T R A N S F E R S In Out Total			D I S P O S I T I O N S Majority Opinions Orders Total			Cases Pending 12/31/2003
District One									
Najam	13	146	4	4	146	144	0	144	15
Bailey	19	144	20	2	162	155	4	159	22
Baker	22	144	70	3	211	217	0	217	16
District Two									
Sullivan	36	140	8	31	117	116	1	117	36
Friedlander	31	145	4	7	142	134	1	135	38
Kirsch	30	142	8	2	148	135	3	138	40
District Three									
Brook	21	115	15	3	127	126	1	127	21
Mathias	28	148	6	18	136	135	0	135	29
Barnes	19	148	8	8	148	143	0	143	24
District Four									
Darden	26	139	6	11	134	120	2	122	38
Riley	28	146	2	11	137	135	2	137	28
May	35	146	7	13	140	145	0	145	30
District Five									
Sharpnack	25	145	6	16	135	127	2	129	31
Robb	23	146	3	6	143	141	1	142	24
Vaidik	20	149	1	3	147	135	0	135	32
Senior Judges									
	30	156	10	157	126	117	0	117	39
Garrard	0	0	15	0	0	15	0	15	0
Hoffman	0	0	28	0	0	28	0	28	0
Ratliff	0	0	32	0	0	32	0	32	0
Robertson	0	0	41	0	0	41	0	41	0
Staton	0	0	1	0	0	1	0	1	0
TOTAL	406	2299	295	295	2299	2225	17	2242	463

COURT OF APPEALS OF INDIANA

Opinions Issued

	Majority Opinions			Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	TOTAL
	Issued	Percent						
		Published	Published					
District One								
Najam	144	43	29.9%	2	0	2	0	148
Bailey	155	34	21.9%	4	2	3	0	164
Baker	217	77	35.5%	7	19	7	5	255
District Two								
Sullivan	116	50	43.1%	34	29	0	0	179
Friedlander	134	36	26.9%	2	13	0	0	149
Kirsch	135	39	28.9%	3	9	2	0	149
District Three								
Brook	126	26	20.6%	10	6	2	0	144
Mathias	135	51	37.8%	1	9	4	0	149
Barnes	143	28	19.6%	5	6	5	0	159
District Four								
Darden	120	33	27.5%	2	5	0	0	127
Riley	135	53	39.3%	2	4	0	1	142
May	145	53	36.6%	4	5	2	1	157
District Five								
Sharpnack	127	38	29.9%	1	4	1	0	133
Robb	141	21	14.9%	3	9	3	0	156
Vaidik	135	34	25.2%	1	11	2	0	149
Senior Judges								
Garrard	15	1	6.7%	1	0	0	0	16
Hoffman	28	8	28.6%	0	0	0	1	29
Ratliff	32	11	34.4%	0	0	0	0	32
Robertson	41	2	4.9%	0	0	0	0	41
Staton	1	1	100.0%	0	0	0	0	1
TOTAL	2225	639	28.7%	82	131	33	8	2479

COURT OF APPEALS OF INDIANA

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	73	153	11	32	37	85	5	7	18	47	144	324
Bailey	73	158	16	26	47	82	4	9	15	29	155	304
Baker	88	148	19	30	57	66	7	6	46	25	217	274
District Two												
Sullivan	62	164	13	25	26	83	3	11	12	36	116	319
Friedlander	78	150	1	26	28	68	2	6	25	29	134	280
Kirsch	68	166	12	25	34	84	3	8	18	18	135	301
District Three												
Brook	62	158	13	29	35	80	3	9	13	34	126	310
Mathias	8	155	15	26	36	79	3	7	13	42	135	309
Barnes	76	145	12	25	43	68	1	4	11	24	143	266
District Four												
Darden	58	132	16	27	34	67	4	7	8	28	120	261
Riley	73	157	11	19	35	82	5	5	11	39	135	302
May	75	158	16	23	41	83	3	8	10	33	145	305
District Five												
Sharpnack	69	160	8	29	39	79	3	8	8	42	127	318
Robb	68	155	14	27	27	86	2	6	30	30	141	304
Vaidik	68	143	16	19	42	70	3	5	6	35	135	272
Senior Judge												
Garrard	10	0	1	0	3	0	1	0	0	1	15	1
Hoffman	20	0	0	0	8	0	0	0	0	0	28	0
Ratliff	22	0	0	0	8	0	1	0	1	0	32	0
Robertson	39	0	0	0	1	0	0	0	1	0	41	0
Staton	1	0	0	0	0	0	0	0	0	0	1	0
TOTAL	1091	2302	194	388	581	1162	53	106	246	492	2225	4450

COURT OF APPEALS OF INDIANA

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	2	0	0	2	2	1	0	0	3	4	7
Bailey	1	2	0	0	0	7	0	1	0	0	1	10
Baker	2	3	0	0	4	6	1	1	2	1	9	11
District Two												
Sullivan	1	1	0	0	4	4	0	1	1	2	6	8
Friedlander	1	1	0	0	2	3	0	0	3	1	6	5
Kirsch	1	3	0	0	6	2	0	0	1	1	8	6
District Three												
Brook	2	3	0	0	3	5	0	1	0	1	5	10
Mathias	0	2	0	0	1	6	0	0	0	0	1	8
Barnes	0	1	0	0	0	5	0	1	0	0	0	7
District Four												
Darden	0	2	0	0	2	4	1	0	1	0	4	6
Riley	1	1	0	0	1	2	0	0	0	4	2	7
May	3	1	0	0	4	2	0	0	0	1	7	4
District Five												
Sharpnack	0	2	0	0	2	6	0	0	0	1	2	9
Robb	0	1	0	0	2	6	0	0	1	1	3	8
Vaidik	0	1	0	0	1	4	0	0	0	1	1	6
Senior Judge												
Garrard	0	0	0	0	0	0	0	0	0	1	0	1
Hoffman	0	0	0	0	0	2	0	0	0	0	0	2
Ratliff	0	0	0	0	0	1	0	1	0	0	0	2
Robertson	0	0	0	0	0	0	0	0	0	0	0	0
Staton	0	0	0	0	0	1	0	0	0	0	0	1
TOTAL	13	26	0	0	34	68	3	6	9	18	59	118

COURT OF APPEALS OF INDIANA
Cases Pending

	Criminal	Post- Conviction	Civil	Expedite	Other	Total
District One						
Najam	6	3	5	0	1	15
Bailey	9	5	8	0	0	22
Baker	10	0	2	1	3	16
District Two						
Sullivan	19	3	12	1	1	36
Friedlander	21	1	12	0	4	38
Kirsch	17	6	12	1	4	40
District Three						
Brook	13	0	5	1	2	21
Mathias	16	3	9	1	0	29
Barnes	12	2	6	2	2	24
District Four						
Darden	19	4	14	0	1	38
Riley	15	1	12	0	0	28
May	11	2	16	0	1	30
District Five						
Sharpnack	13	3	14	1	0	31
Robb	10	2	7	1	4	24
Vaidik	15	1	14	1	1	32
Senior Judges	22	6	7	1	3	39
TOTAL	228	42	155	11	27	463

COURT OF APPEALS OF INDIANA

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	14	1	0	0	0	1.2
Bailey	20	2	0	0	0	1.3
Baker	15	1	0	0	0	1
District Two						
Sullivan	28	8	0	0	0	1.7
Friedlander	30	8	0	0	0	2.1
Kirsch	31	9	0	0	0	2
District Three						
Brook	20	1	0	0	0	1.3
Mathias	26	3	0	0	0	1.5
Barnes	21	3	0	0	0	1.5
District Four						
Darden	29	8	0	1	0	2.1
Riley	26	2	0	0	1	1.4
May	20	7	2	1	0	2.5
District Five						
Sharpnack	27	4	0	0	0	1.6
Robb	22	2	0	0	0	1.1
Vaidik	27	5	0	0	0	1.5
Senior Judges	23	6	0	0	0	1.3
TOTAL	385	73	2	2	1	1.2
Percent	83.2%	15.8%	0.4%	0.4%	0.2%	

COURT OF APPEALS OF INDIANA

Fully-Briefed Cases Distributed

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
District One						
Najam	72	14	38	4	19	147
Bailey	73	18	53	4	14	162
Baker	87	18	52	8	41	206
District Two						
Sullivan	66	11	28	3	9	117
Friedlander	82	2	32	1	24	141
Kirsch	72	15	37	3	22	149
District Three						
Brook	66	11	36	3	11	127
Mathias	69	17	36	3	9	134
Barnes	76	13	42	3	11	145
District Four						
Darden	69	17	43	4	8	141
Riley	77	8	39	4	11	139
May	70	16	41	2	10	139
District Five						
Sharpnack	68	11	47	4	7	137
Robb	66	13	28	4	33	144
Vaidik	73	16	47	4	7	147
Senior Judges	90	7	21	2	4	124
TOTAL	1176	207	620	56	240	2299

COURT OF APPEALS OF INDIANA

Successive Petitions for Post-Conviction Relief

Pending 12-31-02.....	15
Petitions Filed.....	<u>180</u>
TOTAL.....	195

Compliance

Petitions Not in Compliance with Form of Rule.....	0
Petitions in Compliance with Form of Rule.....	<u>152</u>
TOTAL.....	152

Authorization

Petitions Not in Compliance with Form of Rule.....	0
Petitions Authorized To Be Filed in Trial Court for Hearing.....	7
Petitions Not Authorized To Be Filed in Trial Court for Hearing ("No Merit").....	145
Petitions Pending.....	<u>43</u>
TOTAL.....	195

COURT OF APPEALS OF INDIANA

Motions to Dismiss or Affirm

Pendings Motions 12-31-02.....	20
Motions Filed.....	<u>143</u>
TOTAL.....	163

Dispositions:

Motion to Dismiss or Affirm Sustained.....	62
Motion to Dismiss or Affirm Overruled.....	76
Dismissed on Appellant's Motion.....	1
Miscellaneous.....	<u>2</u>
Subtotal.....	141
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	141
Pending Motions 12-31-03.....	22

COURT OF APPEALS OF INDIANA

Statistics Regarding Disposition of Chief Judge Matters

Preliminary Actions

Orders Granting Petitions to File Belated Appeal.....	60
Orders Denying Petitions to File Belated Appeal.....	12
Orders Granting Pre-Appeal Conferences.....	2
Orders Denying Pre-Appeal Conferences.....	2
Orders with Instructions from Pre-Appeal Conference.....	1
Orders Granting Permissive Interlocutory Appeals.....	119
Orders Denying Permissive Interlocutory Appeals.....	171

Time Grants

Petitions for Time to File Record Granted.....	304
Petitions for Time to File Record Denied.....	5
Petitions for Time to File Appellant's Brief Granted.....	1159
Petitions for Time to File Appellant's Brief Denied.....	13
Petitions for Time to File Appellee's Brief Granted.....	812
Petitions for Time to File Appellee's Brief Denied.....	3
Petitions for Time to File Appellant's Reply Brief Granted.....	171
Petitions for Time to File Appellant's Reply Brief Denied.....	1

Oral Argument Action

Orders Setting Oral Arguments.....	63
Orders Denying Petitions for Oral Arguments.....	15

Others

Orders Granting Consolidations of Appeals.....	78
Orders Denying Consolidations of Appeals.....	10
Orders Granting Writs of Certiorari.....	4
Orders Denying Writs of Certiorari.....	0
Orders Granting Petitions to Amend Brief.....	20
Orders Denying Petitions to Amend Brief.....	0
Orders Granting Withdrawals of Record.....	404
Orders Denying Withdrawals of Record.....	43
Miscellaneous Orders.....	2330

Dismissals

Orders Granting Appellants' Motions to Dismiss.....	163
Orders Denying Appellants' Motions to Dismiss.....	6
Orders Granting Appellees' Motions to Dismiss or Affirm.....	62
Orders Denying Appellees' Motions to Dismiss or Affirm.....	76
Court-Directed Orders of Dismissal.....	373

Rehearings

Petitions for Rehearing Granted without Opinion.....	1
Petitions for Rehearing Denied without Opinion.....	224
Petitions for Rehearing Granted with Opinion.....	33
Petitions for Rehearing Denied with Opinion.....	0

TOTAL.....	6740
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