

Court of Appeals of Indiana



2008 Annual Report

First District

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

Second District

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

Third District

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

Fourth District

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

Fifth District

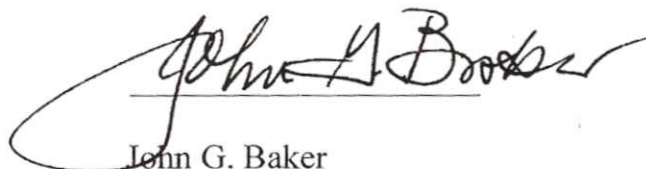
Elaine B. Brown, Presiding Judge
Margret G. Robb, Judge
Nancy H. Vaidik, Judge

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>

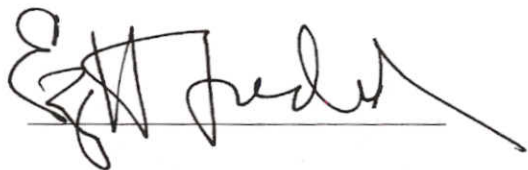
Court of Appeals of Indiana

2008 Annual Report

This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2008, through December 31, 2008, is being submitted pursuant to paragraph 6.35, Judge's Manual.



John G. Baker
Chief Judge and
Presiding Judge
First District



Ezra H. Friedlander
Presiding Judge
Second District



Paul D. Mathias
Presiding Judge
Third District



Carr L. Darden
Presiding Judge
Fourth District



Elaine B. Brown
Presiding Judge
Fifth District

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2008 - December 31, 2008

Court Summary

	Criminal	Post-Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-07	161	25	147	7	32*	372*
Cases Fully-Briefed Received	1589	147	694	50	276	2756
Geographic District One	361	32	238	0	73	704
Geographic District Two	823	74	249	50	119	1315
Geographic District Three	405	41	207	0	84	737
Cases Disposed	1554	151	723	46	278	2752
By Majority Opinion	1550	150	716	46	277	2739
By Order	4	1	7	0	1	13
Net Increase/Decrease	34	-4	-29	4	-1	4
Cases Pending 12-31-07	195	21	118	11	31	376
Cases Affirmed	1336	131	446	35	222	2170
Cases Affirmed Percent	86.2%	87.4%	62.3%	76.1%	80.2%	79.2%
Cases Reversed	196	17	259	11	53	536
Cases Reversed Percent	12.6%	11.3%	36.2%	23.9%	19.1%	19.6%
Cases Remanded	18	2	11	0	2	33
Cases Remanded Percent	1.2%	1.3%	1.5%	0.0%	0.7%	1.2%
Oral Arguments Heard	18	2	52	3	3	78

Oral Arguments Heard includes: 1 Stay Hearing

Average Age of Cases Pending

12-31-07 1.6 Months
12-31-08 1.1 Months

Motions, Petitions for Time, Misc. Motions Received..... 8453
Motions, Petitions for Time, Misc. Orders Issued..... 7115

*Total is one less than total on 2007 Annual Report because a case disposed on 12/17/07 was not included in the 2007 dispositions.

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Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2007	Cases Pending 12/31/2008
Judges (District)							
Bailey (1st)	185	188	0	513	18	14	19
Baker (1st)	242	271	0	600	24	15	16
Barnes (3rd)	185	200	1	551	11	18	24
Bradford (2nd)	173	179	2	524	20	17	20
Brown (5th)**	105	122	0	324	8	0	19
Crone (3rd)	173	180	0	542	19	26	22
Darden (4th)	154	162	2	527	18	23	23
Friedlander (2nd)	164	181	0	529	8	22	18
Kirsch (2nd)	153	174	1	558	19	32	31
Mathias (3rd)	164	167	0	537	10	34	32
May (4th)	165	179	0	538	19	39	35
Najam (1st)	176	189	1	507	10	14	10
Riley (4th)	156	172	0	544	20	20	28
Robb (5th)	173	193	2	549	18	30	25
Sharpnack (5th)*	57	59	1	184	3	28	0
Vaidik (5th)	172	182	2	530	8	24	22
Senior Judges						16	32
Barteau	44	45	1	44	0	0	0
Garrard	9	9	0	9	0	0	0
Hoffman	40	41	0	41	1	0	0
Robertson	12	12	0	12	0	0	0
Sharpnack	21	21	0	36	0	0	0
Sullivan	16	19	0	18	0	0	0
TOTAL	2739	2945	13	8217	234	372	376

*Judge John T. Sharpnack retired May 2, 2008

**Judge Elaine B. Brown sworn in May 5, 2008

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Caseload

	Cases Pending 1/1/2008	INTAKE				DISPOSITIONS			Cases Pending 12/31/2008
		Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders	Total	
Judges (District)									
Bailey (1st)	14	175	15	0	190	185	0	185	19
Baker (1st)	15	178	68	3	243	242	0	242	16
Barnes (3rd)	18	177	22	7	192	185	1	186	24
Bradford (2nd)	17	176	7	5	178	173	2	175	20
Brown (5th)	0	106	20	2	124	105	0	105	19
Crone (3rd)	26	175	3	9	169	173	0	173	22
Darden (4th)	23	172	3	19	156	154	2	156	23
Friedlander (2nd)	22	174	1	15	160	164	0	164	18
Kirsch (2nd)	32	174	7	28	153	153	1	154	31
Mathias (3rd)	34	172	1	11	162	164	0	164	32
May (4th)	39	173	2	14	161	165	0	165	35
Najam (1st)	14	177	0	4	173	176	1	177	10
Riley (4th)	20	174	7	17	164	156	0	156	28
Robb (5th)	30	174	4	8	170	173	2	175	25
Sharpnack (5th)	28	51	0	21	30	57	1	58	0
Vaidik (5th)	24	175	5	8	172	172	2	174	22
Senior Judges	16*	153	14	8	159	(142)	(1)	(154)	32
Barteau	0	0	0	0	0	44	1	45	0
Garrard	0	0	0	0	0	9	0	9	0
Hoffman	0	0	0	0	0	40	0	40	0
Robertson	0	0	0	0	0	12	0	12	0
Sharpnack	0	0	0	0	0	21	0	21	0
Sullivan	0	0	0	0	0	16	0	16	0
TOTAL	372	2756	179	179	2756	2739	13	2752	376

*Total is one less than on 2007 Annual Report because a case that was disposed in 2007 was not included on the 2007 Annual Report.

COURT OF APPEALS OF INDIANA

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Opinions Issued

	MAJORITY OPINIONS							TOTAL
	Issued	Published	Percent Published	Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	
Judges (District)								
Bailey (1st)	185	26	14.1%	0	3	0	0	188
Baker (1st)	242	69	28.5%	8	18	1	2	271
Barnes (3rd)	185	28	15.1%	6	5	4	0	200
Bradford (2nd)	173	31	17.9%	1	5	0	0	179
Brown (5th)	105	29	27.6%	1	9	6	1	122
Crone (3rd)	173	34	19.7%	2	3	2	0	180
Darden (4th)	154	31	20.1%	0	7	1	0	162
Friedlander (2nd)	164	22	13.4%	3	12	1	1	181
Kirsch (2nd)	153	28	18.3%	6	14	0	1	174
Mathias (3rd)	164	31	18.9%	0	3	0	0	167
May (4th)	165	56	33.9%	3	8	3	0	179
Najam (1st)	176	34	19.3%	0	6	7	0	189
Riley (4th)	156	51	32.7%	0	14	2	0	172
Robb (5th)	173	30	17.3%	9	6	4	1	193
Sharpnack (5th)	57	17	29.8%	0	0	0	2	59
Vaidik (5th)	172	43	25.0%	2	6	1	1	182
Senior Judges								
Barteau	44	3	6.8%	0	0	1	0	45
Garrard	9	2	22.2%	0	0	0	0	9
Hoffman	40	12	30.0%	0	1	0	0	41
Robertson	12	0	0.0%	0	0	0	0	12
Sharpnack	21	3	14.3%	0	0	0	0	21
Sullivan	16	4	25.0%	1	1	1	0	19
TOTAL	2739	584	21.3%	42	121	34	9	2945

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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)	106	185	9	15	52	90	3	4	15	34	185	328
Baker (1st)	132	202	11	23	66	91	6	6	27	36	242	358
Barnes (3rd)	99	212	10	20	53	94	3	6	20	34	185	366
Bradford (2nd)	100	203	11	15	42	89	3	7	17	37	173	351
Brown (5th)	59	120	7	20	27	49	2	4	10	26	105	219
Crone (3rd)	100	206	7	18	50	101	2	5	14	39	173	369
Darden (4th)	90	206	7	21	32	106	3	8	22	32	154	373
Friedlander (2nd)	99	203	7	23	33	101	2	5	23	33	164	365
Kirsch (2nd)	85	229	7	22	38	109	3	7	20	38	153	405
Mathias (3rd)	91	215	16	21	37	91	2	7	18	39	164	373
May (4th)	89	212	6	29	45	91	3	4	22	37	165	373
Najam (1st)	98	187	11	21	46	83	3	4	18	36	176	331
Riley (4th)	86	225	9	16	47	102	2	8	12	37	156	388
Robb (5th)	96	204	12	21	49	102	3	6	13	43	173	376
Sharpnack (5th)	31	69	5	3	17	37	1	4	3	14	57	127
Vaidik (5th)	98	210	9	12	44	91	3	7	18	38	172	358
Senior Judges												
Barteau	29	0	2	0	12	0	0	0	1	0	44	0
Garrard	7	0	1	0	0	0	0	0	1	0	9	0
Hoffman	20	1	0	0	18	0	0	0	2	0	40	1
Robertson	11	0	0	0	1	0	0	0	0	0	12	0
Sharpnack	15	10	1	0	4	4	1	0	0	1	21	15
Sullivan	9	1	2	0	3	1	1	0	1	0	16	2
TOTAL	1550	3100	150	300	716	1432	46	92	277	554	2739	5478

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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
Judges (District)												
Bailey (1st)	1	2	1	0	2	11	1	0	0	0	5	13
Baker (1st)	4	3	0	1	7	6	1	0	0	2	12	12
Barnes (3rd)	0	2	0	0	2	7	0	0	0	0	2	9
Bradford (2nd)	4	3	0	1	2	9	0	0	0	1	6	14
Brown (5th)	0	3	0	0	1	4	0	0	0	0	1	7
Crone (3rd)	0	5	0	0	3	10	0	1	0	0	3	16
Darden (4th)	0	4	0	0	5	8	0	0	1	0	6	12
Friedlander (2nd)	0	2	0	0	2	2	1	0	1	0	4	4
Kirsch (2nd)	2	1	0	0	4	11	0	0	0	1	6	13
Mathias (3rd)	3	1	0	0	2	3	0	1	0	0	5	5
May (4th)	0	3	0	2	6	7	0	0	1	0	7	12
Najam (1st)	1	1	1	0	2	4	0	1	0	0	4	6
Riley (4th)	1	2	0	0	7	8	0	1	0	1	8	12
Robb (5th)	1	2	0	0	5	8	0	1	0	1	6	12
Sharpnack (5th)	0	0	0	0	1	1	0	1	0	0	1	2
Vaidik (5th)	1	1	0	0	1	5	0	0	0	0	2	6
Senior Judges												
Barteau	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	0	0	0	0	0	0	0	1
Robertson	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
Sullivan	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	18	36	2	4	52	104	3	6	3	6	78	156

COURT OF APPEALS OF INDIANA

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	Cases Pending					Total
	Criminal	Post-Conviction	Civil	Expedite	Other	
Judges (District)						
Bailey (1st)	8	0	10	1	0	19
Baker (1st)	7	0	6	0	3	16
Barnes (3rd)	14	2	5	1	2	24
Bradford (2nd)	9	2	5	0	4	20
Brown (5th)	11	0	4	1	3	19
Crone (3rd)	11	2	6	1	2	22
Darden (4th)	12	2	7	0	2	23
Friedlander (2nd)	10	0	6	1	1	18
Kirsch (2nd)	15	2	11	1	2	31
Mathias (3rd)	15	0	16	1	0	32
May (4th)	22	0	7	1	5	35
Najam (1st)	5	0	3	0	2	10
Riley (4th)	12	3	11	1	1	28
Robb (5th)	16	1	7	0	1	25
Sharpnack (5th)	0	0	0	0	0	0
Vaidik (5th)	9	4	6	1	2	22
Senior Judges	19	3	8	1	1	32
TOTAL	195	21	118	11	31	376

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Successive Petitions for Post-Conviction Relief

Pending 12-31-07.....	15
Petitions Filed.....	<u>180</u>
TOTAL.....	195

Authorization

Petitions Authorized To Be Filed in Trial Court for Hearing.....	14
Petitions Not Authorized To Be Filed in Trial Court for Hearing ("No Merit").....	167
Petitions Pending.....	<u>14</u>
TOTAL.....	195

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Motions to Dismiss

Pending Motions 12-31-07.....	19
Motions Filed.....	<u>216</u>
TOTAL.....	235
Dispositions:	
Motion to Dismiss Granted.....	115
Motion to Dismiss Denied.....	108
Subtotal.....	223
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	223
Pending Motions 12-31-08.....	12

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Statistics Regarding Disposition of Chief Judge Matters

Total number of Motions, Petitions for Time, Misc Motions Received 8453

January 1, 2008 - December 31, 2008

Orders Granting Petitions to File Belated Notice of Appeal.....	4
Orders Denying Petitions to File Belated Notice of Appeal.....	4
Orders Granting Pre-Appeal Conferences.....	0
Orders Denying Pre-Appeal Conferences.....	5
Orders with Instructions from Pre-Appeal Conference.....	0
Orders Granting Permissive Interlocutory Appeals.....	70
Orders Denying Permissive Interlocutory Appeals.....	191
Orders Granting Successive Petitions for Post-Conviction Relief....	14
Orders Denying Successive Petitions for Post-Conviction Relief....	167
Orders Granting Consolidations of Appeals.....	73
Orders Denying Consolidations of Appeals.....	24
Orders Granting Petitions to Amend Brief.....	0
Orders Denying Petitions to Amend Brief.....	0
Orders Granting Withdrawals of Record.....	410
Orders Denying Withdrawals of Record.....	33
Miscellaneous Orders.....	3089

Time Grants

Petitions for Time to File Record Granted.....	231
Petitions for Time to File Record Denied.....	16
Petitions for Time to File Appellant's Brief Granted.....	968
Petitions for Time to File Appellant's Brief Denied.....	56
Petitions for Time to File Appellee's Brief Granted.....	312
Petitions for Time to File Appellee's Brief Denied.....	4
Petitions for Time to File Appellant's Reply Brief Granted.....	46
Petitions for Time to File Appellant's Reply Brief Denied.....	13

Oral Argument Action

Orders Setting Oral Arguments.....	82
Orders Denying Petitions for Oral Arguments.....	62

Dismissals

Orders Granting Appellant's Motions to Dismiss.....	244
Orders Denying Appellant's Motions to Dismiss.....	20
Orders Granting Appellee's Motions to Dismiss.....	115
Orders Denying Appellee's Motions to Dismiss.....	108
Court-Directed Orders of Dismissal.....	452

Rehearings

Petitions for Rehearing Granted without Opinion.....	0
Petitions for Rehearing Denied without Opinion.....	278
Petitions for Rehearing Granted with Opinion.....	24
Petitions for Rehearing Denied with Opinion.....	0

TOTAL..... 7115