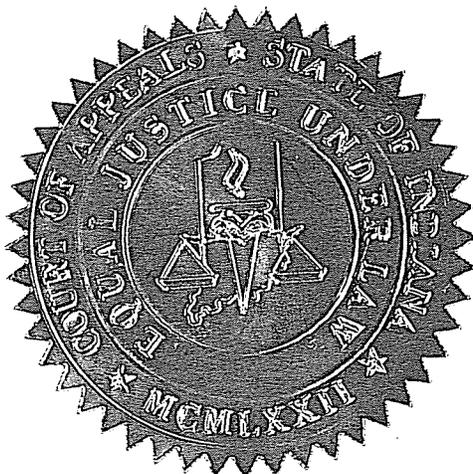


# **Court of Appeals of Indiana**



## **2010 Annual Report**

# Court of Appeals of Indiana



## 2010 Annual Report

### First District

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

### Second District

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

### Third District

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

### Fourth District

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

### Fifth District

Nancy H. Vaidik, Presiding 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**

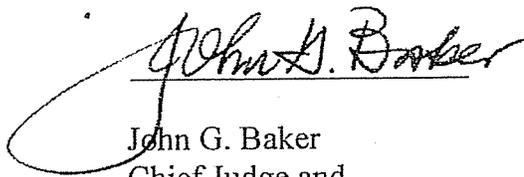
115 West Washington Street, Suite 1270S, Indianapolis, Indiana 46204 (317) 232-6906

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

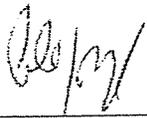
# Court of Appeals of Indiana

## 2010 Annual Report

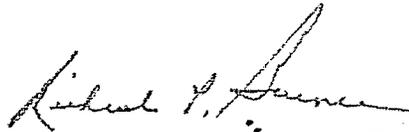
This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2010, through December 31, 2010, is being submitted pursuant to paragraph 6.35, Judge's Manual.



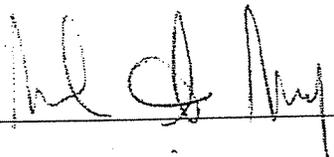
John G. Baker  
Chief Judge and  
Presiding Judge  
First District



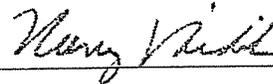
Cale J. Bradford  
Presiding Judge  
Second District



Michael P. Barnes  
Presiding Judge  
Third District



Melissa S. May  
Presiding Judge  
Fourth District



Nancy H. Vaidik  
Presiding Judge  
Fifth District

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Total Caseload\*

<u>Year</u>	<u>Filed</u>	<u>Disposed</u>
2008	3964	4121
2009	3988	3901
2010	4392	3924

### Civil and Criminal Caseloads

Year	<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>
2008	2438	2458	1113	1187	413	476
2009	2147	2238	1229	1066	612	597
2010	2407	2104	1213	1110	772	710

\*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, 2010 - December 31, 2010

### Court Summary

	Criminal	Post- Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-09	120	13	90	4	26	253*
Cases Fully-Briefed Received	1320	124	629	72	285	2430
Geographic District One	305	25	204	0	59	593
Geographic District Two	683	58	235	72	136	1184
Geographic District Three	332	41	190	0	90	653
Cases Disposed	1286	125	618	67	287	2383
By Majority Opinion	1286	125	610	67	287	2375
By Order	0	0	8	0	0	8
Net Increase/Decrease	34	-1	11	5	-2	47
Cases Pending 12-31-10	154	12	101	9	24	300
<hr/>						
Cases Affirmed	1113	115	398	57	239	1922
Cases Affirmed Percent	86.5%	92.0%	65.2%	85.1%	83.3%	80.9%
Cases Reversed	155	10	210	9	44	428
Cases Reversed Percent	12.1%	8.0%	34.4%	13.4%	15.3%	18.0%
Cases Remanded	18	0	2	1	4	25
Cases Remanded Percent	1.4%	0.0%	0.3%	1.5%	1.4%	1.1%
<hr/>						
Oral Arguments Heard	37	1	61	1	5	105

Oral Arguments Heard includes: 1 Stay Hearings

#### Average Age of Cases Pending

12-31-09 .....	1.0	Months
12-31-10 .....	1.1	Months

Motions, Petitions for Time, Misc. Motions Received..... 7835

Motions, Petitions for Time, Misc. Orders Issued..... 7473

\*Total is one more than total on 2009 Annual Report because a majority opinion originally issued 8/5/2009 was vacated and reissued on 3/5/2010.

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2009	Cases Pending 12/31/2010
<b>Judges (District)</b>							
Bailey (1st)	141	144	1	439	23	10	21
Baker (1st)	179	191	1	497	29	13	12
Barnes (3rd)	158	170	0	488	8	13	13
Bradford (2nd)	158	166	0	451	21	11	10
Brown (5th)	150	155	0	483	22	23	19
Crone (3rd)	155	168	0	497	19	13	14
Darden (4th)	152	157	1	476	20	24	25
Friedlander (2nd)	149	154	0	448	12	6	15
Kirsch (2nd)	122	139	0	475	26	16	27
Mathias (3rd)	144	151	1	463	23	21	25
May (4th)	144	150	1	467	22	31	33
Najam (1st)	155	159	1	446	26	14	12
Riley (4th)	151	167	1	453	19	17	17
Robb (5th)	149	157	0	459	27	13	18
Vaidik (5th)	152	160	0	463	15	12	15
<b>Senior Judges</b>						16	24
Barteau	64	67	1	67	1	0	0
Boehm	4	4	0	5	1	0	0
Garrard	10	10	0	10	0	0	0
Sharpnack	28	28	0	28	0	0	0
Sullivan	10	10	0	10	1	0	0
<b>TOTAL</b>	<b>2375</b>	<b>2507</b>	<b>8</b>	<b>7125</b>	<b>315</b>	<b>253</b>	<b>300</b>

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Caseload

	Cases Pending 1/1/2010	INTAKE				DISPOSITIONS			Cases Pending 12/31/2010
		Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders	Total	
<b>Judges (District)</b>									
Bailey (1st)	10	150	7	4	153	141	1	142	21
Baker (1st)	13	151	31	3	179	179	1	180	12
Barnes (3rd)	13	150	8	0	158	158	0	158	13
Bradford (2nd)	11	158	5	6	157	158	0	158	10
Brown (5th)	23*	150	7	11	146	150	0	150	19
Crone (3rd)	13	152	4	0	156	155	0	155	14
Darden (4th)	24	155	8	9	154	152	1	153	25
Friedlander (2nd)	6	153	9	4	158	149	0	149	15
Kirsch (2nd)	16	151	4	22	133	122	0	122	27
Mathias (3rd)	21	156	5	12	149	144	1	145	25
May (4th)	31	152	6	11	147	144	1	145	33
Najam (1st)	14	154	6	6	154	155	1	156	12
Riley (4th)	17	156	8	12	152	151	1	152	17
Robb (5th)	13	154	6	6	154	149	0	149	18
Vaidik (5th)	12	155	3	3	155	152	0	152	15
<b>Senior Judges</b>	16	133	2	10	125	(116)	(1)	(117)	24
Barteau	0	0	0	0	0	64	1	65	0
Boehm	0	0	0	0	0	4	0	4	0
Garrard	0	0	0	0	0	10	0	10	0
Sharpnack	0	0	0	0	0	28	0	28	0
Sullivan	0	0	0	0	0	10	0	10	0
<b>TOTAL</b>	<b>253</b>	<b>2430</b>	<b>119</b>	<b>119</b>	<b>2430</b>	<b>2375</b>	<b>8</b>	<b>2383</b>	<b>300</b>

\*Total is one more than total on 2009 Annual Report because a majority opinion originally issued 8/5/2009 was vacated and reissued on 3/5/2010.

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Opinions Issued

	MAJORITY OPINIONS			Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	TOTAL
	Issued	Published	Percent Published					
<b>Judges (District)</b>								
Bailey (1st)	141	32	22.7%	1	1	1	0	144
Baker (1st)	179	47	26.3%	3	6	3	0	191
Barnes (3rd)	158	31	19.6%	8	3	1	0	170
Bradford (2nd)	158	30	19.0%	0	8	0	0	166
Brown (5th)	150	38	25.3%	0	5	0	0	155
Crone (3rd)	155	43	27.7%	0	10	3	0	168
Darden (4th)	152	26	17.1%	0	5	0	0	157
Friedlander (2nd)	149	15	10.1%	0	4	1	0	154
Kirsch (2nd)	122	30	24.6%	2	14	1	0	139
Mathias (3rd)	144	32	22.2%	1	5	1	0	151
May (4th)	144	33	22.9%	2	1	2	1	150
Najam (1st)	155	55	35.5%	1	3	0	0	159
Riley (4th)	151	44	29.1%	1	13	1	1	167
Robb (5th)	149	24	16.1%	3	2	3	0	157
Vaidik (5th)	152	40	26.3%	4	3	1	0	160
<b>Senior Judges</b>								
Barteau	64	8	12.5%	1	1	1	0	67
Boehm	4	1	25.0%	0	0	0	0	4
Garrard	10	3	30.0%	0	0	0	0	10
Sharpnack	28	11	39.3%	0	0	0	0	28
Sullivan	10	4	40.0%	0	0	0	0	10
<b>TOTAL</b>	<b>2375</b>	<b>547</b>	<b>23.0%</b>	<b>27</b>	<b>84</b>	<b>19</b>	<b>2</b>	<b>2507</b>

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Cases Handed Down

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
<b>Judges (District)</b>												
Bailey (1st)	72	160	9	18	40	71	5	10	15	39	141	298
Baker (1st)	87	175	10	15	55	91	7	11	20	26	179	318
Barnes (3rd)	89	176	5	18	40	88	4	12	20	36	158	330
Bradford (2nd)	84	159	7	12	38	76	4	6	25	40	158	293
Brown (5th)	80	178	12	16	38	86	4	7	16	46	150	333
Crone (3rd)	88	172	4	27	46	92	4	10	13	41	155	342
Darden (4th)	78	188	8	14	42	76	4	8	20	38	152	324
Friedlander (2nd)	80	166	6	9	34	77	7	7	22	40	149	299
Kirsch (2nd)	76	182	2	24	31	88	3	11	10	48	122	353
Mathias (3rd)	82	174	4	17	37	86	4	6	17	36	144	319
May (4th)	77	177	8	18	37	80	4	10	18	38	144	323
Najam (1st)	83	153	9	18	46	73	4	9	13	38	155	291
Riley (4th)	74	165	17	12	34	81	4	9	22	35	151	302
Robb (5th)	86	175	3	14	27	80	4	8	29	33	149	310
Vaidik (5th)	79	169	13	18	38	74	3	10	19	40	152	311
<b>Senior Judges</b>												
Barteau	45	2	5	0	8	1	2	0	4	0	64	3
Boehm	3	1	0	0	1	0	0	0	0	0	4	1
Garrard	7	0	2	0	1	0	0	0	0	0	10	0
Sharpnack	11	0	1	0	13	0	0	0	3	0	28	0
Sullivan	5	0	0	0	4	0	0	0	1	0	10	0
<b>TOTAL</b>	<b>1286</b>	<b>2572</b>	<b>125</b>	<b>250</b>	<b>610</b>	<b>1220</b>	<b>67</b>	<b>134</b>	<b>287</b>	<b>574</b>	<b>2375</b>	<b>4750</b>

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Oral Arguments

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
<b>Judges (District)</b>												
Bailey (1st)	5	6	1	0	4	4	0	0	0	3	10	13
Baker (1st)	1	6	0	0	8	11	1	0	2	0	12	17
Barnes (3rd)	0	3	0	0	1	4	0	0	0	0	1	7
Bradford (2nd)	4	4	0	0	2	10	0	0	0	1	6	15
Brown (5th)	0	7	0	1	2	10	0	0	0	2	2	20
Crone (3rd)	1	4	0	0	4	10	0	0	0	0	5	14
Darden (4th)	0	8	0	0	5	7	0	0	0	0	5	15
Friedlander (2nd)	0	3	0	0	2	7	0	0	0	0	2	10
Kirsch (2nd)	3	6	0	0	1	16	0	0	0	0	4	22
Mathias (3rd)	5	4	0	0	3	9	0	1	0	1	8	15
May (4th)	4	7	0	0	5	4	0	0	2	0	11	11
Najam (1st)	2	2	0	0	11	10	0	0	0	1	13	13
Riley (4th)	2	3	0	0	4	8	0	1	1	0	7	12
Robb (5th)	9	5	0	1	5	6	0	0	0	1	14	13
Vaidik (5th)	1	4	0	0	4	5	0	0	0	1	5	10
<b>Senior Judges</b>												
Barteau	0	1	0	0	0	0	0	0	0	0	0	1
Boehm	0	1	0	0	0	0	0	0	0	0	0	1
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
Sullivan	0	0	0	0	0	1	0	0	0	0	0	1
<b>TOTAL</b>	<b>37</b>	<b>74</b>	<b>1</b>	<b>2</b>	<b>61</b>	<b>122</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>10</b>	<b>105</b>	<b>210</b>

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
<b>Judges (District)</b>						
Bailey (1st)	12	1	6	0	2	21
Baker (1st)	7	0	5	0	0	12
Barnes (3rd)	5	1	5	0	2	13
Bradford (2nd)	6	1	2	0	1	10
Brown (5th)	6	1	11	0	1	19
Crone (3rd)	7	0	5	1	1	14
Darden (4th)	16	1	4	0	4	25
Friedlander (2nd)	7	1	6	0	1	15
Kirsch (2nd)	16	1	7	1	2	27
Mathias (3rd)	13	0	9	1	2	25
May (4th)	16	3	10	1	3	33
Najam (1st)	6	0	4	1	1	12
Riley (4th)	8	0	8	1	0	17
Robb (5th)	9	1	7	1	0	18
Vaidik (5th)	5	1	6	1	2	15
<b>Senior Judges</b>	15	0	6	1	2	24
<b>TOTAL</b>	<b>154</b>	<b>12</b>	<b>101</b>	<b>9</b>	<b>24</b>	<b>300</b>

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Successive Petitions for Post-Conviction Relief

Pending 12/31/2009.....	14
Petitions Filed.....	<u>157</u>
TOTAL.....	171

### Authorization

Petitions Authorized To Be Filed in Trial Court for Hearing.....	11
Petitions Not Authorized To Be Filed in Trial Court for Hearing("No Merit")...	149
Petitions Pending.....	<u>11</u>
TOTAL.....	171

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Motions to Dismiss

Pending 12/31/2009.....	30
Motions Filed.....	<u>318</u>
TOTAL.....	348
Dispositions:	
Motion to Dismiss Granted.....	222
Motion to Dismiss Denied.....	<u>79</u>
Subtotal.....	301
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	301
Pending Motions 12/31/2010.....	47

# COURT OF APPEALS OF INDIANA

## ANNUAL REPORT

January 1, 2010 - December 31, 2010

### Statistics Regarding Disposition of Chief Judge Matters

<b>Total number of Motions, Petitions for Time, Misc Motions Received</b>	<b>7835</b>
<b>January 1, 2010 - December 31, 2010</b>	
Orders Granting Petitions to File Belated Notice of Appeal.....	17
Orders Denying Petitions to File Belated Notice of Appeal.....	8
Orders Granting Pre-Appeal Conferences.....	1
Orders Denying Pre-Appeal Conferences.....	10
Orders with Instructions from Pre-Appeal Conference.....	0
Orders Granting Permissive Interlocutory Appeals.....	94
Orders Denying Permissive Interlocutory Appeals.....	122
Orders Granting Successive Petitions for Post-Conviction Relief....	11
Orders Denying Successive Petitions for Post-Conviction Relief....	149
Orders Granting Consolidations of Appeals.....	95
Orders Denying Consolidations of Appeals.....	32
Orders Granting Petitions to Amend Brief.....	35
Orders Denying Petitions to Amend Brief.....	3
Orders Granting Withdrawals of Record.....	346
Orders Denying Withdrawals of Record.....	42
Miscellaneous Orders.....	2767
<b>Time Grants</b>	
Petitions for Time to File Record Granted.....	406
Petitions for Time to File Record Denied.....	22
Petitions for Time to File Appellant's Brief Granted.....	1156
Petitions for Time to File Appellant's Brief Denied.....	24
Petitions for Time to File Appellee's Brief Granted.....	372
Petitions for Time to File Appellee's Brief Denied.....	9
Petitions for Time to File Appellant's Reply Brief Granted.....	89
Petitions for Time to File Appellant's Reply Brief Denied.....	5
<b>Oral Argument Action</b>	
Orders Setting Oral Arguments.....	116
Orders Denying Petitions for Oral Arguments.....	66
<b>Dismissals</b>	
Orders Granting Appellant's Motions to Dismiss.....	267
Orders Denying Appellant's Motions to Dismiss.....	18
Orders Granting Appellee's Motions to Dismiss.....	223
Orders Denying Appellee's Motions to Dismiss.....	79
Court-Directed Orders of Dismissal.....	648
<b>Rehearings</b>	
Petitions for Rehearing Granted without Opinion.....	0
Petitions for Rehearing Denied without Opinion.....	222
Petitions for Rehearing Granted with Opinion.....	19
Petitions for Rehearing Denied with Opinion.....	0
<b>TOTAL.....</b>	<b>7473</b>