

Court of Appeals of Indiana



2006 Annual Report

Court of Appeals of Indiana

2006 Annual Report

First District

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

Second District

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

Third District

Terry A. Crone, Presiding 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

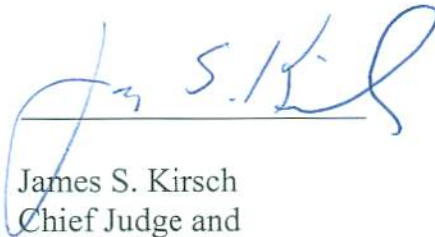
Room 433, 200 West Washington Street, Indianapolis, Indiana 46204 (317) 232-6893

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

Court of Appeals of Indiana

2006 Annual Report

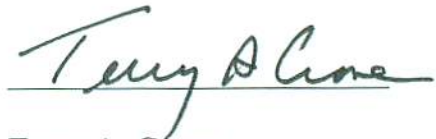
This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2006, through December 31, 2006, is being submitted pursuant to paragraph 6.35, Judge's Manual.



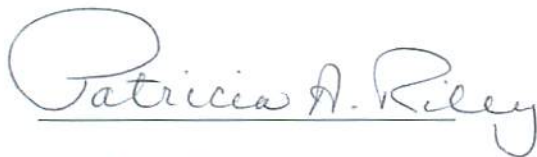
James S. Kirsch
Chief Judge and
Presiding Judge
Second District



Edward W. Najam, Jr.
Presiding Judge
First District



Terry A. Crone
Presiding Judge
Third District



Patricia A. Riley
Presiding Judge
Fourth District



Nancy H. Vaidik
Presiding Judge
Fifth District

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2006 - December 31, 2006

Court Summary

	Criminal	Post-Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-05	284	42	142	9	56	533
Cases Fully-Briefed Received	1351	164	671	44	271	2501
Geographic District One	302	38	228	0	52	620
Geographic District Two	723	86	242	44	145	1240
Geographic District Three	326	40	201	0	74	641
Cases Disposed	1387	175	634	45	282	2523
By Majority Opinion	1380	175	630	44	280	2509
By Order	7	0	4	1	2	14
Net Increase/Decrease	153	-6	-32	14	21	150
Cases Pending 12-31-06	248	31	179	8	45	511
<hr/>						
Cases Affirmed	1145	149	405	39	225	1963
Cases Affirmed Percent	82.6%	85.1%	63.9%	86.7%	79.8%	77.8%
Cases Reversed	222	26	222	4	56	530
Cases Reversed Percent	16.0%	14.9%	35.0%	8.9%	19.9%	21.0%
Cases Remanded	20	0	7	2	1	30
Cases Remanded Percent	1.4%	0.0%	1.1%	4.4%	0.3%	1.2%
<hr/>						
Oral Arguments Heard	18	3	50	2	18	91
<hr/>						
Oral Arguments Heard includes	0	Stay Hearings				

Average Age of Cases Pending

12-31-05	1.7	Months
12-31-06	1.9	Months

Motions, Petitions for Time, Misc. Orders Handed Down..... 7815

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Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2005	Cases Pending 12/31/2006
Judges (District)							
Bailey (1st)	160	170	0	484	22	15	16
Baker (1st)	276	295	1	566	30	16	32
Barnes (3rd)	174	187	0	441	12	24	28
Crone (3rd)	166	174	0	539	24	32	23
Darden (4th)	147	154	1	484	10	42	39
Friedlander (2nd)	150	159	2	486	14	48	14
Kirsch (2nd)	126	135	1	458	18	25	30
Mathias (3rd)	130	140	0	457	14	50	53
May (4th)	148	162	1	533	23	43	51
Najam (1st)	155	163	1	451	27	17	13
Riley (4th)	167	178	0	490	18	26	25
Robb (5th)	150	167	0	474	19	34	41
Sharpnack (5th)	154	158	3	461	17	31	34
Sullivan (2nd)	103	156	0	487	12	48	52
Vaidik (5th)	159	183	3	572	11	34	28
Senior Judges							
Barteau	29	29	0	29	0	0	0
Garrard	12	12	0	12	0	0	0
Hoffman	49	49	1	49	2	0	0
Ratliff	13	13	0	13	0	0	0
Robertson	41	42	0	41	0	0	0
TOTAL	2509	2726	14	7527	273	533	511

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January 1, 2006 - December 31, 2006

Caseload

	Cases Pending 1/1/2006	I N T A K E			DISPOSITIONS			Cases Pending 12/31/2006	
		Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders		Total
Judges (District)									
Bailey (1st)	15	159	8	6	176	160	0	160	16
Baker (1st)	16	156	143	6	309	276	1	277	32
Barnes (3rd)	24	159	24	5	202	174	0	174	28
Crone (3rd)	32	157	6	6	189	166	0	166	23
Darden (4th)	42	157	1	13	187	147	1	148	39
Friedlander (2nd)	48	160	7	49	166	150	2	152	14
Kirsch (2nd)*	25	129	4	1	157	126	1	127	30
Mathias (3rd)	50	158	1	26	183	130	0	130	53
May (4th)	43	158	6	7	200	148	1	149	51
Najam (1st)	17	159	1	8	169	155	1	156	13
Riley (4th)	26	157	16	7	192	167	0	167	25
Robb (5th)	34	159	2	4	191	150	0	150	41
Sharpnack (5th)	31	158	4	2	191	154	3	157	34
Sullivan (2nd)	34	159	13	51	155	103	0	103	52
Vaidik (5th)	48	154	8	20	190	159	3	162	28
Senior Judges	48	162	5	38	177	(144)	(1)	(145)	32
Barteau	0	0	0	0	0	29	0	29	0
Garrard	0	0	0	0	0	12	0	12	0
Hoffman	0	0	0	0	0	49	1	50	0
Ratliff	0	0	0	0	0	13	0	13	0
Robertson	0	0	0	0	0	41	0	41	0
TOTAL	533	2501	249	249	3034	2509	14	2523	511

* 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

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January 1, 2006 - December 31, 2006

Opinions Issued

	Majority Opinions			Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	TOTAL
	Issued	Published	Percent Published					
Judges (District)								
Bailey (1st)	160	28	17.5%	0	7	3	0	170
Baker (1st)	276	72	26.1%	3	14	1	1	295
Barnes (3rd)	174	37	21.3%	3	7	3	0	187
Crone (3rd)	166	48	28.9%	1	4	3	0	174
Darden (4th)	147	20	13.6%	0	7	0	0	154
Friedlander (2nd)	150	27	18.0%	0	6	3	0	159
Kirsch (2nd)	126	31	24.6%	2	6	1	0	135
Mathias (3rd)	130	23	17.7%	3	5	1	1	140
May (4th)	148	37	25.0%	5	6	3	0	162
Najam (1st)	155	37	23.9%	2	3	3	0	163
Riley (4th)	167	52	31.1%	0	9	1	1	178
Robb (5th)	150	30	20.0%	6	7	3	1	167
Sharpnack (5th)	154	36	23.4%	2	0	2	0	158
Sullivan (2nd)	103	28	27.2%	29	22	2	0	156
Vaidik (5th)	159	44	27.7%	8	11	5	0	183
Senior Judges								
Barteau	29	5	17.2%	0	0	0	0	29
Garrard	12	1	8.3%	0	0	0	0	12
Hoffman	49	16	32.7%	0	0	0	0	49
Ratliff	13	3	23.1%	0	0	0	0	13
Robertson	41	2	4.9%	0	0	1	0	42
TOTAL	2509	577	23.0%	64	114	35	4	2726

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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)	89	174	8	20	46	84	3	7	14	39	160	324
Baker (1st)	119	176	27	21	74	64	5	5	51	25	276	291
Barnes (3rd)	97	157	7	18	46	56	4	4	20	32	174	267
Cronc (3rd)	94	193	12	25	37	98	3	5	20	52	166	373
Darden (4th)	84	184	11	23	34	88	3	7	15	35	147	337
Friedlander (2nd)	86	190	8	29	34	81	3	6	19	30	150	336
Kirsch (2nd)	64	181	9	22	33	92	2	4	18	33	126	332
Mathias (3rd)	76	176	8	26	30	83	2	4	14	38	130	327
May (4th)	74	204	12	26	42	108	3	6	17	41	148	385
Najam (1st)	85	158	10	22	45	69	3	8	12	39	155	296
Riley (4th)	88	192	9	11	48	79	3	5	19	36	167	323
Robb (5th)	88	166	10	25	36	92	2	5	14	36	150	324
Sharpnack (5th)	87	165	9	18	41	85	2	7	15	32	154	307
Sullivan (2nd)	69	201	11	33	13	99	0	7	10	44	103	384
Vaidik (5th)	82	235	14	31	45	90	2	6	16	50	159	412
Senior Judges												
Barteau	19	0	1	0	7	0	0	0	2	0	29	0
Garrard	8	0	1	0	2	0	1	0	0	0	12	0
Hoffman	27	0	0	0	18	0	1	0	3	0	49	0
Ratliff	8	0	1	0	3	0	1	0	0	0	13	0
Robertson	32	0	7	0	0	0	0	0	2	0	41	0
TOTAL	1376	2752	175	350	634	1268	43	86	281	562	2509	5018

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January 1, 2006 - December 31, 2006

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)	3	4	0	0	3	7	0	0	1	3	7	14
Baker (1st)	3	5	1	0	5	4	0	2	7	3	16	14
Barnes (3rd)	0	2	0	0	2	7	0	0	0	1	2	10
Crone (3rd)	2	6	0	1	1	9	0	0	1	4	4	20
Darden (4th)	1	0	0	0	2	6	0	0	0	1	3	7
Friedlander (2nd)	0	2	0	1	4	4	0	0	1	2	5	9
Kirsch (2nd)	1	1	0	1	5	7	0	0	2	1	8	10
Mathias (3rd)	1	1	0	0	3	5	0	0	0	4	4	10
May (4th)	1	4	1	1	5	6	2	0	0	3	9	14
Najam (1st)	1	5	0	0	2	14	0	0	1	5	4	24
Riley (4th)	0	2	1	0	5	8	0	0	1	1	7	11
Robb (5th)	3	1	0	1	6	6	0	0	2	0	11	8
Sharpnack (5th)	1	2	0	0	3	8	0	0	1	2	5	12
Sullivan (2nd)	0	0	0	1	1	5	0	2	0	3	1	11
Vaidik (5th)	1	1	0	0	2	4	0	0	0	3	3	8
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	0	0	0	1	0	0	0	1	0	2	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
TOTAL	18	36	3	6	50	100	2	4	18	36	91	182

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Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
Judges (District)						
Bailey (1st)	7	1	6	0	2	16
Baker (1st)	16	2	10	1	3	32
Barnes (3rd)	14	3	9	0	2	28
Crone (3rd)	9	0	14	0	0	23
Darden (4th)	17	4	14	1	3	39
Friedlander (2nd)	9	1	4	0	0	14
Kirsch (2nd)	16	1	10	1	2	30
Mathias (3rd)	29	3	17	0	4	53
May (4th)	21	4	22	1	3	51
Najam (1st)	6	0	5	0	2	13
Riley (4th)	13	1	6	0	5	25
Robb (5th)	18	2	14	1	6	41
Sharpnack (5th)	18	0	12	1	3	34
Sullivan (2nd)	31	3	12	0	6	52
Vaidik (5th)	9	3	11	1	4	28
Senior Judges	15	3	13	1	0	32
TOTAL	248	31	179	8	45	511

COURT OF APPEALS OF INDIANA
ANNUAL REPORT

January 1, 2006 - December 31, 2006

Successive Petitions for Post-Conviction Relief

Pending 12-31-05.....	17
Petitions Filed.....	<u>162</u>
TOTAL.....	179

Compliance

Petitions in Compliance with Form of Rule.....	149
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Authorization

Petitions Authorized To Be Filed in Trial Court for Hearing.....	17
Petitions Not Authorized To Be Filed in Trial Court for Hearing ("No Merit").....	132
Petitions Pending.....	<u>30</u>
TOTAL.....	179

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January 1, 2006 - December 31, 2006

Motions to Dismiss or Affirm

Pending Motions 12-31-05.....	20
Motions Filed.....	<u>352</u>
TOTAL.....	372
Dispositions:	
Motion to Dismiss or Affirm Sustained.....	57
Motion to Dismiss or Affirm Overruled.....	94
Dismissed on Appellant's Motion.....	192
Miscellaneous.....	<u>15</u>
Subtotal.....	358
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	358
Pending Motions 12-31-06.....	14

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Statistics Regarding Disposition of Chief Judge Matters

January 1, 2006 - December 31, 2006	
Orders Granting Petitions to File Belated Appeal.....	23
Orders Denying Petitions to File Belated Appeal.....	2
Orders Granting Pre-Appeal Conferences.....	0
Orders Denying Pre-Appeal Conferences.....	3
Orders with Instructions from Pre-Appeal Conference.....	0
Orders Granting Permissive Interlocutory Appeals.....	87
Orders Denying Permissive Interlocutory Appeals.....	249
Time Grants	
Petitions for Time to File Record Granted.....	375
Petitions for Time to File Record Denied.....	15
Petitions for Time to File Appellant's Brief Granted.....	1319
Petitions for Time to File Appellant's Brief Denied.....	14
Petitions for Time to File Appellee's Brief Granted.....	769
Petitions for Time to File Appellee's Brief Denied.....	3
Petitions for Time to File Appellant's Reply Brief Granted.....	195
Petitions for Time to File Appellant's Reply Brief Denied.....	3
Oral Argument Action	
Orders Setting Oral Arguments.....	98
Orders Denying Petitions for Oral Arguments.....	18
Others	
Orders Granting Consolidations of Appeals.....	65
Orders Denying Consolidations of Appeals.....	16
Orders Granting Writs of Certiorari.....	0
Orders Denying Writs of Certiorari.....	0
Orders Granting Petitions to Amend Brief.....	0
Orders Denying Petitions to Amend Brief.....	0
Orders Granting Withdrawals of Record.....	345
Orders Denying Withdrawals of Record.....	56
Miscellaneous Orders.....	3825
Dismissals	
Orders Granting Appellants' Motions to Dismiss.....	192
Orders Denying Appellants' Motions to Dismiss.....	10
Orders Granting Appellees' Motions to Dismiss or Affirm.....	57
Orders Denying Appellees' Motions to Dismiss or Affirm.....	94
Court-Directed Orders of Dismissal.....	427
Rehearings	
Petitions for Rehearing Granted without Opinion.....	0
Petitions for Rehearing Denied without Opinion.....	229
Petitions for Rehearing Granted with Opinion.....	30
Petitions for Rehearing Denied with Opinion.....	2
TOTAL.....	8521