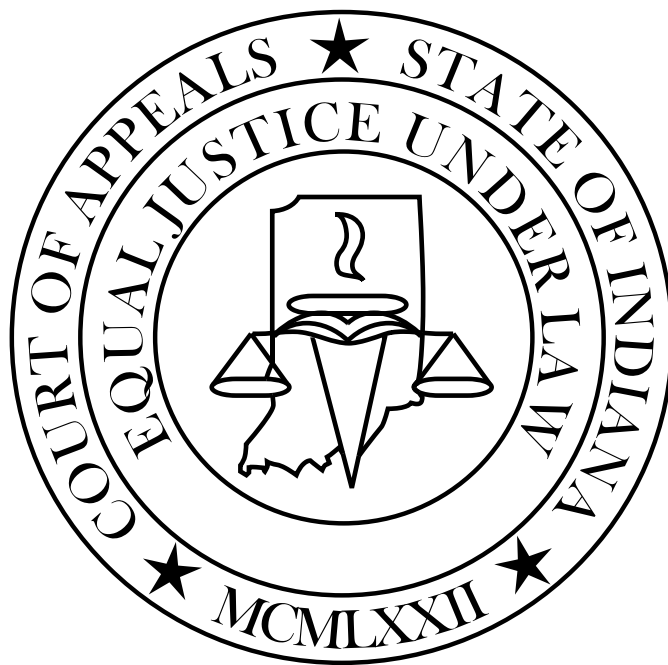


COURT OF APPEALS OF INDIANA

2 0 2 2 A N N U A L R E P O R T



COURT OF APPEALS OF INDIANA

2 0 2 2 A N N U A L R E P O R T



COURT OF APPEALS OF INDIANA

This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2022, through December 31, 2022, is being submitted pursuant to section 2-6-1-1, Judges' Manual.

Cale J. Bradford

CHIEF JUDGE & PRESIDING JUDGE
SECOND DISTRICT

Edward W. Najam, Jr.

PRESIDING JUDGE
FIRST DISTRICT

Paul D. Mathias

PRESIDING JUDGE
THIRD DISTRICT

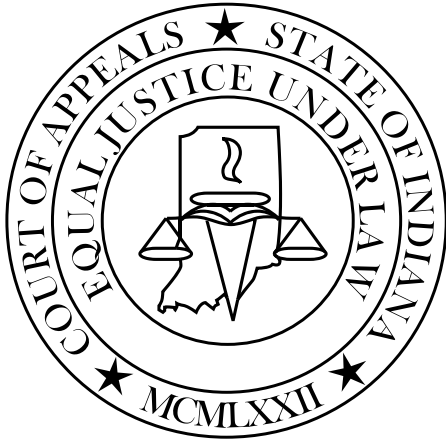
Rudolph R. Pyle, III

PRESIDING JUDGE
FOURTH DISTRICT

Nancy H. Vaidik

PRESIDING JUDGE
FIFTH DISTRICT

COURT OF APPEALS OF INDIANA



THE MISSION OF THE COURT OF APPEALS OF INDIANA:

To serve all people by providing
EQUAL JUSTICE UNDER LAW

FIRST DISTRICT

Edward W. Najam, Jr., Presiding Judge | L. Mark Bailey, Judge | Leanna K. Weissmann, Judge

SECOND DISTRICT

Cale J. Bradford, Chief Judge | Robert R. Altice, Jr., Judge | Derek R. Molter, Judge

THIRD DISTRICT

Paul D. Mathias, Presiding Judge | Terry A. Crone, Judge | Elizabeth F. Tavitas, Judge

FOURTH DISTRICT

Rudolph R. Pyle, III, Presiding Judge | Patricia A. Riley, Judge | Melissa S. May, Judge

FIFTH DISTRICT

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

COURT OF APPEALS OF INDIANA

2 0 2 2 A N N U A L R E P O R T

The 2022 Annual Report provides statistical information about the work of the Court of Appeals of Indiana from January through December 2022. Our hardworking team of judges, senior judges, law clerks, staff attorneys, and administrative staff work together every day not only to complete the Court's tasks, but also to teach fellow Hoosiers about the Court's role in state government. Our impact can be measured in statistics and through examples of the Court's commitment to serve all people by providing equal justice under the law.

The Court was fully operational in 2022, conducting oral arguments in the Court of Appeals Courtroom, delivering essential court services, and extending civics education opportunities to the community via its Traveling Oral Argument program, *Appeals on Wheels*. The Court conducted a total of 47 oral arguments, including those held in the Courtroom, via Zoom, and at Traveling Oral Argument sites. While 3,191 new cases were filed in 2022, 2,971 cases were disposed that same year. The average age of cases pending is an impressive 1.7 months.

2022 was also the year during which the Court celebrated its rich history by releasing its historical biographies book, *The Court of Appeals of Indiana*. The Court shared the book with bar associations and communities around the State, telling the stories of the over 120 men and women who have shaped Indiana law since 1891.

Several other notable transitions in the Court's personnel include the following:

- Judge Edward W. Najam, Jr. retired from the Court of Appeals on July 31, 2022 and began his service as a Senior Judge on August 1, 2022. Upon his retirement, Judge Leanna K. Weissmann became the Presiding Judge of the First District.
- Judge Peter R. Foley succeeded Judge Najam on October 11, 2022 following Judge Foley's appointment to the Court of Appeals by Governor Eric Holcomb.
- Judge Derek R. Molter left the Court of Appeals on August 31, 2022 after he was appointed to the Indiana Supreme Court by Governor Eric Holcomb.
- In December 2022, Judge Dana J. Kenworthy was appointed by Governor Eric Holcomb to succeed Judge Molter.
- Senior Judge James S. Kirsch retired from the Court on September 7, 2022 and Senior Judge Ezra H. Friedlander and Senior Judge Carr L. Darden retired from the Court on December 31, 2022.
- Chief Judge Cale J. Bradford's three-year term as Chief Judge ended on December 31, 2022. Judge Robert R. Altice, Jr. was elected to serve as the Court's next Chief Judge starting January 1, 2023.

As the second-highest court in the state, the Court of Appeals of Indiana will continue to take pride in its commitment to constitutional government and the rule of law.



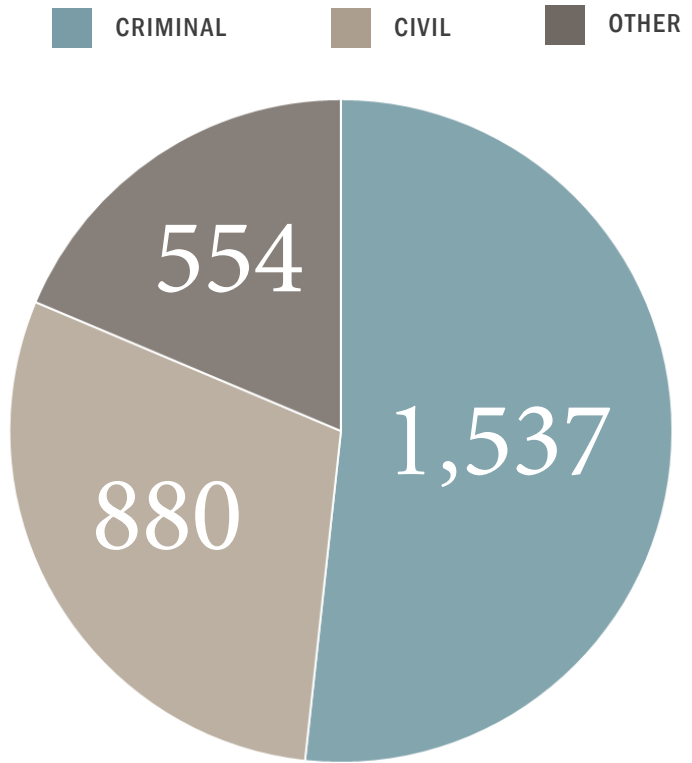
Cale J. Bradford

CHIEF JUDGE & PRESIDING JUDGE
SECOND DISTRICT

TOTAL CASELOAD*

YEAR	FILED	DISPOSED
2018	3,310	2,933
2019	3,221	3,151
2020	2,572	2,853
2021	3,018	2,564
2022	3,191	2,971

TOTAL CASES DISPOSED (BY TYPE)



*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.

CIVIL AND CRIMINAL CASELOADS

	CRIMINAL		CIVIL		OTHER	
	FILED	DISPOSED	FILED	DISPOSED	FILED	DISPOSED
2018	1,797	1,633	963	847	550	453
2019	1,694	1,722	918	864	609	565
2020	1,314	1,507	809	866	449	480
2021	1,475	1,249	951	862	592	453
2022	1,642	1,537	966	880	583	554

COURT SUMMARY

AVERAGE AGE OF CASES PENDING

1.7 MONTHS

AS OF 12/31/2022

1.2 MONTHS

AS OF 12/31/2021

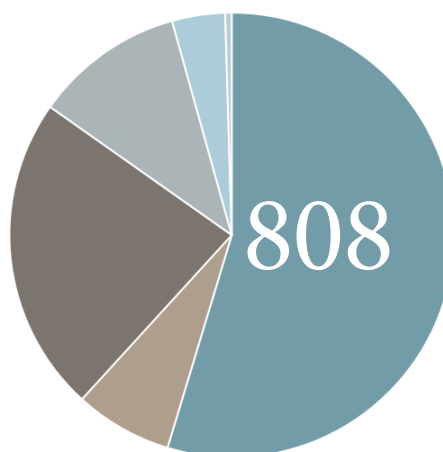
	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Cases Pending 12/31/2021	98	10	84	3	22	217
Cases Fully-Briefed Received	948	69	546	29	307	1,899
<i>Geographic District One</i>	344	22	214	0	136	716
<i>Geographic District Two</i>	375	27	193	29	106	730
<i>Geographic District Three</i>	229	20	139	0	65	453
Cases Disposed	921	64	514	31	298	1,828
<i>By Majority Opinion</i>	920	64	511	31	297	1,823
<i>By Order</i>	1	0	3	0	1	5
Net Increase/Decrease	27	5	32	(2)	9	71
Cases Pending 12/31/2022	125	15	116	1	31	288
Cases Affirmed	808	57	340	28	274	1,507
<i>Cases Affirmed Percent</i>	87.8%	89.1%	66.5%	90.3%	92.3%	82.7%
Cases Reversed	105	7	161	3	20	296
<i>Cases Reversed Percent</i>	11.4%	10.9%	31.5%	9.7%	6.7%	16.2%
Cases Remanded	7	0	10	0	3	20
<i>Cases Remanded Percent</i>	0.8%	0.0%	2.0%	0.0%	1.0%	1.1%
Oral Arguments Heard	19	0	26	0	2	47

7,015

Total number of Motions

7,639

Total number of Orders



CASES AFFIRMED & REVERSED

- CRIMINAL AFFIRMED - 808
- CRIMINAL REVERSED - 105
- CIVIL AFFIRMED - 340
- CIVIL REVERSED - 161
- POST-CONVICTION AFFIRMED - 57
- POST-CONVICTION REVERSED - 7

SUMMARY BY JUDGE

JUDGES (DISTRICT)	MAJORITY OPINIONS ISSUED	ALL OPINIONS ISSUED	ORDERS ISSUED	CASES VOTED ON	ORAL ARGUMENTS HEARD	CASES PENDING 12/31/2021	CASES PENDING 12/31/2022
Altice (2nd)	110	111	0	375	5	11	23
Bailey (1st)	133	138	0	391	9	13	6
Bradford (2nd)	130	137	0	343	7	5	7
Brown (5th)	127	134	0	379	6	11	9
Crone (3rd)	127	132	0	354	4	7	11
Foley (1st)	14	15	0	63	0	0	25
Mathias (3rd)	138	142	0	359	7	10	11
May (4th)	115	119	2	380	17	23	25
Molter (2nd)	85	88	2	254	3	21	0
Najam (1st)	74	75	0	226	6	8	0
Pyle (4th)	96	97	0	343	10	20	45
Riley (4th)	115	117	0	397	7	9	17
Robb (5th)	112	117	0	361	12	17	24
Tavitas (3rd)	119	127	0	374	10	13	17
Vaidik (5th)	120	121	1	397	12	14	16
Weissmann (1st)	108	112	0	362	20	18	28
SENIOR JUDGES						17	24
Baker	25	25	0	27	2	0	0
Darden	18	18	0	18	0	0	0
Friedlander	32	33	0	32	1	0	0
Kirsch	4	4	0	5	0	0	0
Najam	5	5	0	13	1	0	0
Shepard	16	17	0	16	2	0	0
TOTAL	1,823	1,884	5	5,469	141	217	288

CASELOAD

JUDGES (DISTRICT)	CASES PENDING 1/1/2022	CASES ASSIGNED	INTAKE			DISPOSITIONS			CASES PENDING 12/31/2022
			TRANSFERS			MAJORITY OPINIONS	ORDERS	TOTALS	
			IN	OUT	TOTAL				
Altice (2nd)	11	120	2	0	122	110	0	110	23
Bailey (1st)	13	123	5	2	126	133	0	133	6
Bradford (2nd)	5	132	6	6	132	130	0	130	7
Brown (5th)	11	121	6	2	125	127	0	127	9
Crone (3rd)	7	120	12	1	131	127	0	127	11
Foley (1st)	0	28	11	0	39	14	0	14	25
Mathias (3rd)	10	124	21	6	139	138	0	138	11
May (4th)	23	122	2	5	119	115	2	117	25
Molter (2nd)	21	73	1	8	66	85	2	87	0
Najam (1st)	8	72	3	9	66	74	0	74	0
Pyle (4th)	20	131	1	11	121	96	0	96	45
Riley (4th)	9	122	3	2	123	115	0	115	17
Robb (5th)	17	122	1	4	119	112	0	112	24
Tavitas (3rd)	13	122	3	2	123	119	0	119	17
Vaidik (5th)	14	120	5	2	123	120	1	121	16
Weissmann (1st)	18	125	2	9	118	108	0	108	28
SENIOR JUDGES	17	122	6	21	107	(100)	(0)	(100)	24
Baker	0	0	0	0	0	25	0	25	0
Darden	0	0	0	0	0	18	0	18	0
Friedlander	0	0	0	0	0	32	0	32	0
Kirsch	0	0	0	0	0	4	0	4	0
Najam	0	0	0	0	0	5	0	5	0
Shepard	0	0	0	0	0	16	0	16	0
TOTAL	217	1,899	90	90	1,899	1,823	5	1,828	288

OPINIONS ISSUED

PORTION OF ISSUED OPINIONS THAT ARE MAJORITY OPINIONS

TOTAL MAJORITY OPINIONS ISSUED- 1,823

TOTAL OPINIONS ISSUED - 1,884

JUDGES (DISTRICT)	MAJORITY OPINIONS			CONCURRING OPINIONS	DISSENTING OPINIONS	REHEARING OPINIONS	OTHER OPINIONS	TOTAL OPINIONS
	ISSUED	PUBLISHED	PERCENT PUBLISHED					
Altice (2nd)	110	20	18.2%	0	1	0	0	111
Bailey (1st)	133	18	13.5%	2	2	1	0	138
Bradford (2nd)	130	20	15.4%	1	6	0	0	137
Brown (5th)	127	20	15.7%	1	5	1	0	134
Crone (3rd)	127	25	19.7%	0	4	1	0	132
Foley (1st)	14	3	21.4%	0	1	0	0	15
Mathias (3rd)	138	22	15.9%	1	2	1	0	142
May (4th)	115	32	27.8%	0	0	4	0	119
Molter (2nd)	85	15	17.6%	1	1	0	1	88
Najam (1st)	74	16	21.6%	0	1	0	0	75
Pyle (4th)	96	28	29.2%	0	0	1	0	97
Riley (4th)	115	27	23.5%	0	2	0	0	117
Robb (5th)	112	9	8%	2	3	0	0	117
Tavitas (3rd)	119	31	26.1%	2	6	0	0	127
Vaidik (5th)	120	25	20.8%	0	1	0	0	121
Weissmann (1st)	108	17	15.7%	1	3	0	0	112
SENIOR JUDGES								
Baker	25	6	24%	0	0	0	0	25
Darden	18	0	0%	0	0	0	0	18
Friedlander	32	8	25%	0	0	1	0	33
Kirsch	4	0	0%	0	0	0	0	4
Najam	5	2	40%	0	0	0	0	5
Shepard	16	5	31.3%	0	0	1	0	17
TOTAL	1,823	349	19.1%	11	38	11	1	1,884

CASES HANDED DOWN

JUDGES (DISTRICT)	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	56	135	4	8	30	68
Bailey (1st)	63	127	6	10	44	73
Bradford (2nd)	68	110	3	7	41	67
Brown (5th)	63	138	3	9	33	55
Crone (3rd)	57	116	7	7	38	65
Foley (1st)	6	27	2	4	3	7
Mathias (3rd)	67	110	3	11	41	56
May (4th)	58	131	6	12	27	82
Molter (2nd)	43	85	2	5	20	46
Najam (1st)	35	77	3	4	22	49
Pyle (4th)	56	121	4	10	23	71
Riley (4th)	56	144	4	8	37	75
Robb (5th)	53	128	5	7	28	73
Tavitas (3rd)	65	130	2	5	33	75
Vaidik (5th)	60	129	4	14	30	85
Weissmann (1st)	53	127	2	6	35	70
TOTAL	859	1835	60	127	485	1017

JUDGES (DISTRICT)	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	2	3	18	51	110	265
Bailey (1st)	2	1	18	47	133	258
Bradford (2nd)	2	4	16	25	130	213
Brown (5th)	2	4	26	46	127	252
Crone (3rd)	2	7	23	32	127	227
Foley (1st)	0	0	3	11	14	49
Mathias (3rd)	2	4	25	40	138	221
May (4th)	2	5	22	35	115	265
Molter (2nd)	2	3	18	30	85	169
Najam (1st)	2	2	12	20	74	152
Pyle (4th)	1	5	12	40	96	247
Riley (4th)	2	4	16	51	115	282
Robb (5th)	2	5	24	36	112	249
Tavitas (3rd)	2	6	17	39	119	255
Vaidik (5th)	2	3	24	46	120	277
Weissmann (1st)	2	6	16	45	108	254
TOTAL	29	62	290	594	1723	3635

CASES HANDED DOWN

SENIOR JUDGES	SENIOR JUDGES					
	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	18	1	0	0	6	1
Darden	17	0	1	0	0	0
Friedlander	14	0	3	0	11	0
Kirsch	2	0	0	0	2	1
Najam	2	4	0	1	2	3
Shepard	8	0	0	0	5	0
TOTAL	61	5	4	1	26	5

SENIOR JUDGES	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	0	0	1	0	25	2
Darden	0	0	0	0	18	0
Friedlander	2	0	2	0	32	0
Kirsch	0	0	0	0	4	1
Najam	0	0	1	0	5	8
Shepard	0	0	3	0	16	0
TOTAL	2	0	7	0	100	11

The Court of Appeals handed down 1,823 written decisions in 2022.



ORAL ARGUMENTS

JUDGES (DISTRICT)	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	0	2	0	0	1	2
Bailey (1st)	0	4	0	0	0	5
Bradford (2nd)	2	1	0	0	1	1
Brown (5th)	0	2	0	0	0	4
Crone (3rd)	0	1	0	0	0	3
Foley (1st)	0	0	0	0	0	0
Mathias (3rd)	4	0	0	0	2	1
May (4th)	4	4	0	0	1	8
Molter (2nd)	0	2	0	0	0	1
Najam (1st)	0	0	0	0	2	4
Pyle (4th)	0	1	0	0	5	3
Riley (4th)	1	3	0	0	0	2
Robb (5th)	1	6	0	0	1	4
Tavitas (3rd)	2	4	0	0	2	2
Vaidik (5th)	1	3	0	0	6	2
Weissmann (1st)	3	5	0	0	3	8
TOTAL	18	38	0	0	24	50

JUDGES (DISTRICT)	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	0	0	0	0	1	4
Bailey (1st)	0	0	0	0	0	9
Bradford (2nd)	0	0	1	1	4	3
Brown (5th)	0	0	0	0	0	6
Crone (3rd)	0	0	0	0	0	4
Foley (1st)	0	0	0	0	0	0
Mathias (3rd)	0	0	0	0	6	1
May (4th)	0	0	0	0	5	12
Molter (2nd)	0	0	0	0	0	3
Najam (1st)	0	0	0	0	2	4
Pyle (4th)	0	0	0	1	5	5
Riley (4th)	0	0	0	1	1	6
Robb (5th)	0	0	0	0	2	10
Tavitas (3rd)	0	0	0	0	4	6
Vaidik (5th)	0	0	0	0	7	5
Weissmann (1st)	0	0	0	1	6	14
TOTAL	0	0	1	4	43	92



ORAL ARGUMENTS

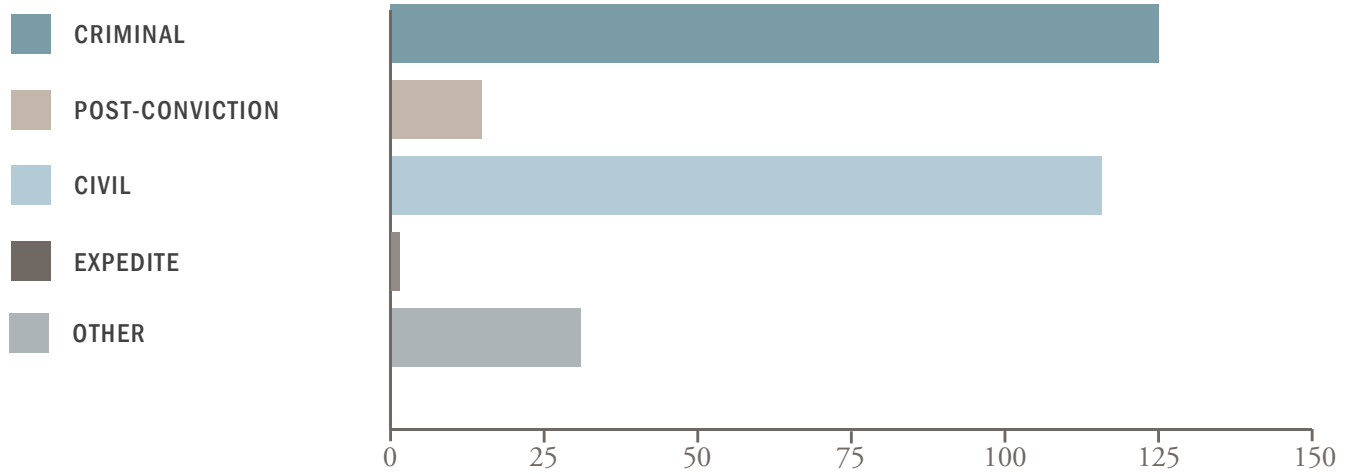
SENIOR JUDGES

SENIOR JUDGES	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	1	0	0	0	0	1
Darden	0	0	0	0	0	0
Friedlander	0	0	0	0	1	0
Kirsch	0	0	0	0	0	0
Najam	0	0	0	0	0	1
Shepard	0	0	0	0	1	0
TOTAL	1	0	0	0	2	2

SENIOR JUDGES	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	0	0	0	0	1	1
Darden	0	0	0	0	0	0
Friedlander	0	0	0	0	1	0
Kirsch	0	0	0	0	0	0
Najam	0	0	0	0	0	1
Shepard	0	0	1	0	2	0
TOTAL	0	0	1	0	4	2

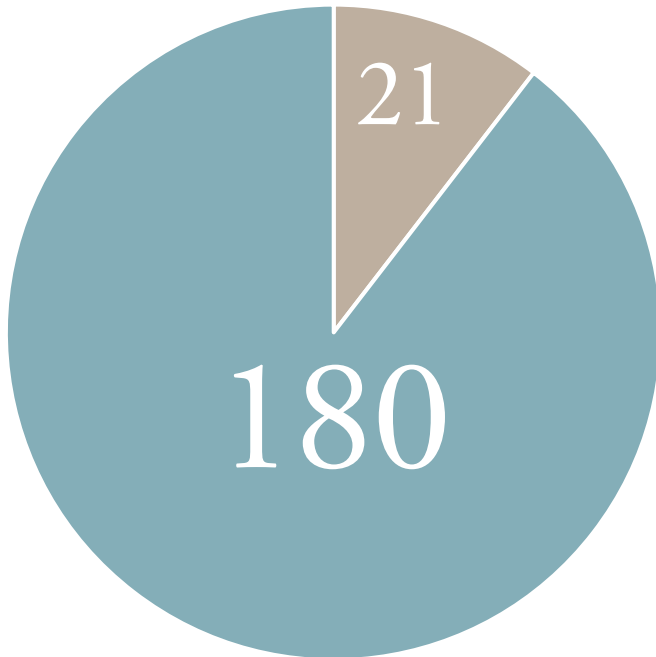
CASES PENDING

TOTAL CASES PENDING (PER TYPE)



JUDGES (DISTRICT)	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Altice (2nd)	10	0	10	0	3	23
Bailey (1st)	2	0	2	0	2	6
Bradford (2nd)	3	1	2	0	1	7
Brown (5th)	5	0	3	0	1	9
Crone (3rd)	3	2	5	0	1	11
Foley (1st)	13	0	8	0	4	25
Mathias (3rd)	5	1	5	0	0	11
May (4th)	12	1	9	0	3	25
Molter (2nd)	0	0	0	0	0	0
Pyle (4th)	11	7	18	1	8	45
Riley (4th)	9	0	7	0	1	17
Robb (5th)	10	1	8	0	5	24
Tavitas (3rd)	6	0	11	0	0	17
Vaidik (5th)	7	0	9	0	0	16
Weissmann (1st)	16	0	11	0	1	28
Senior Judges	13	2	8	0	1	24
TOTAL	125	15	116	1	31	288

SUCCESSIVE PETITIONS FOR POST-CONVICTION RELIEF



21

Pending as of 12/31/2022

180

Petitions filed

201

Total petitions

AUTHORIZATION

9

Petitions authorized to be filed in trial court for hearing

172

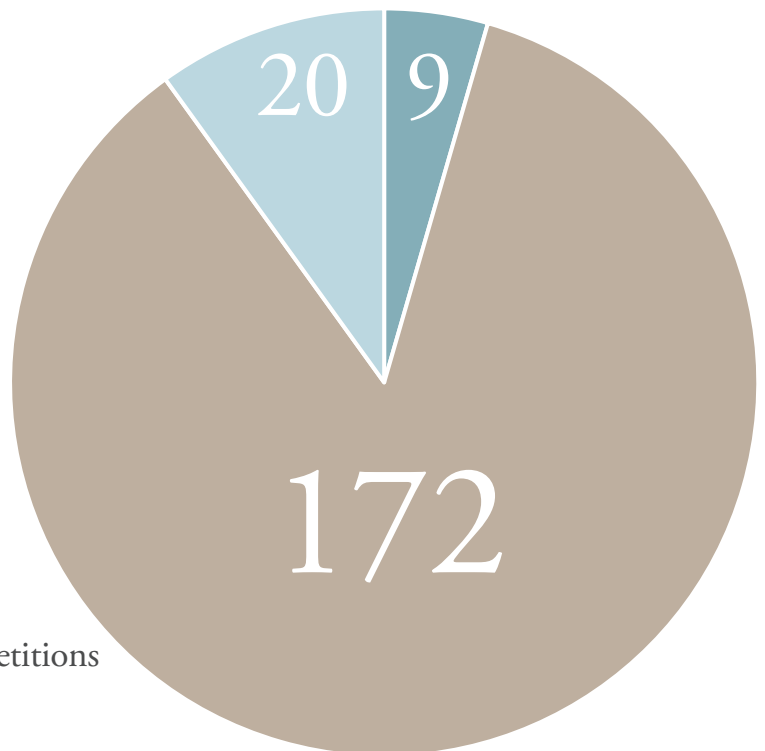
Petitions not authorized to be filed in trial court for hearing (“No Merit”)

20

Petitions pending

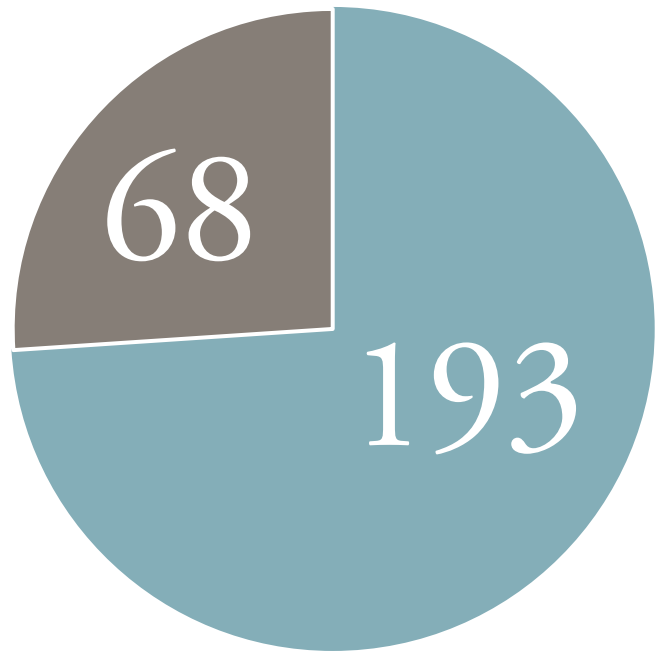
201

Total petitions



APPELLEE’S MOTIONS TO DISMISS

MOTIONS TO DISMISS GRANTED	MOTION TO DISMISS DENIED
193	68
PER CURIAM OPINIONS	TOTAL DISPOSITIONS
0	261



16 Pending motions as of 12/31/2022

STATISTICS REGARDING DISPOSITION OF CHIEF JUDGE MATTERS

7,015 Motions, Petitions for Time, Misc. Motions Received

JANUARY 1, 2022 - DECEMBER 31, 2022

Orders Granting Petitions to File Belated Notice of Appeal	70
Orders Denying Petitions to File Belated Notice of Appeal	29
Orders Granting Pre-Appeal Conferences	0
Orders Denying Pre-Appeal Conferences	1
Orders with Instructions from Pre-Appeal Conference	0
Orders Granting Permissive Interlocutory Appeals	99
Orders Denying Permissive Interlocutory Appeals	111
Orders Granting Successive Petitions for Post-Conviction Relief	9
Orders Denying Successive Petitions for Post-Conviction Relief	172
Orders Granting Consolidations of Appeals	114
Orders Denying Consolidations of Appeals	7
Orders Granting Petitions to Amend Brief	91
Orders Denying Petitions to Amend Brief	7
Orders Granting Withdrawals of Record	195
Orders Denying Withdrawals of Record	21
Miscellaneous Orders	3,094

REHEARINGS

Petitions for Rehearing Granted without Opinion	0
Petitions for Rehearing Denied without Opinion	102
Petitions for Rehearing Granted with Opinion	11
Petitions for Rehearing Denied with Opinion	0

TIME GRANTS

Petitions for Time to File Record Granted	619
Petitions for Time to File Record Denied	14
Petitions for Time to File Appellant's Brief Granted	1,186
Petitions for Time to File Appellant's Brief Denied	34
Petitions for Time to File Appellee's Brief Granted	436
Petitions for Time to File Appellee's Brief Denied	9
Petitions for Time to File Appellant's Reply Brief Granted	153
Petitions for Time to File Appellant's Reply Brief Denied	3

ORAL ARGUMENT ACTION

Orders Setting Oral Arguments	52
Orders Denying Petitions for Oral Arguments	53

DISMISSALS

Orders Granting Appellant's Motions to Dismiss	229
Orders Denying Appellant's Motions to Dismiss	22
Orders Granting Appellee's Motions to Dismiss	193
Orders Denying Appellee's Motions to Dismiss	68
Court-Directed Orders of Dismissal	435

7,639 TOTAL



COURT OF APPEALS OF INDIANA

2 0 2 2 A N N U A L R E P O R T

This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2022, through December 31, 2022, is being submitted pursuant to section 2-6-1-1, Judges' Manual.

Information about the Court of Appeals of Indiana and the Indiana Judicial Branch can be found online at:

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

**THE MISSION OF THE COURT OF APPEALS OF INDIANA:
To serve all people by providing equal justice under law**