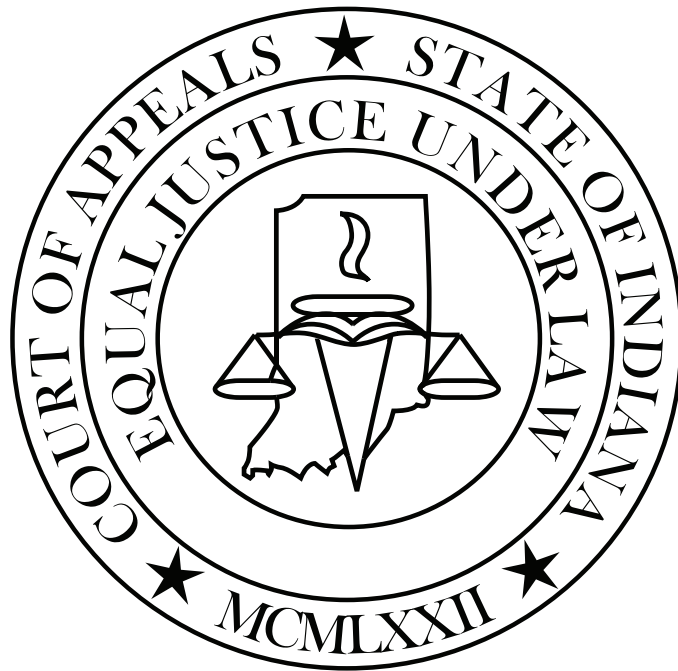


COURT OF APPEALS OF INDIANA

2 0 2 3 A N N U A L R E P O R T



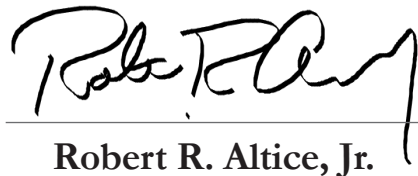
COURT OF APPEALS OF INDIANA

2 0 2 3 A N N U A L R E P O R T



COURT OF APPEALS OF INDIANA

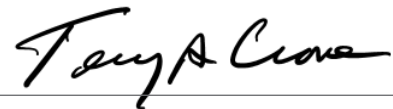
This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2023, through December 31, 2023, is being submitted pursuant to section 2-6-1-1, Judges' Manual.



Robert R. Altice, Jr.
CHIEF JUDGE & PRESIDING JUDGE
SECOND DISTRICT



L. Mark Bailey
PRESIDING JUDGE
FIRST DISTRICT



Terry A. Crone
PRESIDING JUDGE
THIRD DISTRICT

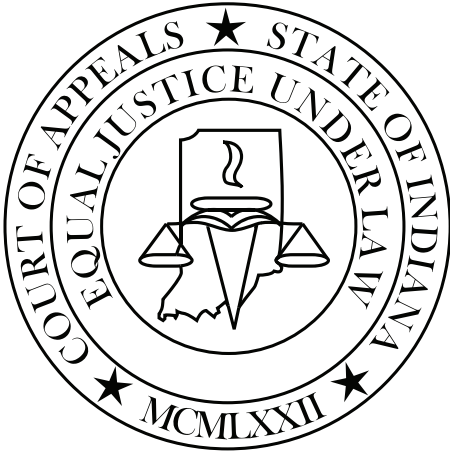


Patricia A. Riley
PRESIDING JUDGE
FOURTH DISTRICT



Margret G. Robb
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

L. Mark Bailey, Presiding Judge | Leanna K. Weissmann, Judge | Peter R. Foley, Judge

SECOND DISTRICT

Robert R. Altice, Jr., Chief Judge | Cale J. Bradford, Judge | Dana J. Kenworthy, Judge

THIRD DISTRICT

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

FOURTH DISTRICT

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

FIFTH DISTRICT

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

COURT OF APPEALS OF INDIANA

2 0 2 3 A N N U A L R E P O R T

The 2023 Annual Report provides statistical information about the work of the Court of Appeals of Indiana from January through December 2023. Our hardworking team of judges, senior judges, law clerks, staff attorneys, and administrative staff collaborate daily to deliver timely, just results and 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.

2023 was an important year for the Court. The National Center for State Courts named the Court's traveling oral argument program, Appeals on Wheels, a national leader in civics education. The Court received the national Sandra Day O'Connor Award for the Advancement of Civics Education before an audience of State Supreme Court Justices from around the nation in New York City. Following its receipt of the award, the Court continued to broaden the program's outreach and impact, adding two (2) important new events in 2023:

1. Oral Argument in Gainbridge Fieldhouse. The Court was invited by Pacers Sports & Entertainment to hold its first traveling oral argument in one of Indiana's most iconic sports and entertainment venues in September 2023. The audience included seven (7) Indianapolis schools, and dozens of legislators, judges, and community partners. This unforgettable civics education collaboration will become an annual event of the Court and the Pacers.
2. Behind the Curtain – The Judiciary. The Court collaborated with the Indiana Bar Foundation to roll out its first teacher-focused civics education programming. Social studies and government teachers from all around the State were brought together for a full-day program of experiential civics learning opportunities, including a Court of Appeals argument, tours, talks with judges, and curriculum planning sessions. The impactful event is expected to continue bi-annually.

The Court conducted a total of 66 oral arguments, including those held in the Courtroom and those held at Traveling Oral Argument sites. While 3,232 new cases were filed in 2023, 2,979 cases were disposed that same year. The average age of cases pending is an impressive 2.1 months.

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

1. Judge Dana J. Kenworthy began her service on January 18, 2023, resulting in the first female majority in the Court's history.
2. Judge Margret G. Robb retired from the Court of Appeals on June 16, 2023 and began her service as Senior Judge on June 17, 2023. Upon her retirement, Judge Vaidik became the Presiding Judge of the Fifth District.
3. On June 29, 2023, Governor Holcomb appointed Judge Paul A. Felix to succeed Judge Margret G. Robb. He began his service on July 28, 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.



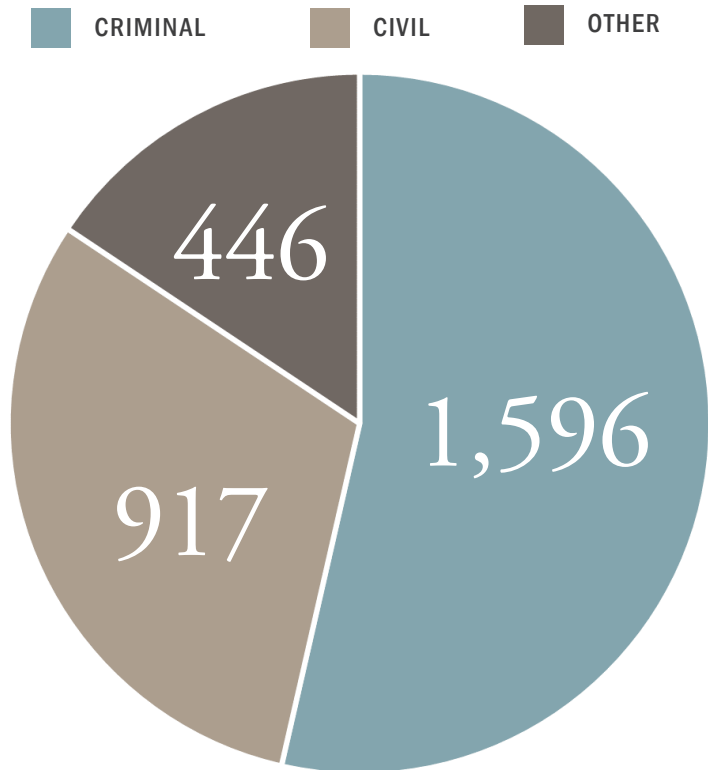
Robert R. Altice, Jr.

CHIEF JUDGE & PRESIDING JUDGE
SECOND DISTRICT

TOTAL CASELOAD*

YEAR	FILED	DISPOSED
2019	3,221	3,151
2020	2,572	2,853
2021	3,018	2,564
2022	3,191	2,971
2023	3,232	2,979

**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
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
2023	1,648	1,596	1,019	917	565	466

COURT SUMMARY

AVERAGE AGE OF CASES PENDING

2.1 MONTHS

AS OF 12/31/2023

1.7 MONTHS

AS OF 12/31/2022

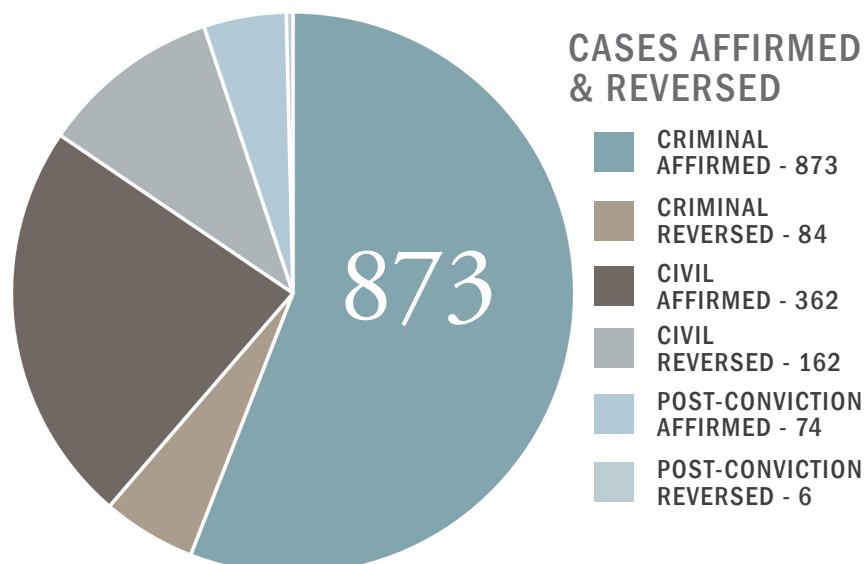
	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Cases Pending 12/31/2022	125	15	116	1	31	288
Cases Fully-Briefed Received	971	78	538	15	276	1,878
<i>Geographic District One</i>	324	24	168	0	121	637
<i>Geographic District Two</i>	404	24	214	15	105	762
<i>Geographic District Three</i>	243	30	156	0	50	479
Cases Disposed	972	80	534	13	276	1,875
<i>By Majority Opinion</i>	966	80	529	13	276	1,864
<i>By Order</i>	6	0	5	0	0	11
Net Increase/Decrease	(1)	(2)	4	2	0	3
Cases Pending 12/31/2023	124	13	120	3	31	291
Cases Affirmed	873	74	362	11	250	1,570
<i>Cases Affirmed Percent</i>	90.4%	92.5%	68.4%	84.6%	90.6%	84.2%
Cases Reversed	84	6	162	2	23	277
<i>Cases Reversed Percent</i>	8.7%	7.5%	30.6%	15.4%	8.3%	14.9%
Cases Remanded	9	0	5	0	3	17
<i>Cases Remanded Percent</i>	0.9%	0.0%	0.9%	0.0%	1.1%	0.9%
Oral Arguments Heard	30	2	33	0	1	66

7,520

Total number of Motions

7,843

Total number of Orders



SUMMARY BY JUDGE

JUDGES (DISTRICT)	MAJORITY OPINIONS ISSUED	ALL OPINIONS ISSUED	ORDERS ISSUED	CASES VOTED ON	ORAL ARGUMENTS HEARD	CASES PENDING 12/31/2022	CASES PENDING 12/31/2023
DX (2nd)	111	111	0	323	12	23	28
Bailey (1st)	140	143	0	350	6	6	6
Bradford (2nd)	132	137	0	408	15	7	9
Brown (5th)	131	135	0	395	4	9	7
Crone (3rd)	152	158	0	409	10	11	10
Felix (5th)	17	19	2	128	2	0	30
Foley (1st)	104	107	1	339	19	25	31
Kenworthy (2nd)	80	82	2	318	19	0	29
Mathias (3rd)	149	153	1	404	10	11	9
May (4th)	114	119	0	364	20	25	27
Pyle (4th)	106	109	1	363	5	45	25
Riley (4th)	141	149	0	386	13	17	11
Robb (5th)	40	44	0	162	11	24	0
Tavitas (3rd)	127	132	1	351	15	17	10
Vaidik (5th)	128	134	1	379	9	16	11
Weissmann (1st)	120	122	1	375	19	28	24
SENIOR JUDGES						24	24
Baker	20	20	0	21	2	0	0
Najam	10	10	0	11	2	0	0
Robb	15	15	1	79	3	0	0
Shepard	27	28	0	27	2	0	0
TOTAL	1,864	1,927	11	5,592	198	288	291

CASELOAD

JUDGES (DISTRICT)	CASES PENDING 1/1/2023	CASES ASSIGNED	INTAKE			DISPOSITIONS			CASES PENDING 12/31/2023
			TRANSFERS			MAJORITY OPINIONS	ORDERS	TOTALS	
			IN	OUT	TOTAL				
Altice (2nd)	23	119	2	5	116	111	0	111	28
Bailey (1st)	6	120	23	3	140	140	0	140	6
Bradford (2nd)	7	126	10	2	134	132	0	132	9
Brown (5th)	9	119	13	3	129	131	0	131	7
Crone (3rd)	11	118	35	2	151	152	0	152	10
Felix (5th)	0	50	10	11	49	17	2	19	30
Foley (1st)	25	117	1	7	111	104	1	105	31
Kenworthy (2nd)	0	111	12	12	111	80	2	82	29
Mathias (3rd)	11	121	37	10	148	149	1	150	9
May (4th)	25	121	3	8	116	114	0	114	27
Pyle (4th)	45	120	4	37	87	106	1	107	25
Riley (4th)	17	116	22	3	135	141	0	141	11
Robb (5th)	24	56	0	40	16	40	0	40	0
Tavitas (3rd)	17	118	4	1	121	127	1	128	10
Vaidik (5th)	16	118	11	5	124	128	1	129	11
Weissmann (1st)	28	118	4	5	117	120	1	121	24
SENIOR JUDGES	24	110	10	47	73	(72)	(1)	(73)	24
Baker	0	0	0	0	0	20	0	20	0
Najam	0	0	0	0	0	10	0	10	0
Robb	0	0	0	0	0	15	1	16	0
Shepard	0	0	0	0	0	27	0	27	0
TOTAL	288	1,878	201	201	1,878	1,864	11	1,875	291

OPINIONS ISSUED

PORTION OF ISSUED OPINIONS THAT ARE MAJORITY OPINIONS

TOTAL MAJORITY OPINIONS ISSUED- 1,864

TOTAL OPINIONS ISSUED - 1,927

JUDGES (DISTRICT)	MAJORITY OPINIONS			CONCURRING OPINIONS	DISSENTING OPINIONS	REHEARING OPINIONS	OTHER OPINIONS	TOTAL OPINIONS
	ISSUED	PUBLISHED	PERCENT PUBLISHED					
Altice (2nd)	111	19	17.1%	0	0	0	0	111
Bailey (1st)	140	15	10.7%	1	1	1	0	143
Bradford (2nd)	132	24	18.2%	1	2	2	0	137
Brown (5th)	131	17	13.0%	0	3	1	0	135
Crone (3rd)	152	22	14.5%	2	4	0	0	158
Felix (5th)	17	1	5.9%	0	2	0	0	19
Foley (1st)	104	18	17.3%	0	3	0	0	107
Kenworthy (2nd)	80	11	13.8%	0	2	0	0	82
Mathias (3rd)	149	19	12.8%	1	2	1	0	153
May (4th)	114	33	28.9%	1	3	1	0	119
Pyle (4th)	106	22	20.8%	0	3	0	0	109
Riley (4th)	141	31	22.0%	0	5	3	0	149
Robb (5th)	40	7	17.5%	0	2	2	0	44
Tavitas (3rd)	127	37	29.1%	0	5	0	0	132
Vaidik (5th)	128	27	21.1%	2	4	0	0	134
Weissmann (1st)	120	23	19.2%	0	2	0	0	122
SENIOR JUDGES								
Baker	20	3	15.0%	0	0	0	0	20
Najam	10	5	50.0%	0	0	0	0	10
Robb	15	3	20.0%	0	0	0	0	15
Shepard	27	6	22.2%	0	0	1	0	28
TOTAL	1,864	343	18.4%	8	43	12	0	1,927

CASES HANDED DOWN

JUDGES (DISTRICT)	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	54	118	5	7	34	54
Bailey (1st)	76	104	2	9	38	57
Bradford (2nd)	63	134	11	16	40	71
Brown (5th)	68	140	6	8	31	75
Crone (3rd)	80	130	6	14	48	73
Felix (5th)	10	60	1	2	1	31
Foley (1st)	57	124	0	10	29	65
Kenworthy (2nd)	47	121	3	11	16	69
Mathias (3rd)	72	134	5	9	58	65
May (4th)	60	134	3	7	25	66
Pyle (4th)	50	124	14	15	20	91
Riley (4th)	70	126	6	15	43	74
Robb (5th)	18	63	2	5	11	39
Tavitas (3rd)	61	123	6	5	46	62
Vaidik (5th)	69	134	5	7	36	80
Weissmann (1st)	65	128	4	17	33	71
TOTAL	920	1,897	79	157	509	1,043

JUDGES (DISTRICT)	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	0	1	18	32	111	212
Bailey (1st)	1	2	23	38	140	210
Bradford (2nd)	2	2	16	53	132	276
Brown (5th)	2	2	24	39	131	264
Crone (3rd)	0	2	18	38	152	257
Felix (5th)	0	2	5	16	17	111
Foley (1st)	1	2	17	34	104	235
Kenworthy (2nd)	0	1	14	36	80	238
Mathias (3rd)	0	1	14	46	149	255
May (4th)	1	1	25	42	114	250
Pyle (4th)	2	1	20	26	106	257
Riley (4th)	1	2	21	28	141	245
Robb (5th)	0	1	9	14	40	122
Tavitas (3rd)	1	3	13	31	127	224
Vaidik (5th)	1	1	17	29	128	251
Weissmann (1st)	1	2	17	37	120	255
TOTAL	13	26	271	539	1,792	3,662

CASES HANDED DOWN

SENIOR JUDGES	SENIOR JUDGES					
	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	13	1	0	0	4	0
Najam	3	1	1	0	5	0
Robb	11	33	0	3	3	15
Shepard	19	0	0	0	8	0
TOTAL	46	35	1	3	20	15

SENIOR JUDGES	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	0	0	3	0	20	1
Najam	0	0	1	0	10	1
Robb	0	0	1	13	15	64
Shepard	0	0	0	0	27	0
TOTAL	0	0	5	13	72	66

The Court of Appeals handed down 1,864 written decisions in 2023.

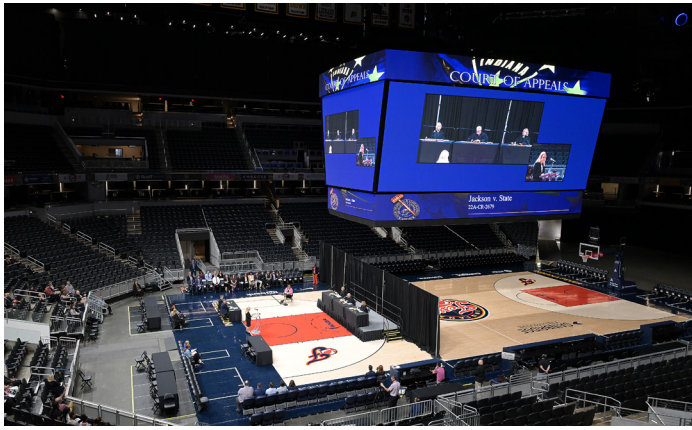


ORAL ARGUMENTS

JUDGES (DISTRICT)	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	2	4	1	0	2	3
Bailey (1st)	0	2	0	0	0	4
Bradford (2nd)	3	3	1	0	7	1
Brown (5th)	0	2	0	0	1	1
Crone (3rd)	0	2	0	0	2	6
Felix (5th)	0	1	0	0	0	1
Foley (1st)	2	8	0	1	1	7
Kenworthy (2nd)	4	6	0	0	4	4
Mathias (3rd)	2	2	0	0	1	5
May (4th)	8	4	0	0	3	5
Pyle (4th)	2	1	0	0	0	2
Riley (4th)	0	5	0	2	0	6
Robb (5th)	1	5	0	0	0	4
Tavitas (3rd)	3	3	0	0	2	7
Vaidik (5th)	3	2	0	0	2	2
Weissmann (1st)	0	8	0	1	3	6
TOTAL	30	58	2	4	28	64

JUDGES (DISTRICT)	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	0	0	0	0	5	7
Bailey (1st)	0	0	0	0	0	6
Bradford (2nd)	0	0	0	0	11	4
Brown (5th)	0	0	0	0	1	3
Crone (3rd)	0	0	0	0	2	8
Felix (5th)	0	0	0	0	0	2
Foley (1st)	0	0	0	0	3	16
Kenworthy (2nd)	0	0	0	1	8	11
Mathias (3rd)	0	0	0	0	3	7
May (4th)	0	0	0	0	11	9
Pyle (4th)	0	0	0	0	2	3
Riley (4th)	0	0	0	0	0	13
Robb (5th)	0	0	1	0	2	9
Tavitas (3rd)	0	0	0	0	5	10
Vaidik (5th)	0	0	0	0	5	4
Weissmann (1st)	0	0	0	1	3	16
TOTAL	0	0	1	2	61	128

Traveling Oral Argument at Gainbridge Fieldhouse



The Court holds its first traveling oral argument at Gainbridge Fieldhouse, home of the NBA Pacers, on September 11th, 2023.

Court Wins Sandra Day O'Connor Award for Advancement of Civics Education



Left to Right: Judge Dana J. Kenworthy, Judge Melissa S. May, Chief Judge Robert R. Altice, Jr., Judge Nancy H. Vaidik, Judge Elizabeth F. Tavitias at 2023 Conference of Chief Justices in New York City



Left to Right: Judges Nancy H. Vaidik, Robert R. Altice, Jr. and Dana J. Kenworthy hear oral arguments at Gainbridge Fieldhouse.



Judge Peter R. Foley discusses civics curriculum ideas with educators at the Court's first "Behind the Curtain: The Judiciary" event with the Indiana Bar Foundation in the Statehouse.

ORAL ARGUMENTS

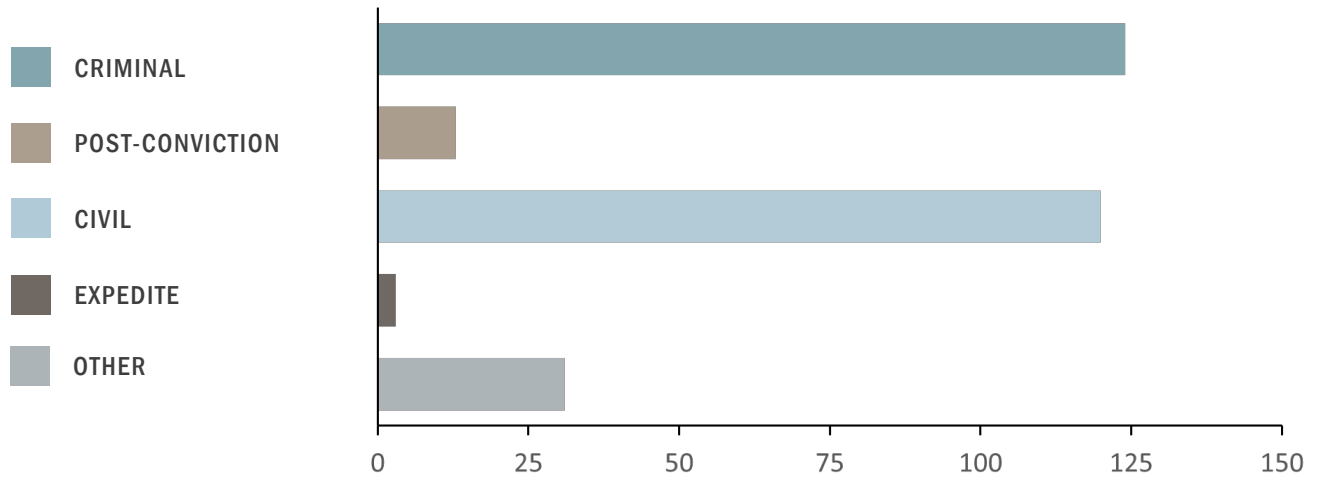
SENIOR JUDGES

SENIOR JUDGES	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	0	1	0	0	1	0
Najam	0	1	0	0	1	0
Robb	0	0	0	0	1	2
Shepard	0	0	0	0	2	0
TOTAL	0	2	0	0	5	2

SENIOR JUDGES	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	0	0	0	0	1	1
Najam	0	0	0	0	1	1
Robb	0	0	0	0	1	2
Shepard	0	0	0	0	2	0
TOTAL	0	0	0	0	5	4

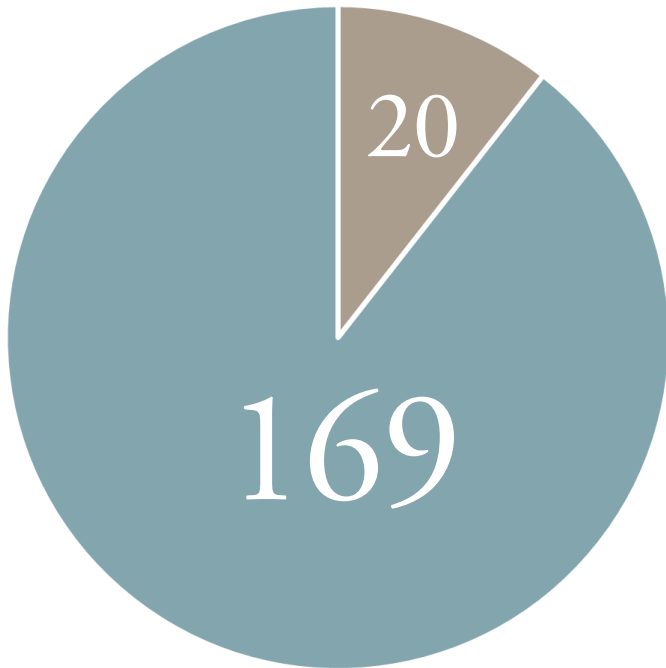
CASES PENDING

TOTAL CASES PENDING (PER TYPE)



JUDGES (DISTRICT)	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Altice (2nd)	12	2	11	1	2	28
Bailey (1st)	2	0	3	0	1	6
Bradford (2nd)	3	0	5	0	1	9
Brown (5th)	2	0	5	0	0	7
Crone (3rd)	5	1	3	0	1	10
Felix (5th)	10	4	12	1	3	30
Foley (1st)	14	2	11	0	4	31
Kenworthy (2nd)	12	0	11	0	6	29
Mathias (3rd)	3	0	5	1	0	9
May (4th)	13	0	13	0	1	27
Pyle (4th)	11	2	10	0	2	25
Riley (4th)	5	0	6	0	0	11
Tavitas (3rd)	3	1	4	0	2	10
Vaidik (5th)	4	0	6	0	1	11
Weissmann (1st)	10	1	9	0	4	24
Senior Judges	15	0	6	0	3	24
TOTAL	124	13	120	3	31	291

SUCCESSIVE PETITIONS FOR POST-CONVICTION RELIEF



20

Pending as of 12/31/2022

169

Petitions filed

189

Total petitions

AUTHORIZATION

13

Petitions authorized to be filed in trial court for hearing

158

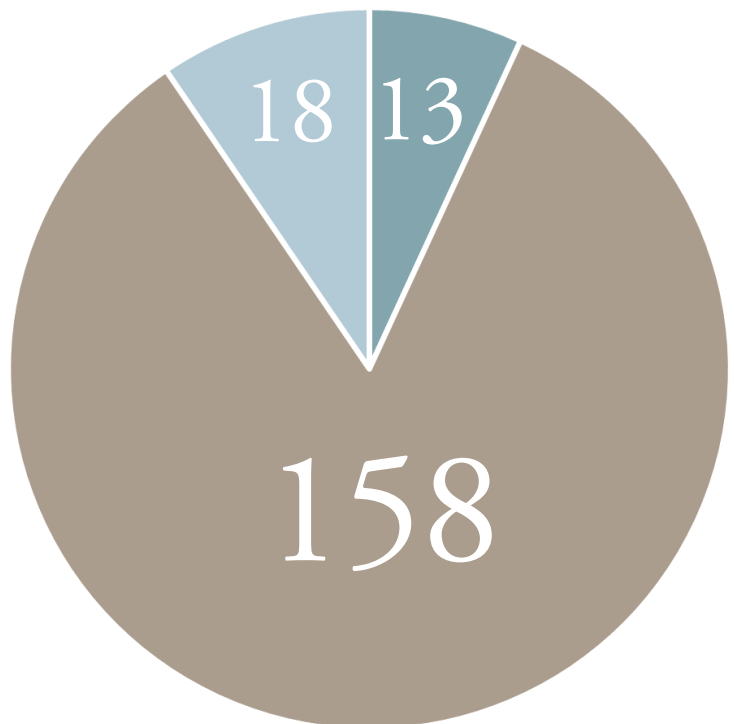
Petitions not authorized to be filed in trial court for hearing (“No Merit”)

18

Petitions pending

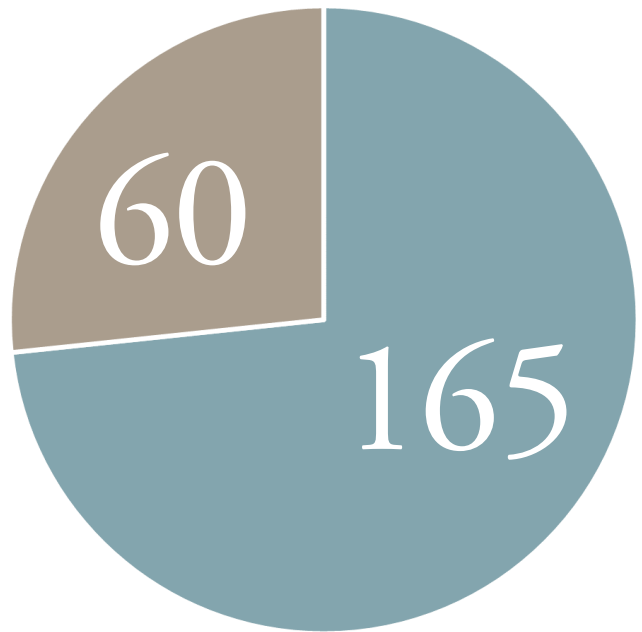
189

Total petitions



APPELLEE’S MOTIONS TO DISMISS

MOTIONS TO DISMISS GRANTED	MOTION TO DISMISS DENIED
165	60
PER CURIAM OPINIONS	TOTAL DISPOSITIONS
0	225



15 Pending motions as of 12/31/2023

STATISTICS REGARDING DISPOSITION OF CHIEF JUDGE MATTERS

7,520 Motions, Petitions for Time, Misc. Motions Received

JANUARY 1, 2023 - DECEMBER 31, 2023

Orders Granting Petitions to File Belated Notice of Appeal	46
Orders Denying Petitions to File Belated Notice of Appeal	22
Orders Granting Pre-Appeal Conferences	1
Orders Denying Pre-Appeal Conferences	3
Orders with Instructions from Pre-Appeal Conference	0
Orders Granting Permissive Interlocutory Appeals	62
Orders Denying Permissive Interlocutory Appeals	96
Orders Granting Successive Petitions for Post-Conviction Relief	13
Orders Denying Successive Petitions for Post-Conviction Relief	158
Orders Granting Consolidations of Appeals	107
Orders Denying Consolidations of Appeals	12
Orders Granting Petitions to Amend Brief	115
Orders Denying Petitions to Amend Brief	3
Orders Granting Withdrawals of Record	185
Orders Denying Withdrawals of Record	28
Miscellaneous Orders	3,237

REHEARINGS

Petitions for Rehearing Granted without Opinion	0
Petitions for Rehearing Denied without Opinion	110
Petitions for Rehearing Granted with Opinion	12
Petitions for Rehearing Denied with Opinion	0

TIME GRANTS

Petitions for Time to File Record Granted	645
Petitions for Time to File Record Denied	12
Petitions for Time to File Appellant's Brief Granted	1,299
Petitions for Time to File Appellant's Brief Denied	36
Petitions for Time to File Appellee's Brief Granted	416
Petitions for Time to File Appellee's Brief Denied	1
Petitions for Time to File Appellant's Reply Brief Granted	148
Petitions for Time to File Appellant's Reply Brief Denied	7

ORAL ARGUMENT ACTION

Orders Setting Oral Arguments	70
Orders Denying Petitions for Oral Arguments	68

DISMISSALS

Orders Granting Appellant's Motions to Dismiss	237
Orders Denying Appellant's Motions to Dismiss	18
Orders Granting Appellee's Motions to Dismiss	165
Orders Denying Appellee's Motions to Dismiss	60
Court-Directed Orders of Dismissal	451

7,843 TOTAL



COURT OF APPEALS OF INDIANA

2 0 2 3 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, 2023, through December 31, 2023, 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