

Court of Appeals of Indiana



2012 Annual Report

Court of Appeals of Indiana

2012 Annual Report

First District

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

Second District

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

Third District

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

Fourth District

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

Fifth District

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

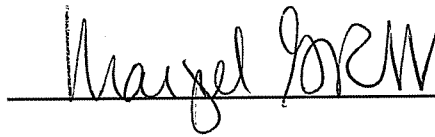
The Mission of the Court of Appeals of Indiana
TO SERVE ALL PEOPLE BY PROVIDING EQUAL JUSTICE UNDER LAW

115 West Washington Street, Suite 1080S, Indianapolis, Indiana 46204 (317) 232-6906
<http://www.in.gov/judiciary/appeals>

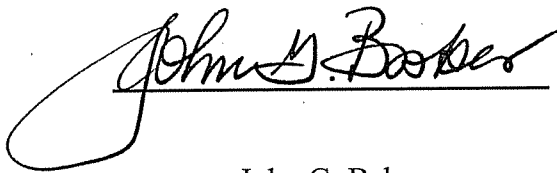
Court of Appeals of Indiana

2012 Annual Report

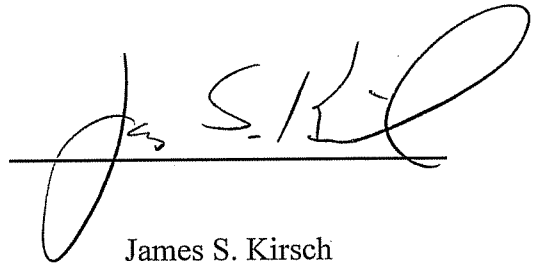
This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2012, through December 31, 2012, is being submitted pursuant to paragraph 6.35, Judge's Manual.



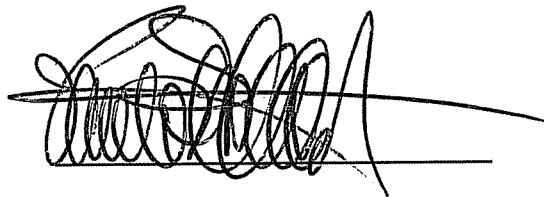
Margret G. Robb
Chief Judge and
Presiding Judge
Fifth District



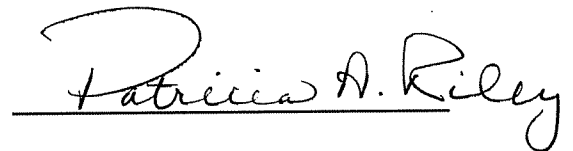
John G. Baker
Presiding Judge
First District



James S. Kirsch
Presiding Judge
Second District



Paul D. Mathias
Presiding Judge
Third District



Patricia A. Riley
Presiding Judge
Fourth District

COURT OF APPEALS OF INDIANA
ANNUAL R E P O R T
 January 1, 2012 - December 31, 2012

Total Caseload*

<u>Year</u>	<u>Filed</u>	<u>Disposed</u>
2008	3964	4121
2009	3988	3901
2010	4392	3924
2011	4315	3950
2012	4160	3510

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
2011	2288	2050	1190	1104	837	796
2012	2175	1863	1259	1034	726	613

*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, 2012 - December 31, 2012

Court Summary

	Criminal	Post-Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12/31/2011	148	17	107	7	25	304
Cases Fully-Briefed Received	1115	140	583	46	226	2110
Geographic District One	303	32	195	0	60	590
Geographic District Two	511	74	211	46	96	938
Geographic District Three	301	34	177	0	70	582
Cases Disposed	1137	136	602	51	229	2155
By Majority Opinion	1135	136	594	49	229	2143
By Order	2	0	8	2	0	12
Net Increase/Decrease	-22	4	-19	-5	-3	-45
Cases Pending 12/31/2012	126	21	88	2	22	259
Cases Affirmed	980	120	378	38	192	1708
Cases Affirmed Percent	86.3%	88.2%	63.6%	77.6%	83.8%	79.7%
Cases Reversed	144	16	207	10	35	412
Cases Reversed Percent	12.7%	11.8%	34.9%	20.4%	15.3%	19.2%
Cases Remanded	11	0	9	1	2	23
Cases Remanded Percent	1.0%	0.0%	1.5%	2.0%	0.9%	1.1%
Oral Arguments Heard	28	4	41	3	2	78

Oral Arguments Heard includes: 2 Stay Hearings

Average Age of Cases Pending

12/31/2011	1.2 Months
12/31/2012	1.0 Months

Total number of Motions, Petitions for Time, Misc Motions Received	6971
Total Motions, Petitions for Time, Misc. Orders Issued	7210

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2012 - December 31, 2012

Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2011	Cases Pending 12/31/2012
Judges (District)							
Bailey (1st)	135	146	2	423	11	11	12
Baker (1st)	137	156	0	429	26	15	15
Barnes (3rd)	144	160	0	436	15	19	13
Bradford (2nd)	138	147	1	441	21	15	14
Brown (5th)	132	148	2	418	12	16	11
Crone (3rd)	156	168	0	433	10	21	14
Darden (4th)*	69	73	0	227	5	26	0
Friedlander (2nd)	138	145	0	425	11	19	18
Kirsch (2nd)	125	130	1	404	21	23	22
Mathias (3rd)	126	134	2	409	12	13	16
May (4th)	129	133	0	399	18	36	22
Najam (1st)	146	150	1	417	13	15	14
Pyle (4th)**	29	31	0	122	4	0	22
Riley (4th)	129	142	2	438	10	12	19
Robb (5th)	138	152	1	393	15	25	16
Vaidik (5th)	141	155	0	437	20	17	15
Senior Judges						21	16
Barteau	45	46	0	46	1	0	0
Darden	25	25	0	66	3	0	0
Garrard	11	11	0	11	0	0	0
Sharpnack	30	31	0	30	0	0	0
Shepard	14	14	0	18	6	0	0
Sullivan	6	7	0	7	0	0	0
TOTAL	2143	2304	12	6429	234	304	259

*Judge Carr L. Darden retired July 20, 2012

**Judge Rudolph R. Pyle, III was sworn in August 27, 2012

COURT OF APPEALS OF INDIANA

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January 1, 2012 - December 31, 2012

Caseload

	Cases Pending 1/1/2012	INTAKE				DISPOSITIONS			Cases Pending 12/31/2012
		Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders	Total	
Judges (District)									
Bailey (1st)	11	135	7	4	138	135	2	137	12
Baker (1st)	15	130	10	3	137	137	0	137	15
Barnes (3rd)	19	134	12	8	138	144	0	144	13
Bradford (2nd)	15	134	9	5	138	138	1	139	14
Brown (5th)	16	130	4	5	129	132	2	134	11
Crone (3rd)	21	133	21	6	148	156	0	156	14
Darden (4th)	26	70	7	34	43	69	0	69	0
Friedlander (2nd)	19	132	7	2	137	138	0	138	18
Kirsch (2nd)	23	134	6	15	125	125	1	126	22
Mathias (3rd)	13	137	12	17	132	126	2	128	16
May (4th)	36	131	4	20	115	129	0	129	22
Najam (1st)	15	135	13	2	146	146	1	147	14
Pyle (4th)	0	45	8	2	51	29	0	29	22
Riley (4th)	12	137	9	8	138	129	2	131	19
Robb (5th)	25	132	7	9	130	138	1	139	16
Vaidik (5th)	17	131	14	6	139	141	0	141	15
Senior Judges	21	130	17	21	126	(131)	(0)	(131)	16
Barteau	0	0	0	0	0	45	0	45	0
Darden	0	0	0	0	0	25	0	25	0
Garrard	0	0	0	0	0	11	0	11	0
Sharpnack	0	0	0	0	0	30	0	30	0
Shepard	0	0	0	0	0	14	0	14	0
Sullivan	0	0	0	0	0	6	0	6	0
TOTAL	304	2110	167	167	2110	2143	12	2155	259

COURT OF APPEALS OF INDIANA

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January 1, 2012 - December 31, 2012

Opinions Issued

	MAJORITY OPINIONS			Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	TOTAL
	Issued	Published	Percent Published					
Judges (District)								
Bailey (1st)	135	40	29.6%	5	4	2	0	146
Baker (1st)	137	34	24.8%	2	13	4	0	156
Barnes (3rd)	144	30	20.8%	4	9	3	0	160
Bradford (2nd)	138	33	23.9%	1	7	1	0	147
Brown (5th)	132	37	28.0%	5	6	4	1	148
Crone (3rd)	156	41	26.3%	2	9	1	0	168
Darden (4th)	69	16	23.2%	1	3	0	0	73
Friedlander (2nd)	138	23	16.7%	0	5	2	0	145
Kirsch (2nd)	125	21	16.8%	0	4	1	0	130
Mathias (3rd)	126	25	19.8%	2	5	1	0	134
May (4th)	129	34	26.4%	1	2	1	0	133
Najam (1st)	146	44	30.1%	0	1	3	0	150
Pyle (4th)	29	7	24.1%	1	1	0	0	31
Riley (4th)	129	29	22.5%	1	12	0	0	142
Robb (5th)	138	30	21.7%	2	8	4	0	152
Vaidik (5th)	141	38	27.0%	5	7	2	0	155
Senior Judges								
Barteau	45	12	26.7%	0	0	1	0	46
Darden	25	6	24.0%	0	0	0	0	25
Garrard	11	4	36.4%	0	0	0	0	11
Sharpnack	30	9	30.0%	0	0	1	0	31
Shepard	14	7	50.0%	0	0	0	0	14
Sullivan	6	1	16.7%	0	1	0	0	7
TOTAL	2143	521	24.3%	32	97	31	1	2304

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January 1, 2012 - December 31, 2012

Cases Handed Down

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel
Judges (District)												
Bailey (1st)	71	143	10	25	41	85	2	7	11	28	135	288
Baker (1st)	72	162	7	23	45	73	3	7	10	27	137	292
Barnes (3rd)	71	169	12	11	45	74	3	7	13	31	144	292
Bradford (2nd)	77	165	7	16	34	86	3	8	17	28	138	303
Brown (5th)	69	159	9	19	36	74	3	8	15	26	132	286
Crone (3rd)	84	142	8	22	41	83	4	7	19	23	156	277
Darden (4th)	36	77	5	11	14	46	2	5	12	19	69	158
Friedlander (2nd)	70	148	12	14	41	83	3	7	12	35	138	287
Kirsch (2nd)	74	151	4	14	27	77	2	5	18	32	125	279
Mathias (3rd)	66	145	9	20	37	87	3	5	11	26	126	283
May (4th)	69	142	5	23	32	68	3	5	20	32	129	270
Najam (1st)	72	150	10	13	38	67	4	4	22	37	146	271
Pyle (4th)	18	47	0	8	6	22	1	2	4	14	29	93
Riley (4th)	68	158	9	17	34	88	4	7	14	39	129	309
Robb (5th)	66	143	14	10	43	69	3	6	12	27	138	255
Vaidik (5th)	73	139	5	21	47	95	3	7	13	34	141	296
Senior Judges												
Barteau	29	0	2	0	9	1	1	0	4	0	45	1
Darden	13	27	0	4	11	9	0	1	1	0	25	41
Garrard	7	0	3	0	1	0	0	0	0	0	11	0
Sharpnack	20	0	2	0	6	0	2	0	0	0	30	0
Shepard	7	2	1	1	6	1	0	0	0	0	14	4
Sullivan	3	1	2	0	0	0	0	0	1	0	6	1
TOTAL	1135	2270	136	272	594	1188	49	98	229	458	2143	4286

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Oral Arguments

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel
Judges (District)												
Bailey (1st)	0	1	0	1	2	7	0	0	0	0	2	9
Baker (1st)	1	11	1	1	3	7	0	1	0	1	5	21
Barnes (3rd)	1	6	0	0	1	5	0	2	0	0	2	13
Bradford (2nd)	2	3	0	1	4	9	1	1	0	0	7	14
Brown (5th)	1	1	0	1	1	7	0	0	0	1	2	10
Crone (3rd)	0	1	1	1	4	3	0	0	0	0	5	5
Darden (4th)	0	1	0	1	0	3	0	0	0	0	0	5
Friedlander (2nd)	0	4	0	0	2	5	0	0	0	0	2	9
Kirsch (2nd)	0	9	0	0	4	7	0	1	0	0	4	17
Mathias (3rd)	3	4	0	0	1	3	0	1	0	0	4	8
May (4th)	10	3	0	1	3	0	0	0	1	0	14	4
Najam (1st)	2	4	0	0	4	1	0	0	1	1	7	6
Pyle (4th)	0	0	0	0	0	3	0	0	0	1	0	4
Riley (4th)	1	2	0	0	3	4	0	0	0	0	4	6
Robb (5th)	4	1	1	0	2	6	1	0	0	0	8	7
Vaidik (5th)	1	3	1	0	3	11	1	0	0	0	6	14
Senior Judges												
Barreau	1	0	0	0	0	0	0	0	0	0	1	0
Darden	1	0	0	0	2	0	0	0	0	0	3	0
Shepard	0	2	0	1	2	1	0	0	0	0	2	4
TOTAL	28	56	4	8	41	82	3	6	2	4	78	156

COURT OF APPEALS OF INDIANA

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January 1, 2012 - December 31, 2012

Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
Judges (District)						
Bailey (1st)	5	3	2	0	2	12
Baker (1st)	8	1	5	0	1	15
Barnes (3rd)	7	2	4	0	0	13
Bradford (2nd)	8	1	3	0	2	14
Brown (5th)	6	1	2	0	2	11
Crone (3rd)	6	1	6	0	1	14
Friedlander (2nd)	7	1	7	0	3	18
Kirsch (2nd)	11	0	8	0	3	22
Mathias (3rd)	8	2	5	0	1	16
May (4th)	11	3	6	0	2	22
Najam (1st)	7	0	6	0	1	14
Pyle (4th)	11	2	9	0	0	22
Riley (4th)	8	0	8	1	2	19
Robb (5th)	8	2	5	0	1	16
Vaidik (5th)	7	1	5	1	1	15
Senior Judges	8	1	7	0	0	16
TOTAL	126	21	88	2	22	259

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Successive Petitions for Post-Conviction Relief

Pending 12/31/2011.....	5
Petitions Filed.....	<u>176</u>
TOTAL.....	181

Authorization

Petitions Authorized To Be Filed in Trial Court for Hearing.....	4
Petitions Not Authorized To Be Filed in Trial Court for Hearing("No Merit")...	160
Petitions Pending.....	<u>17</u>
TOTAL.....	181

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Appellee's Motions to Dismiss

Pending 12/31/2011.....	25
Motions Filed.....	<u>288</u>
TOTAL.....	313

Dispositions:

Motion to Dismiss Granted.....	173
Motion to Dismiss Denied.....	<u>92</u>
Subtotal.....	265
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	265
Pending Motions 12/31/2012.....	48

COURT OF APPEALS OF INDIANA

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January 1, 2012 - December 31, 2012

Statistics Regarding Disposition of Chief Judge Matters

Total number of Motions, Petitions for Time, Misc Motions Received	6971
January 1, 2012 - December 31, 2012	
Orders Granting Petitions to File Belated Notice of Appeal	6
Orders Denying Petitions to File Belated Notice of Appeal	11
Orders Granting Pre-Appeal Conferences	0
Orders Denying Pre-Appeal Conferences	8
Orders with Instructions from Pre-Appeal Conference	0
Orders Granting Permissive Interlocutory Appeals	99
Orders Denying Permissive Interlocutory Appeals	117
Orders Granting Successive Petitions for Post-Conviction Relief	4
Orders Denying Successive Petitions for Post-Conviction Relief	160
Orders Granting Consolidations of Appeals	65
Orders Denying Consolidations of Appeals	12
Orders Granting Petitions to Amend Brief	50
Orders Denying Petitions to Amend Brief	2
Orders Granting Withdrawals of Record	359
Orders Denying Withdrawals of Record	47
Miscellaneous Orders	2875
Time Grants	
Petitions for Time to File Record Granted	237
Petitions for Time to File Record Denied	13
Petitions for Time to File Appellant's Brief Granted	1026
Petitions for Time to File Appellant's Brief Denied	31
Petitions for Time to File Appellee's Brief Granted	362
Petitions for Time to File Appellee's Brief Denied	5
Petitions for Time to File Appellant's Reply Brief Granted	110
Petitions for Time to File Appellant's Reply Brief Denied	4
Oral Argument Action	
Orders Setting Oral Arguments	86
Orders Denying Petitions for Oral Arguments	66
Dismissals	
Orders Granting Appellant's Motions to Dismiss	242
Orders Denying Appellant's Motions to Dismiss	15
Orders Granting Appellee's Motions to Dismiss	173
Orders Denying Appellee's Motions to Dismiss	92
Court-Directed Orders of Dismissal	675
Rehearings	
Petitions for Rehearing Granted without Opinion	0
Petitions for Rehearing Denied without Opinion	227
Petitions for Rehearing Granted with Opinion	31
Petitions for Rehearing Denied with Opinion	0
TOTAL	7210