

Indiana Court of Appeals 2002 Annual Report



First District

The Honorable L. Mark Bailey
The Honorable John G. Baker
The Honorable Edward W. Najam, Jr.

Second District

The Honorable Ezra H. Friedlander
The Honorable Patrick D. Sullivan
The Honorable James S. Kirsch

Third District

The Honorable Sanford M. Brook
The Honorable Paul D. Mathias
The Honorable Michael P. Barnes

Steven Lancaster, Administrator
Indiana Court of Appeals
200 West Washington Street, Room 433
Indianapolis, IN 46204
Phone: (317) 232-4197
Fax: (317) 233-4627

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

Fourth District

The Honorable Patricia A. Riley
The Honorable Carr L. Darden
The Honorable Melissa S. Mattingly-May

Fifth District

The Honorable Margret G. Robb
The Honorable John T. Sharpnack
The Honorable Nancy H. Vaidik

“To Serve all people by providing equal justice under law”

Indiana Court of Appeals 2002 Court Summary

	Criminal	Post-Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-2001	140	28	130	7	26	331
Cases Fully-Briefed Rec'd	1089	145	595	38	188	2055
Geographic District One	231	41	220	1	49	542
Geographic District Two	688	65	209	36	94	1092
Geographic District Three	170	39	166	1	45	421
Cases Disposed	1029	142	589	35	185	1980
By Majority Opinion	1026	142	579	35	185	1967
By Order	3	0	10	0	0	13
Net Increase/Decrease	60	3	5	2	5	75
Cases Pending 12-31-2002	200	31	135	9	31	406
Cases Affirmed	882	118	370	30	143	1543
Cases Affirmed Percent	86.0%	83.1%	63.9%	85.7%	77.3%	78.4%
Cases Reversed	132	23	194	3	41	393
Cases Reversed Percent	12.9%	16.2%	33.5%	8.6%	22.2%	20.0%
Cases Remanded	12	1	15	2	1	31
Cases Remanded Percent	1.2%	0.7%	2.6%	5.7%	0.5%	1.6%
Oral Arguments Heard*	17	2	37	0	5	61

* Oral Arguments Heard includes 5 Stay Hearings.

Average Age of Cases Pending

12-31-01 1.4 Months
12-31-02 1.4 Months

Motions, Petitions for Time, Miscellaneous Orders Handled Down 6,390

Indiana Court of Appeals Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/01	Cases Pending 12/31/02
<i>District One</i>							
Najam	128	134	2	390	9	12	13
Bailey	131	141	0	356	8	18	19
Baker	176	189	1	436	17	10	22
<i>District Two</i>							
Sullivan	94	135	1	392	10	24	36
Friedlander	125	132	0	383	9	28	31
Kirsch	125	136	1	384	10	22	30
<i>District Three</i>							
Brook	110	130	1	359	17	19	21
Mathias	110	118	0	360	13	19	28
Barnes	132	144	1	442	12	28	19
<i>District Four</i>							
Darden	110	118	1	342	9	22	26
Riley	120	130	3	370	15	18	28
Mattingly-May	119	132	1	381	8	32	35
<i>District Five</i>							
Sharpnack	117	120	0	379	10	13	25
Robb	133	154	1	392	15	20	23
Vaidik	128	135	0	424	17	20	20
<i>Senior Judges</i>							
Barteau	0	0	0	0	0	26	30
Garrard	17	17	0	17	1	0	0
Hoffman	26	26	0	27	3	0	0
Ratliff	39	39	0	40	0	0	0
Robertson	26	26	0	26	0	0	0
Staton	1	1	0	1	0	0	0
TOTAL	1967	2157	13	5901	183	331	406

Indiana Court of Appeals Caseload Statistics

	Cases Pending 1/1/02	I N T A K E				D I S P O S I T I O N S			Cases Pending 12/31/02
		Cases Assigned	Transfers		Total	Majority Opinions	Orders	Total	
			In	Out					
District One									
Najam	12	132	3	4	131	128	2	130	13
Bailey	18	128	5	1	132	131	0	131	19
Baker	10	130	61	2	189	176	1	177	22
District Two									
Sullivan	24	130	1	24	107	94	1	95	36
Friedlander	28	131	1	4	128	125	0	125	31
Kirsch	22	130	7	3	134	125	1	126	30
District Three									
Brook	19	112	5	4	113	110	1	111	21
Mathias	19	128	4	13	119	110	0	110	28
Barnes	28	123	4	3	124	132	1	133	19
District Four									
Darden	22	129	2	16	115	110	1	111	26
Riley	18	126	11	4	133	120	3	123	28
Mattingly-May	32	130	1	8	123	119	1	120	35
District Five									
Sharpnack	13	126	4	1	129	117	0	117	25
Robb	20	131	11	5	137	133	1	134	23
Vaidik	20	128	5	5	128	128	0	128	20
Senior Judges									
Barteau	26	141	12	149	113	109	0	109	30
Garrard	0	0	17	0	0	17	0	17	0
Hoffman	0	0	26	0	0	26	0	26	0
Ratliff	0	0	39	0	0	39	0	39	0
Robertson	0	0	26	0	0	26	0	26	0
Staton	0	0	1	0	0	1	0	1	0
TOTAL	331	2055	246	246	2055	1967*	13	1980*	406

*Data as provided by Court of Appeals Administrator

Indiana Court of Appeals Opinions Issued

District One								
Najam	128	43	33.6%	3	1	2	0	134
Baker	176	50	28.4%	5	8	0	0	189
District Two								
Sullivan	94	34	36.2%	23	15	2	2	136
Kirsch	125	38	30.4%	2	8	1	0	136
District Three								
Brook	110	23	20.9%	11	8	1	0	130
Barnes	132	27	20.5%	5	6	0	0	143
District Four								
Darden	110	29	26.4%	0	7	1	0	118
Mattingly-May	119	36	30.3%	3	4	4	2	132
District Five								
Sharpnack	117	33	28.2%	0	1	2	0	120
Vaidik	128	31	24.2%	2	4	1	0	135
Senior Judges								
Garrard	17	4	23.5%	0	0	0	0	17
Ratliff	39	15	38.5%	0	0	0	0	39
Staton	1	0	0.0%	0	0	0	0	1
					84	28	7	2157

Indiana Court of Appeals Cases Handed Down

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
District One												
Najam	70	137	7	25	39	66	2	3	10	31	128	262
Bailey	64	126	14	10	40	69	2	1	11	19	131	225
Baker	78	140	12	14	48	87	4	5	34	14	176	260
District Two												
Sullivan	56	156	6	15	24	90	1	7	7	30	94	298
Friedlander	69	140	6	16	24	73	2	7	24	22	125	258
Kirsch	67	139	9	10	35	81	3	4	11	25	125	259
District Three												
Brook	54	127	9	25	38	72	2	6	7	19	110	249
Mathias	58	124	7	24	34	76	2	4	9	22	110	250
Barnes	64	164	6	16	43	92	3	7	16	31	132	310
District Four												
Darden	56	120	6	16	39	68	1	6	8	22	110	232
Riley	54	121	19	27	32	81	2	4	13	17	120	250
Mattingly-May	60	135	16	20	39	74	2	3	2	30	119	262
District Five												
Sharpnack	60	145	11	14	35	72	2	5	9	26	117	262
Robb	73	137	6	22	38	68	3	3	13	29	133	259
Vaidik	68	140	6	30	41	88	3	5	10	33	128	296
Senior Judges												
Bartean	0	0	0	0	0	0	0	0	0	0	0	0
Garrard	14	0	1	0	2	0	0	0	0	0	0	0
Hoffman	13	0	0	0	13	1	0	0	0	0	26	1
Ratliff	23	1	1	0	14	0	1	0	0	0	39	1
Robertson	24	0	0	0	1	0	0	0	1	0	26	0
Staton	1	0	0	0	0	0	0	0	0	0	1	0
TOTAL	1026	2052	142	284	579	1158	35	70	185	370	1967	3934

Indiana Court of Appeals Oral Arguments Heard

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
<i>District One</i>												
Najam	2	1	0	0	2	1	0	0	0	3	4	5
Bailey	2	1	0	0	0	5	0	0	0	0	2	6
Baker	0	4	0	0	4	8	0	0	0	1	4	13
<i>District Two</i>												
Sullivan	0	1	0	0	1	8	0	0	0	0	1	9
Friedlander	0	2	0	0	2	1	0	0	4	0	6	3
Kirsch	0	2	0	0	4	3	0	0	1	0	5	5
<i>District Three</i>												
Brook	5	2	0	1	5	4	0	0	0	0	10	7
Mathias	2	1	0	2	1	6	0	0	0	1	3	10
Barnes	0	5	0	0	2	4	0	0	0	1	2	10
<i>District Four</i>												
Darden	1	0	1	0	2	5	0	0	0	0	4	5
Riley	1	3	1	0	1	9	0	0	0	0	3	12
Mattingly-May	1	2	0	0	2	3	0	0	0	0	3	5
<i>District Five</i>												
Sharpnack	0	5	0	0	1	2	0	0	0	2	1	9
Robb	3	1	0	0	5	5	0	0	0	1	8	7
Vaidik	0	4	0	1	5	6	0	0	0	1	5	12
<i>Senior Judges</i>												
Bartean	0	0	0	0	0	0	0	0	0	0	0	0
Garrard	0	0	0	0	0	1	0	0	0	0	0	1
Hoffman	0	0	0	0	0	3	0	0	0	0	0	3
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
Staton	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	17	34	2	4	37	74	0	0	5	10	61	122

Indiana Court of Appeals Cases Pending as of December 31, 2002

	CRIMINAL	POST-CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
<i>District One</i>						
Najam	7	0	5	1	0	13
Bailey	9	3	6	0	1	19
Baker	11	1	5	0	5	22
<i>District Two</i>						
Sullivan	16	4	12	1	3	36
Friedlander	16	0	9	1	5	31
Kirsch	14	2	11	1	2	30
<i>District Three</i>						
Brook	9	2	5	1	4	21
Mathias	14	1	8	1	4	28
Barnes	11	1	6	0	1	19
<i>District Four</i>						
Darden	13	3	8	1	1	26
Riley	12	4	11	1	0	28
Mattingly-May	13	4	17	1	0	35
<i>District Five</i>						
Sharpnack	15	0	9	0	1	25
Robb	11	4	6	0	2	23
Vaidik	10	1	9	0	0	20
<i>Senior Judges</i>	20	1	7	0	2	30
TOTAL	201	31	134	9	31	406

Indiana Court of Appeals Age of Cases Pending

	0 to 3 Months	4 to 6 Months	7 to 9 Months	10 to 12 Months	Over 12 Months	Average Age (In Months)
District One						
Najam	13	0	0	0	0	0.7
Bailey	16	3	0	0	0	1.3
Baker	20	2	0	0	0	1.2
District Two						
Sullivan	31	5	0	0	0	1.7
Friedlander	27	4	0	0	0	1.4
Kirsch	26	4	0	0	0	1.5
District Three						
Brook	19	2	0	0	0	1
Mathias	26	2	0	0	0	1.3
Barnes	19	0	0	0	0	1
District Four						
Darden	23	3	1	0	0	1.5
Riley	22	6	0	0	0	1.7
Mattingly-May	27	7	1	0	0	1.9
District Five						
Sharpnack	21	4	0	0	0	1.4
Robb	22	1	0	0	0	1.1
Vaidik	18	2	0	0	0	1.2
Senior Judges	22	7	0	0	0	1.4
TOTAL	352	52	2	0	0	1.4
Percent	86.7%	12.8%	0.5%	0.0%	0.0%	

Indiana Court of Appeals Fully-Briefed Cases Distributed

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
District One						
Najam	73	5	41	3	9	131
Bailey	68	13	38	2	11	132
Baker	84	13	47	4	37	185
District Two						
Sullivan	58	9	33	1	8	109
Friedlander	71	5	25	2	25	128
Kirsch	71	10	39	4	10	134
District Three						
Brook	57	7	34	3	9	110
Mathias	65	6	34	2	12	119
Barnes	64	6	38	2	15	125
District Four						
Darden	64	6	37	2	8	117
Riley	62	19	41	3	9	134
Mattingly-May	59	17	43	2	2	123
District Five						
Sharpnack	68	10	39	2	8	127
Robb	72	9	38	2	14	135
Vaidik	69	7	41	3	8	128
Senior Judges	84	3	27	1	3	118
TOTAL	1089	145	595	38	188	2055

Indiana Court of Appeals

Successive Petitions for Post-Conviction Relief

Pending 12-31-01	55
Petitions Filed	<u>153</u>
TOTAL	208

Compliance

Petitions Not in Compliance with Form of Rule	0
Petitions in Compliance with Form of Rule.....	<u>177</u>
TOTAL	177

Authorization

Petitions Not in Compliance with Form of Rule	0
Petitions Authorized To Be Filed in Trial Court for Hearing.....	22
Petitions Not Authorized To Be Filed in Trial Court for Hearing (“No Merit”).....	155
Petitions Pending	<u>31</u>
TOTAL	208

Motions to Dismiss or Affirm

Pending Motions 12-31-01	21
Motions Filed.....	<u>148</u>
TOTAL	169

Dispositions:

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Motion to Dismiss of Affirm Sustained</td> <td style="text-align: right; width: 20%;">66</td> </tr> <tr> <td>Motion to Dismiss or Affirm Overruled</td> <td style="text-align: right;">65</td> </tr> <tr> <td>Dismissed on Appellant’s Motion</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Miscellaneous</td> <td style="text-align: right;"><u>0</u></td> </tr> <tr> <td>Subtotal</td> <td style="text-align: right;">132</td> </tr> <tr> <td>By Per Curiam Opinions</td> <td style="text-align: right;"><u>0</u></td> </tr> </table>	Motion to Dismiss of Affirm Sustained	66	Motion to Dismiss or Affirm Overruled	65	Dismissed on Appellant’s Motion	1	Miscellaneous	<u>0</u>	Subtotal	132	By Per Curiam Opinions	<u>0</u>	
Motion to Dismiss of Affirm Sustained	66												
Motion to Dismiss or Affirm Overruled	65												
Dismissed on Appellant’s Motion	1												
Miscellaneous	<u>0</u>												
Subtotal	132												
By Per Curiam Opinions	<u>0</u>												
TOTAL	132												
Pending Motions 12-31-02	55												