

Court of Appeals of Indiana



2005 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

ANNUAL REPORT

January 1, 2005 - December 31, 2005

Court Summary

	Criminal	Post- Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-04	195	45	141	3	46	430
Cases Fully-Briefed Received	1323	178	667	37	271	2476
Geographic District One	279	51	228	0	54	612
Geographic District Two	724	83	223	37	144	1211
Geographic District Three	320	44	216	0	73	653
Cases Disposed	1234	181	666	31	261	2373
By Majority Opinion	1233	179	646	31	261	2350
By Order	1	2	20	0	0	23
Net Increase/Decrease	89	-3	1	6	10	103
Cases Pending 12-31-05	284	42	142	9	56	533
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Cases Affirmed	1004	162	384	26	211	1787
Cases Affirmed Percent	81.4%	90.5%	59.4%	83.9%	80.8%	76.0%
Cases Reversed	195	17	251	4	46	513
Cases Reversed Percent	15.8%	9.5%	38.9%	12.9%	17.6%	21.8%
Cases Remanded	34	0	11	1	4	50
Cases Remanded Percent	2.8%	0.0%	1.7%	3.2%	1.5%	2.1%
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Oral Arguments Heard	23	1	49	1	10	84
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Oral Arguments Heard includes	0	Stay Hearings				

Average Age of Cases Pending

12-31-04	1.8	Months
12-31-05	1.7	Months

Motions, Petitions for Time, Misc. Orders Handed Down..... 7610

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2004	Cases Pending 12/31/2005
District One							
Najam	151	159	2	503	20	13	17
Bailey	186	195	0	493	20	27	15
Baker	240	277	2	553	26	16	16
District Two							
Sullivan	113	138	2	401	16	38	48
Friedlander	113	121	0	409	13	19	48
Kirsch	119	134	2	428	15	25	25
District Three							
Mathias	138	152	1	493	15	41	50
Barnes	162	182	1	501	17	27	24
Crone	153	162	3	466	15	28	32
District Four							
Darden	135	139	2	459	11	31	42
Riley	148	155	2	499	22	22	26
May	144	157	0	438	22	32	43
District Five							
Sharpnack	131	134	3	443	14	23	31
Robb	155	189	1	452	12	31	34
Vaidik	140	142	1	389	13	26	34
Senior Judges							
Barteau	16	16	0	16	0	0	0
Garrard	11	12	0	11	0	0	0
Hoffman	35	35	1	35	0	0	0
Ratliff	24	25	0	24	0	0	0
Robertson	34	35	0	35	1	0	0
Staton	2	2	0	2	0	0	0
TOTAL	2350	2561	23	7050	252	430	533

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

Caseload

	Cases	I N T A K E				DISPOSITIONS			Cases
	Pending 1/1/2005	Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders	Total	Pending 12/31/2005
District One									
Najam	13	158	12	13	157	151	2	153	17
Bailey	27	156	22	4	174	186	0	186	15
Baker	16	154	93	5	242	240	2	242	16
District Two									
Sullivan	38	153	3	31	125	113	2	115	48
Friedlander	19	170	4	32	142	113	0	113	48
Kirsch	25	128*	7	14	121	119	2	121	25
District Three									
Mathias	41	158	6	16	148	138	1	139	50
Barnes	27	152	18	10	160	162	1	163	24
Crone	28	155	9	4	160	153	3	156	32
District Four									
Darden	31	155	3	10	148	135	2	137	42
Riley	22	153	4	3	154	148	2	150	26
May	32	158	3	6	155	144	0	144	43
District Five									
Sharpnack	23	151	7	16	142	131	3	134	31
Robb	31	156	11	8	159	155	1	156	34
Vaidik	26	152	5	8	149	140	1	141	34
Senior Judges									
Bartean	0	0	0	0	0	16	0	16	0
Garrard	0	0	0	0	0	11	0	11	0
Hoffman	0	0	0	0	0	35	1	36	0
Ratliff	0	0	0	0	0	24	0	24	0
Robertson	0	0	0	0	0	34	0	34	0
Staton	0	0	0	0	0	2	0	2	0
TOTAL	430	2348	209	209	2476	2350	23	2373	533

* 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

ANNUAL REPORT

January 1, 2005 - December 31, 2005

Opinions Issued

	Majority Opinions			Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	TOTAL
	Issued	Published	Percent Published					
District One								
Najam	151	37	24.5%	0	2	6	0	159
Bailey	186	44	23.7%	2	3	4	0	195
Baker	240	74	30.8%	12	18	4	3	277
District Two								
Sullivan	113	35	31.0%	16	7	1	1	138
Friedlander	113	19	16.8%	2	5	1	0	121
Kirsch	119	26	21.8%	2	11	2	0	134
District Three								
Mathias	138	45	32.6%	7	5	2	0	152
Barnes	162	44	27.2%	9	8	2	1	182
Crone	153	42	27.5%	1	4	3	1	162
District Four								
Darden	135	28	20.7%	0	4	0	0	139
Riley	148	46	31.1%	0	7	0	0	155
May	144	50	34.7%	2	9	2	0	157
District Five								
Sharpnack	131	41	31.3%	0	3	0	0	134
Robb	155	31	20.0%	20	6	8	0	189
Vaidik	140	55	39.3%	1	0	1	0	142
Senior Judges								
Barteau	16	1	6.3%	0	0	0	0	16
Garrard	11	1	39.3%	0	0	1	0	12
Hoffman	35	13	37.1%	0	0	0	0	35
Ratliff	24	7	29.2%	0	0	1	0	25
Robertson	34	1	2.9%	0	1	0	0	35
Staton	2	0	0.0%	0	0	0	0	2
TOTAL	2350	640	27.2%	74	93	38	6	2561

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

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	84	191	14	28	35	90	2	5	16	38	151	352
Bailey	86	180	18	17	58	72	2	5	22	33	186	307
Baker	104	163	24	27	73	84	3	2	36	37	240	313
District Two												
Sullivan	64	154	10	18	28	75	2	4	9	37	113	288
Friedlander	65	153	6	24	27	80	1	2	14	37	113	296
Kirsch	57	159	10	28	39	82	0	4	13	36	119	309
District Three												
Mathias	78	185	6	30	34	99	2	6	18	35	138	355
Barnes	79	169	14	29	51	91	1	3	17	47	162	339
Crone	80	168	14	23	38	83	2	4	19	35	153	313
District Four												
Darden	71	168	11	26	34	96	2	6	17	28	135	324
Riley	80	178	11	32	40	98	2	6	15	37	148	351
May	79	149	10	22	47	84	2	5	6	34	144	294
District Five												
Sharpnack	69	154	11	22	31	104	3	3	17	29	131	312
Robb	81	162	10	21	42	84	3	2	19	28	155	297
Vaidik	79	128	5	17	44	74	1	3	11	27	140	249
Senior Judge												
Barteau	9	0	2	0	3	0	1	0	1	0	16	0
Garrard	6	0	0	0	3	0	1	0	1	0	11	0
Hoffman	14	0	3	0	14	0	0	0	4	0	35	0
Ratliff	15	0	0	0	7	0	0	0	2	0	24	0
Robertson	29	1	3	0	0	0	0	0	2	0	34	1
Staton	2	0	0	0	0	0	0	0	0	0	2	0
TOTAL	1231	2462	182	364	648	1296	30	60	259	518	2350	4700

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

ORAL ARGUMENTS

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
District One												
Najam	2	4	0	0	0	12	0	0	0	2	2	18
Bailey	1	3	0	1	1	9	0	0	1	4	3	17
Baker	3	5	0	0	5	6	0	1	4	2	12	14
District Two												
Sullivan	0	1	0	0	5	8	0	0	1	1	6	10
Friedlander	0	1	0	1	5	3	1	0	1	1	7	6
Kirsch	0	3	0	0	7	2	0	0	1	2	8	7
District Three												
Mathias	2	2	1	0	2	6	0	0	1	1	6	9
Barnes	0	4	0	0	2	8	0	0	0	3	2	15
Crone	1	5	0	0	3	4	0	0	1	1	5	10
District Four												
Darden	2	2	0	0	2	5	0	0	0	0	4	7
Riley	2	6	0	0	5	9	0	0	0	1	7	15
May	5	3	0	0	7	6	0	0	0	1	12	10
District Five												
Sharpnack	1	3	0	0	0	8	0	1	0	1	1	13
Robb	3	1	0	0	2	5	0	0	0	0	5	7
Vaidik	0	3	0	0	3	7	0	0	0	0	3	10
Senior Judge												
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	0	0	0	0	0	0	0	0
Ratliff	0	0	0	0	0	0	0	0	0	0	0	0
Robertson	1	0	0	0	0	0	0	0	0	0	1	0
Staton	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	23	46	1	2	49	98	1	2	10	20	84	168

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
District One						
Najam	7	0	7	1	2	17
Bailey	8	1	5	0	1	15
Baker	6	2	2	0	6	16
District Two						
Sullivan	32	5	4	0	7	48
Friedlander	28	1	13	1	5	48
Kirsch	13	2	8	1	1	25
District Three						
Mathias	31	2	11	1	5	50
Barnes	11	2	9	0	2	24
Crone	15	4	9	1	3	32
District Four						
Darden	24	3	11	1	3	42
Riley	13	2	8	0	3	26
May	16	4	15	1	7	43
District Five						
Sharpnack	18	2	8	0	3	31
Robb	19	4	9	0	2	34
Vaidik	16	3	11	1	3	34
Senior Judges	27	5	12	1	3	48
TOTAL	284	42	142	9	56	533

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

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	16	1	0	0	0	1.1
Bailey	14	0	1	0	0	1.1
Baker	15	1	0	0	0	1
District Two						
Sullivan	31	16	0	1	0	2.3
Friedlander	37	9	2	0	0	2
Kirsch	23	2	0	0	0	1.3
District Three						
Mathias	41	9	0	0	0	1.8
Barnes	21	3	0	0	0	1.2
Crone	30	2	0	0	0	1.2
District Four						
Darden	32	10	0	0	0	1.9
Riley	23	2	0	0	0	1.2
May	30	9	3	1	0	2.2
District Five						
Sharpnack	29	2	0	0	0	1.4
Robb	28	6	0	0	0	1.6
Vaidik	30	4	0	0	0	1.6
Senior Judges	38	8	1	0	0	1.3
TOTAL	438	84	7	2	0	1.7
Percent	82.5%	15.8%	1.3%	0.4%	0.0%	

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

Fully Briefed Cases Distributed

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
District One						
Najam	86	12	40	3	16	157
Bailey	83	16	55	2	18	174
Baker	106	25	69	4	38	242
District Two						
Sullivan	75	11	24	1	14	125
Friedlander	84	5	35	2	16	142
Kirsch	60	8	41	1	11	121*
District Three						
Mathias	87	3	37	3	18	148
Barnes	79	15	48	1	17	160
Crone	82	16	38	3	21	160
District Four						
Darden	80	10	37	3	18	148
Riley	83	11	41	2	17	154
May	82	10	50	3	10	155
District Five						
Sharpnack	81	7	35	2	17	142
Robb	88	11	41	2	17	159
Vaidik	82	7	45	2	13	149
Senior Judges	85	11	31	3	10	140
TOTAL	1323	178	667	37	271	2476

* By Court policy, the Chief Judge's case load is 80% if that of other judges to accommodate the time needed for administrative tasks.

COURT OF APPEALS OF INDIANA

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

January 1, 2005 - December 31, 2005

Successive Petitions for Post-Conviction Relief

Pending 12-31-04.....	28
Petitions Filed.....	<u>165</u>
TOTAL.....	193

Compliance

Petitions Not in Compliance with Form of Rule.....	0
Petitions in Compliance with Form of Rule.....	<u>171</u>
TOTAL.....	171

Authorization

Petitions Not in Compliance with Form of Rule.....	0
Petitions Authorized To Be Filed in Trial Court for Hearing.....	9
Petitions Not Authorized To Be Filed in Trial Court for Hearing ("No Merit").....	167
Petitions Pending.....	<u>17</u>
TOTAL.....	193

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

Motions to Dismiss or Affirm

Pending Motions 12-31-04.....	22
Motions Filed.....	<u>146</u>
TOTAL.....	168
Dispositions:	
Motion to Dismiss or Affirm Sustained.....	71
Motion to Dismiss or Affirm Overruled.....	74
Dismissed on Appellant's Motion.....	0
Miscellaneous.....	<u>3</u>
Subtotal.....	148
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	148
Pending Motions 12-31-05.....	20

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2005 - December 31, 2005

Statistics Regarding Disposition of Chief Judge Matters

January 1, 2005 - December 31, 2005

Orders Granting Petitions to File Belated Appeal.....	43
Orders Denying Petitions to File Belated Appeal.....	6
Orders Granting Pre-Appeal Conferences.....	3
Orders Denying Pre-Appeal Conferences.....	7
Orders with Instructions from Pre-Appeal Conference.....	0
Orders Granting Permissive Interlocutory Appeals.....	93
Orders Denying Permissive Interlocutory Appeals.....	204
Time Grants	
Petitions for Time to File Record Granted.....	483
Petitions for Time to File Record Denied.....	5
Petitions for Time to File Appellant's Brief Granted.....	1568
Petitions for Time to File Appellant's Brief Denied.....	17
Petitions for Time to File Appellee's Brief Granted.....	861
Petitions for Time to File Appellee's Brief Denied.....	4
Petitions for Time to File Appellant's Reply Brief Granted.....	225
Petitions for Time to File Appellant's Reply Brief Denied.....	0
Oral Argument Action	
Orders Setting Oral Arguments.....	99
Orders Denying Petitions for Oral Arguments.....	1
Others	
Orders Granting Consolidations of Appeals.....	90
Orders Denying Consolidations of Appeals.....	4
Orders Granting Writs of Certiorari.....	3
Orders Denying Writs of Certiorari.....	1
Orders Granting Petitions to Amend Brief.....	2
Orders Denying Petitions to Amend Brief.....	0
Orders Granting Withdrawals of Record.....	363
Orders Denying Withdrawals of Record.....	33
Miscellaneous Orders.....	2369
Dismissals	
Orders Granting Appellants' Motions to Dismiss.....	213
Orders Denying Appellants' Motions to Dismiss.....	3
Orders Granting Appellees' Motions to Dismiss or Affirm.....	64
Orders Denying Appellees' Motions to Dismiss or Affirm.....	73
Court-Directed Orders of Dismissal.....	516
Rehearings	
Petitions for Rehearing Granted without Opinion.....	0
Petitions for Rehearing Denied without Opinion.....	222
Petitions for Rehearing Granted with Opinion.....	35
Petitions for Rehearing Denied with Opinion.....	0
TOTAL.....	7610