

Court of Appeals of Indiana



2009 Annual Report

First District

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

Second District

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

Third District

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

Fourth District

Carr L. Darden, Presiding Judge
Patricia A. Riley, Judge
Melissa S. May, Judge

Fifth District

Margret G. Robb, Presiding 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

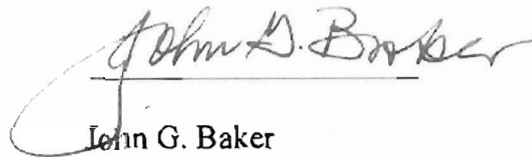
Room 433, 200 West Washington Street, Indianapolis, Indiana 46204 (317) 232-6893

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

Court of Appeals of Indiana

2009 Annual Report

This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2009, through December 31, 2009, is being submitted pursuant to paragraph 6.35, Judge's Manual.



John G. Baker
Chief Judge and
Presiding Judge
First District



Ezra H. Friedlander
Presiding Judge
Second District



Paul D. Mathias
Presiding Judge
Third District



Carr L. Darden
Presiding Judge
Fourth District



Margret G. Robb
Presiding Judge
Fifth District

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Total Caseload*

<u>Year</u>	<u>Filed</u>	<u>Disposed</u>
2008	3964	4121
2009	3988	3901

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

*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. This is the first year total caseload has been included in the Court of Appeals of Indiana annual report.

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Court Summary

	Criminal	Post- Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12-31-08	195	21	118	11	31	376
Cases Fully-Briefed Received	1373	161	565	57	306	2462
Geographic District One	299	31	178	0	96	604
Geographic District Two	720	76	208	57	153	1214
Geographic District Three	354	54	179	0	57	644
Cases Disposed	1448	170	593	64	311	2586
By Majority Opinion	1443	170	583	64	309	2569
By Order	5	0	10	0	2	17
Net Increase/Decrease	-75	-9	-28	-7	-5	-124
Cases Pending 12-31-09	120	12	90	4	26	252
<hr/>						
Cases Affirmed	1242	150	379	49	262	2082
Cases Affirmed Percent	86.1%	88.2%	65.0%	76.6%	84.8%	81.0%
Cases Reversed	188	19	192	11	40	450
Cases Reversed Percent	13.0%	11.2%	32.9%	17.2%	12.9%	17.6%
Cases Remanded	13	1	12	4	7	37
Cases Remanded Percent	0.9%	0.6%	2.1%	6.2%	2.3%	1.4%
<hr/>						
Oral Arguments Heard	17	3	48	1	5	74

Oral Arguments Heard includes: 2 Stay Hearings

Average Age of Cases Pending

12-31-08	1.1	Months
12-31-09	1.0	Months

Motions, Petitions for Time, Misc. Motions Received.....	7934
Motions, Petitions for Time, Misc. Orders Issued.....	6883



COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2008	Cases Pending 12/31/2009
Judges (District)							
Bailey (1st)	170	177	1	539	16	19	10
Baker (1st)	194	213	1	537	25	16	13
Barnes (3rd)	174	188	2	518	17	24	13
Bradford (2nd)	155	160	1	508	13	20	11
Brown (5th)	151	183	3	481	8	19	22
Crone (3rd)	177	195	2	496	16	22	13
Darden (4th)	153	160	0	474	10	23	24
Friedlander (2nd)	167	176	0	512	5	18	6
Kirsch (2nd)	144	153	2	464	20	31	16
Mathias (3rd)	160	168	2	490	13	32	21
May (4th)	140	149	2	484	11	35	31
Najam (1st)	162	166	1	513	19	10	14
Riley (4th)	155	175	0	517	15	28	17
Robb (5th)	170	183	0	524	27	25	13
Vaidik (5th)	160	176	0	509	6	22	12
Senior Judges							
Barteau	30	30	0	30	0	0	0
Garrard	19	19	0	19	0	0	0
Hoffman	48	50	0	51	0	0	0
Sharpnack	26	26	0	27	0	0	0
Sullivan	14	14	0	14	1	0	0
TOTAL	2569	2761	17	7707	222	376	252

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Caseload

	Cases Pending 1/1/2009	INTAKE				DISPOSITIONS			Cases Pending 12/31/2009
		Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders	Total	
Judges (District)									
Bailey (1st)	19	156	9	3	162	170	1	171	10
Baker (1st)	16	156	39	3	192	194	1	195	13
Barnes (3rd)	24	165	8	8	165	174	2	176	13
Bradford (2nd)	20	162	5	20	147	155	1	156	11
Brown (5th)	19	151	7	1	157	151	3	154	22
Crone (3rd)	22	154	18	2	170	177	2	179	13
Darden (4th)	23	151	3	0	154	153	0	153	24
Friedlander (2nd)	18	154	2	1	155	167	0	167	6
Kirsch (2nd)	31	156	3	28	131	144	2	146	16
Mathias (3rd)	32	157	2	8	151	160	2	162	21
May (4th)	35	154	5	21	138	140	2	142	31
Najam (1st)	10	154	13	0	167	162	1	163	14
Riley (4th)	28	154	1	11	144	155	0	155	17
Robb (5th)	25	154	5	1	158	170	0	170	13
Vaidik (5th)	22	153	2	5	150	160	0	160	12
Senior Judges	32	131	6	16	121	(137)	(0)	(137)	16
Barteau	0	0	0	0	0	30	0	30	0
Garrard	0	0	0	0	0	19	0	19	0
Hoffman	0	0	0	0	0	48	0	48	0
Sharpnack	0	0	0	0	0	26	0	26	0
Sullivan	0	0	0	0	0	14	0	14	0
TOTAL	376	2462	128	128	2462	2569	17	2586	252

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Opinions Issued

	MAJORITY OPINIONS			Concurring Opinions	Dissenting Opinions	Rehearing Opinions	Other Opinions	TOTAL
	Issued	Published	Percent Published					
Judges (District)								
Bailey (1st)	170	25	14.7%	1	5	1	0	177
Baker (1st)	194	58	29.9%	3	16	0	0	213
Barnes (3rd)	174	37	21.3%	5	7	2	0	188
Bradford (2nd)	155	32	20.6%	2	1	2	0	160
Brown (5th)	151	44	29.1%	7	18	6	1	183
Crone (3rd)	177	38	21.5%	2	11	5	0	195
Darden (4th)	153	29	19.0%	0	6	1	0	160
Friedlander (2nd)	167	20	12.0%	1	4	2	2	176
Kirsch (2nd)	144	36	25.0%	1	7	1	0	153
Mathias (3rd)	160	39	24.4%	4	4	0	0	168
May (4th)	140	44	31.4%	2	4	2	1	149
Najam (1st)	162	39	24.1%	0	2	2	0	166
Riley (4th)	155	52	33.5%	0	19	0	1	175
Robb (5th)	170	32	18.8%	8	4	1	0	183
Vaidik (5th)	160	33	20.6%	3	10	3	0	176
Senior Judges								
Barteau	30	4	13.3%	0	0	0	0	30
Garrard	19	2	10.5%	0	0	0	0	19
Hoffman	48	9	18.8%	0	0	2	0	50
Sharpnack	26	7	26.9%	0	0	0	0	26
Sullivan	14	5	35.7%	0	0	0	0	14
TOTAL	2569	585	22.8%	39	118	30	5	2761

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Cases Handed Down

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
Judges (District)												
Bailey (1st)	90	213	10	21	46	86	3	8	21	41	170	369
Baker (1st)	95	191	20	19	51	75	3	13	25	45	194	343
Barnes (3rd)	97	190	12	21	30	81	10	10	25	42	174	344
Bradford (2nd)	85	200	10	19	39	77	4	7	17	50	155	353
Brown (5th)	91	175	10	28	33	82	4	8	13	37	151	330
Crone (3rd)	98	180	15	25	37	79	4	6	23	29	177	319
Darden (4th)	86	181	10	21	30	81	3	8	24	30	153	321
Friedlander (2nd)	91	200	13	22	39	74	4	9	20	40	167	345
Kirsch (2nd)	79	185	7	20	38	66	4	7	16	42	144	320
Mathias (3rd)	89	199	8	16	40	78	4	7	19	30	160	330
May (4th)	81	186	6	29	25	78	3	13	25	38	140	344
Najam (1st)	94	193	9	26	37	67	3	12	19	53	162	351
Riley (4th)	84	203	13	27	40	85	4	6	14	41	155	362
Robb (5th)	99	199	8	20	41	74	3	8	19	53	170	354
Vaidik (5th)	89	191	14	26	31	83	4	6	22	43	160	349
Senior Judges												
Barteau	24	0	1	0	3	0	1	0	1	0	30	0
Garrard	17	0	1	0	1	0	0	0	0	0	19	0
Hoffman	27	0	1	0	15	0	2	0	3	3	48	3
Sharpnack	16	0	2	0	4	0	1	0	3	1	26	1
Sullivan	11	0	0	0	3	0	0	0	0	0	14	0
TOTAL	1443	2886	170	340	583	1166	64	128	309	618	2569	5138

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Oral Arguments

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel	Writing	Panel
Judges (District)												
Bailey (1st)	1	4	0	0	1	10	0	0	0	0	2	14
Baker (1st)	1	7	2	0	7	6	0	1	1	0	11	14
Barnes (3rd)	1	4	0	1	0	11	0	0	0	0	1	16
Bradford (2nd)	1	3	0	0	3	3	0	0	1	2	5	8
Brown (5th)	0	0	0	0	1	6	0	1	0	0	1	7
Crone (3rd)	1	2	0	1	4	7	0	0	0	1	5	11
Darden (4th)	1	2	0	0	3	3	0	0	1	0	5	5
Friedlander (2nd)	0	0	0	0	1	4	0	0	0	0	1	4
Kirsch (2nd)	2	2	0	0	4	11	0	0	0	1	6	14
Mathias (3rd)	0	4	0	1	3	4	0	0	0	1	3	10
May (4th)	2	0	0	1	3	2	1	0	1	1	7	4
Najam (1st)	1	2	0	0	5	10	0	0	0	1	6	13
Riley (4th)	1	2	0	1	4	6	0	0	0	1	5	10
Robb (5th)	5	1	1	0	7	10	0	0	1	2	14	13
Vaidik (5th)	0	1	0	1	1	3	0	0	0	0	1	5
Senior Judges												
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
Sharpnack	0	0	0	0	0	0	0	0	0	0	0	0
Sullivan	0	0	0	0	1	0	0	0	0	0	1	0
TOTAL	17	34	3	6	48	96	1	2	5	10	74	148

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
Judges (District)						
Bailey (1st)	4	0	3	1	2	10
Baker (1st)	7	0	4	1	1	13
Barnes (3rd)	6	0	7	0	0	13
Bradford (2nd)	4	1	4	0	2	11
Brown (5th)	5	3	13	0	1	22
Crone (3rd)	6	1	5	0	1	13
Darden (4th)	13	1	9	0	1	24
Friedlander (2nd)	3	0	2	0	1	6
Kirsch (2nd)	10	0	4	0	2	16
Mathias (3rd)	12	0	6	0	3	21
May (4th)	15	2	10	1	3	31
Najam (1st)	8	0	4	0	2	14
Riley (4th)	7	4	5	0	1	17
Robb (5th)	6	0	3	1	3	13
Vaidik (5th)	5	0	5	0	2	12
Senior Judges	9	0	6	0	1	16
TOTAL	120	12	90	4	26	252

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Successive Petitions for Post-Conviction Relief

Pending 12-31-08.....	15
Petitions Filed.....	<u>151</u>
TOTAL.....	166

Authorization

Petitions Authorized To Be Filed in Trial Court for Hearing.....	6
Petitions Not Authorized To Be Filed in Trial Court for Hearing ("No Merit").....	147
Petitions Pending.....	<u>13</u>
TOTAL.....	166

COURT OF APPEALS OF INDIANA
ANNUAL REPORT

January 1, 2009 - December 31, 2009

Motions to Dismiss

Pending Motions 12-31-08.....	12
Motions Filed.....	<u>275</u>
TOTAL.....	287
Dispositions:	
Motion to Dismiss Granted.....	168
Motion to Dismiss Denied.....	90
Subtotal.....	258
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	258
Pending Motions 12-31-09.....	29

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2009 - December 31, 2009

Statistics Regarding Disposition of Chief Judge Matters

Total number of Motions, Petitions for Time, Misc Motions Received	7934
January 1, 2009 - December 31, 2009	
Orders Granting Petitions to File Belated Notice of Appeal.....	15
Orders Denying Petitions to File Belated Notice of Appeal.....	12
Orders Granting Pre-Appeal Conferences.....	1
Orders Denying Pre-Appeal Conferences.....	9
Orders with Instructions from Pre-Appeal Conference.....	0
Orders Granting Permissive Interlocutory Appeals.....	60
Orders Denying Permissive Interlocutory Appeals.....	162
Orders Granting Successive Petitions for Post-Conviction Relief....	6
Orders Denying Successive Petitions for Post-Conviction Relief....	147
Orders Granting Consolidations of Appeals.....	77
Orders Denying Consolidations of Appeals.....	22
Orders Granting Petitions to Amend Brief.....	39
Orders Denying Petitions to Amend Brief.....	8
Orders Granting Withdrawals of Record.....	407
Orders Denying Withdrawals of Record.....	64
Miscellaneous Orders.....	2859
Time Grants	
Petitions for Time to File Record Granted.....	298
Petitions for Time to File Record Denied.....	21
Petitions for Time to File Appellant's Brief Granted.....	932
Petitions for Time to File Appellant's Brief Denied.....	38
Petitions for Time to File Appellee's Brief Granted.....	274
Petitions for Time to File Appellee's Brief Denied.....	10
Petitions for Time to File Appellant's Reply Brief Granted.....	73
Petitions for Time to File Appellant's Reply Brief Denied.....	5
Oral Argument Action	
Orders Setting Oral Arguments.....	75
Orders Denying Petitions for Oral Arguments.....	57
Dismissals	
Orders Granting Appellant's Motions to Dismiss.....	258
Orders Denying Appellant's Motions to Dismiss.....	39
Orders Granting Appellee's Motions to Dismiss.....	168
Orders Denying Appellee's Motions to Dismiss.....	90
Court-Directed Orders of Dismissal.....	392
Rehearings	
Petitions for Rehearing Granted without Opinion.....	0
Petitions for Rehearing Denied without Opinion.....	235
Petitions for Rehearing Granted with Opinion.....	30
Petitions for Rehearing Denied with Opinion.....	0
TOTAL.....	6883