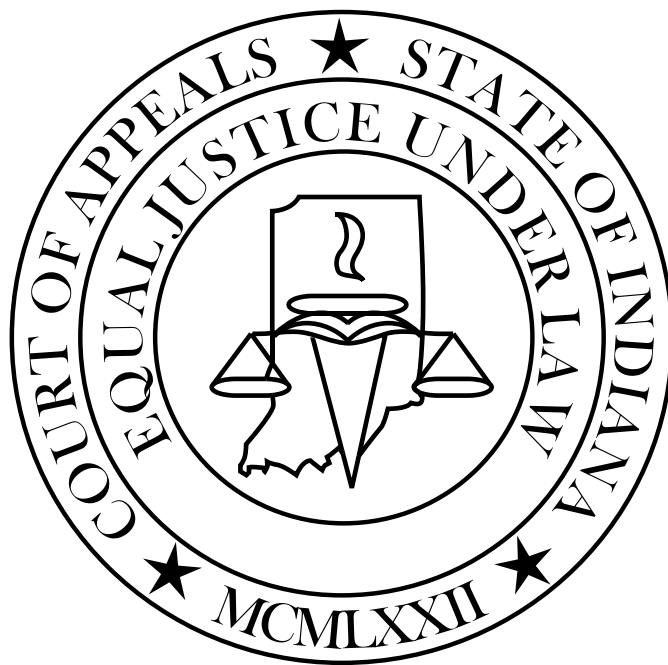


COURT OF APPEALS OF INDIANA

2 0 1 6 A N N U A L R E P O R T



COURT OF APPEALS OF INDIANA

2 0 1 6 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, 2016, through December 31, 2016, is being submitted pursuant to paragraph 6.35, Judge's Manual.

Nancy Harris Vaidik

Nancy H. Vaidik

CHIEF JUDGE & PRESIDING JUDGE
FIFTH DISTRICT

Edward W. Najam, Jr.

Edward W. Najam, Jr.

PRESIDING JUDGE
FIRST DISTRICT

Cale J. Bradford

Cale J. Bradford

PRESIDING JUDGE
SECOND DISTRICT

Terry A. Crone

Terry A. Crone

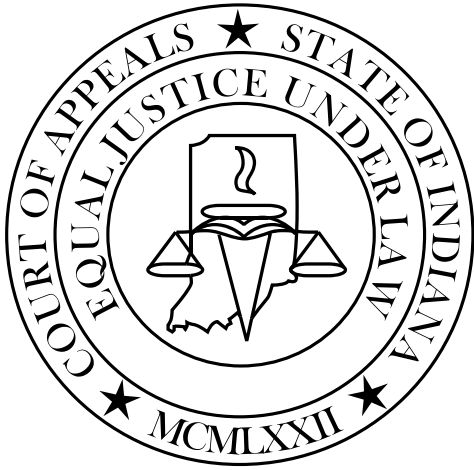
PRESIDING JUDGE
THIRD DISTRICT

Patricia A. Riley

Patricia A. Riley

PRESIDING JUDGE
FOURTH 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

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

SECOND DISTRICT

Cale J. Bradford, Presiding Judge | James S. Kirsch, Judge | Robert R. Altice, Jr., Judge

THIRD DISTRICT

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

FOURTH DISTRICT

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

FIFTH DISTRICT

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

COURT OF APPEALS OF INDIANA

2 0 1 6 A N N U A L R E P O R T

The 2016 Annual Report provides statistical information about the work of the Court of Appeals of Indiana from January through December 2016. However, the numbers tell only part of the story of the Court's achievements. Every day our hardworking team of judges, senior judges, law clerks, staff attorneys, and administrative staff work together to not only complete the Court's tasks, but also teach fellow Hoosiers about the Court's role in state government. This can be measured in statistics and through examples of the teamwork and partnership we see at the Court throughout the year.

Last year marked Indiana's bicentennial, and the Court certainly did its part to make the celebrations memorable. Several members of the Court participated in Hoosier Homecoming, an event that brought Hoosier families and government officials together to celebrate our shared history. Additionally, as part of the bicentennial celebration, members of our Court conducted oral arguments in 32 schools and other venues across the state through our Appeals on Wheels program. The Appeals on Wheels program continues to connect students and local communities with the Court to teach Hoosiers about the state judicial system.

2016 also brought improved technology as the Supreme Court of Indiana continues to implement a statewide e-filing system. The system would not be possible without collaboration among our dedicated staff across the entire judicial branch. The significant changes came in two phases: as of April 1, briefs must be submitted electronically; and, as of July 1, attorneys must e-file documents in any existing appellate case, including transcripts. As of April 6, 39 counties have adopted mandatory or voluntary e-filing, and that number will continue to grow as we move toward full implementation by January 2019. This large project will take several years to complete, but the reward for the hard work includes increased public access to court documents, a reduction in paper copies, and fewer trips to the clerk's office.

As you look through the report, you will see numbers I am very proud of—the number of opinions issued by our judges, the average age of cases pending, and the number of oral arguments our judges presided over are just a few of the notable statistics. As I previously mentioned, numbers tell only part of the story. Reflecting on 2016, I am reminded of a quote by Helen Keller. "Alone we can do so little; together we can do so much." I am proud of this Court's role in Indiana government and the work of our team this past year. The dedication of the judges, lawyers, and staff who work hard to serve Hoosiers make my job incredibly rewarding. I am honored to have been re-elected as Chief Judge in 2016, and I look forward to another wonderful year.



Nancy H. Vaidik

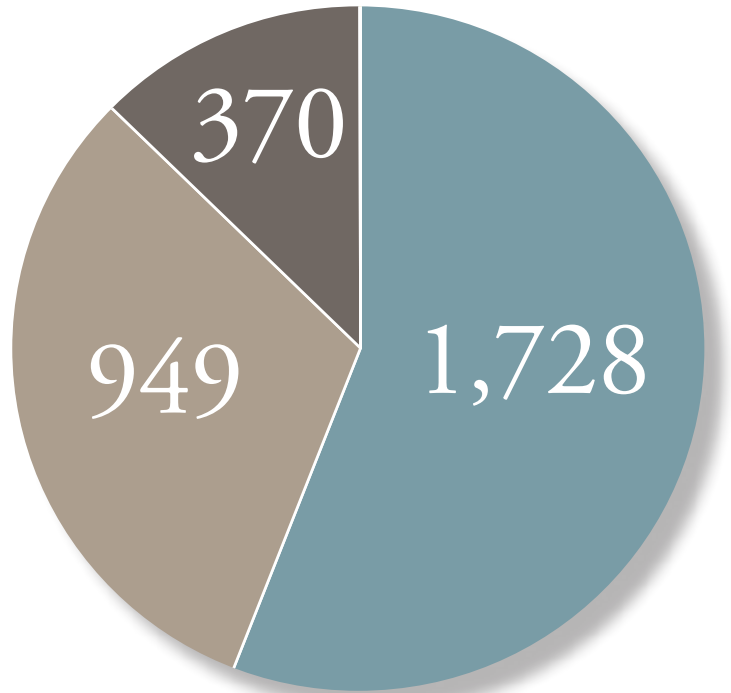
CHIEF JUDGE & PRESIDING JUDGE
FIFTH DISTRICT

TOTAL CASELOAD*

YEAR	FILED	DISPOSED
2012	4,160	3,510
2013	3,931	3,362
2014	3,413	3,383
2015	3,267	2,920
2016	3,136	3,047

TOTAL CASES DISPOSED (BY TYPE)

■ CRIMINAL
 ■ CIVIL
 ■ OTHER



* 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
2012	2,175	1,863	1,259	1,034	726	613
2013	2,107	1,843	1,134	980	690	539
2014	1,818	1,823	1,049	1,002	546	558
2015	1,838	1,637	1,048	976	381	307
2016	1,757	1,728	979	949	400	370

COURT SUMMARY

AVERAGE AGE OF CASES PENDING

1.4 MONTHS

AS OF 12/31/2016

1.2 MONTHS

AS OF 12/31/2015

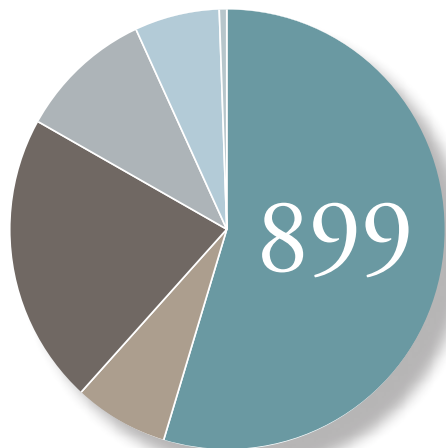
	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Cases Pending 12/31/2015	93	15	93	2	28	231
Cases Fully-Briefed Received	1,071	111	535	18	249	1,984
<i>Geographic District One</i>	262	31	189	0	91	573
<i>Geographic District Two</i>	523	46	197	18	110	894
<i>Geographic District Three</i>	286	34	149	0	48	517
Cases Disposed	1,031	113	533	14	244	1,935
<i>By Majority Opinion</i>	1,029	112	524	14	243	1,922
<i>By Order</i>	2	1	9	0	1	13
Net Increase/Decrease	40	(2)	2	4	5	49
Cases Pending 12/31/2016	133	13	95	6	33	280
Cases Affirmed	899	103	355	9	215	1,581
<i>Cases Affirmed Percent</i>	87.3%	92.0%	67.7%	64.3%	88.5%	82.3%
Cases Reversed	115	9	164	5	26	319
<i>Cases Reversed Percent</i>	11.2%	8.0%	31.3%	35.7%	10.7%	16.6%
Cases Remanded	15	0	5	0	2	22
<i>Cases Remanded Percent</i>	1.5%	0.0%	1.0%	0.0%	0.8%	1.1%
Oral Arguments Heard	23	1	40	1	1	66

7,239

Total number of Motions

7,535

Total number of Orders



CASES AFFIRMED & REVERSED

- CRIMINAL AFFIRMED - 899
- CRIMINAL REVERSED - 115
- CIVIL AFFIRMED - 355
- CIVIL REVERSED - 164
- POST-CONVICTION AFFIRMED - 103
- POST-CONVICTION REVERSED - 9

SUMMARY BY JUDGE

JUDGES (DISTRICT)	MAJORITY OPINIONS ISSUED	ALL OPINIONS ISSUED	ORDERS ISSUED	CASES VOTED ON	ORAL ARGUMENTS HEARD	CASES PENDING 12/31/2015	CASES PENDING 12/31/2016
Altice (2nd)	119	125	0	396	18	19	19
Bailey (1st)	124	130	1	380	7	8	8
Baker (1st)	142	154	1	385	26	6	13
Barnes (3rd)	121	127	1	376	8	16	25
Bradford (2nd)	136	139	0	379	17	6	8
Brown (5th)	122	135	1	378	14	12	24
Crone (3rd)	144	151	1	366	10	10	13
Kirsch (2nd)	110	113	1	358	10	17	23
Mathias (3rd)	117	122	0	362	7	24	24
May (4th)	91	98	1	375	15	20	26
Najam (1st)	127	134	2	393	12	10	9
Pyle (4th)	105	110	0	356	9	21	22
Riley (4th)	131	142	0	401	16	20	14
Robb (5th)	114	125	4	370	17	19	19
Vaidik (5th)	102	108	0	374	11	10	12
SENIOR JUDGES						13	21
Barteau	28	28	0	28	0	0	0
Darden	19	19	0	19	0	0	0
Friedlander	32	33	0	32	0	0	0
Garrard	7	7	0	7	0	0	0
Sharpnack	17	17	0	17	0	0	0
Shepard	14	14	0	14	1	0	0
TOTAL	1,922	2,031	13	5,766	198	231	280

CASELOAD

JUDGES (DISTRICT)	CASES PENDING 1/1/2016	CASES ASSIGNED	INTAKE			DISPOSITIONS			CASES PENDING 12/31/2016
			TRANSFERS			MAJORITY OPINIONS	ORDERS	TOTALS	
			IN	OUT	TOTAL				
Altice (2nd)	19	126	1	8	119	119	0	119	19
Bailey (1st)	8	127	2	4	125	124	1	125	8
Baker (1st)	6	125	27	2	150	142	1	143	13
Barnes (3rd)	16	127	6	2	131	121	1	122	25
Bradford (2nd)	6	125	15	2	138	136	0	136	8
Brown (5th)	12	123	14	2	135	122	1	123	24
Crone (3rd)	10	125	23	0	148	144	1	145	13
Kirsch (2nd)	17	125	3	11	117	110	1	111	23
Mathias (3rd)	24	128	0	11	117	117	0	117	24
May (4th)	20	125	3	30	98	91	1	92	26
Najam (1st)	10	124	10	6	128	127	2	129	9
Pyle (4th)	21	123	3	20	106	105	0	105	22
Riley (4th)	20	124	6	5	125	131	0	131	14
Robb (5th)	19	125	3	10	118	114	4	118	19
Vaidik (5th)*	10	106	3	5	104	102	0	102	12
SENIOR JUDGES	13	126	2	3	125	(117)	(0)	(117)	21
Barteau	0	0	0	0	0	28	0	28	0
Darden	0	0	0	0	0	19	0	19	0
Friedlander	0	0	0	0	0	32	0	32	0
Garrard	0	0	0	0	0	7	0	7	0
Sharpnack	0	0	0	0	0	17	0	17	0
Shepard	0	0	0	0	0	14	0	14	0
TOTAL	231	1,984	121	121	1,984	1,922	13	1,935	280

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

OPINIONS ISSUED

PORTION OF ISSUED OPINIONS THAT ARE MAJORITY OPINIONS

TOTAL ISSUED MAJORITY OPINIONS - 1,922

TOTAL ISSUED OPINIONS - 2,031

JUDGES (DISTRICT)	MAJORITY OPINIONS			CONCURRING OPINIONS	DISSENTING OPINIONS	REHEARING OPINIONS	OTHER OPINIONS	TOTAL OPINIONS
	ISSUED	PUBLISHED	PERCENT PUBLISHED					
Altice (2nd)	119	23	19.3%	1	5	0	0	125
Bailey (1st)	124	29	23.4%	2	2	2	0	130
Baker (1st)	142	31	21.8%	4	6	1	1	154
Barnes (3rd)	121	25	20.7%	3	3	0	0	127
Bradford (2nd)	136	21	15.4%	0	3	0	0	139
Brown (5th)	122	44	36.1%	3	9	1	0	135
Crone (3rd)	144	34	23.6%	2	5	0	0	151
Kirsch (2nd)	110	16	14.5%	0	2	1	0	113
Mathias (3rd)	117	21	17.9%	1	3	1	0	122
May (4th)	91	23	25.3%	2	4	0	1	98
Najam (1st)	127	26	20.5%	2	4	1	0	134
Pyle (4th)	105	25	23.8%	1	4	0	0	110
Riley (4th)	131	25	19.1%	0	9	1	1	142
Robb (5th)	114	25	21.9%	4	3	4	0	125
Vaidik (5th)	102	27	26.5%	1	4	1	0	108

SENIOR JUDGES

Barteau	28	4	14.3%	0	0	0	0	28
Darden	19	5	26.3%	0	0	0	0	19
Friedlander	32	1	3.1%	0	0	1	0	33
Garrard	7	1	14.3%	0	0	0	0	7
Sharpnack	17	6	35.3%	0	0	0	0	17
Shepard	14	3	21.4%	0	0	0	0	14
TOTAL	1,922	415	21.6%	26	66	14	3	2,031

CASES HANDED DOWN

JUDGES (DISTRICT)	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	60	147	8	16	32	78
Bailey (1st)	67	131	7	20	31	73
Baker (1st)	72	129	10	18	45	67
Barnes (3rd)	65	146	9	7	32	67
Bradford (2nd)	66	133	10	16	43	63
Brown (5th)	62	132	11	13	37	72
Crone (3rd)	81	119	5	17	36	48
Kirsch (2nd)	54	135	8	10	28	72
Mathias (3rd)	64	134	3	12	29	67
May (4th)	53	154	3	22	20	67
Najam (1st)	72	146	5	17	27	72
Pyle (4th)	58	128	6	12	31	75
Riley (4th)	70	144	7	14	43	78
Robb (5th)	60	137	7	13	31	69
Vaidik (5th)	50	143	5	17	30	80
TOTAL	954	2,058	104	224	495	1,048

JUDGES (DISTRICT)	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	0	3	19	33	119	277
Bailey (1st)	1	2	18	30	124	256
Baker (1st)	1	1	14	28	142	243
Barnes (3rd)	1	1	14	34	121	255
Bradford (2nd)	1	1	16	30	136	243
Brown (5th)	1	3	11	36	122	256
Crone (3rd)	1	2	21	36	144	222
Kirsch (2nd)	1	3	19	28	110	248
Mathias (3rd)	1	3	20	29	117	245
May (4th)	1	2	14	39	91	284
Najam (1st)	1	0	22	31	127	266
Pyle (4th)	0	3	10	33	105	251
Riley (4th)	1	1	10	33	131	270
Robb (5th)	1	1	15	36	114	256
Vaidik (5th)	1	2	16	30	102	272
TOTAL	13	28	239	486	1,805	3,844

CASES HANDED DOWN

SENIOR JUDGES

SENIOR JUDGES	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Barteau	20	0	3	0	3	0
Darden	14	0	1	0	4	0
Friedlander	16	0	1	0	14	0
Garrard	3	0	2	0	1	0
Sharpnack	14	0	0	0	2	0
Shepard	8	0	1	0	5	0
TOTAL	75	0	8	0	29	0

SENIOR JUDGES	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Barteau	0	0	2	0	28	0
Darden	0	0	0	0	19	0
Friedlander	0	0	1	0	32	0
Garrard	0	0	1	0	7	0
Sharpnack	1	0	0	0	17	0
Shepard	0	0	0	0	14	0
TOTAL	1	0	4	0	117	0

The Court of Appeals handed down 1,922 written decisions in 2016.



ORAL ARGUMENTS

JUDGES (DISTRICT)	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	1	5	0	0	6	5
Bailey (1st)	0	4	1	0	0	2
Baker (1st)	6	4	0	1	8	7
Barnes (3rd)	0	2	0	0	2	3
Bradford (2nd)	4	5	0	0	1	7
Brown (5th)	1	2	0	0	2	8
Crone (3rd)	2	3	0	0	1	4
Kirsch (2nd)	0	2	0	0	5	3
Mathias (3rd)	4	0	0	0	0	2
May (4th)	0	5	0	0	5	5
Najam (1st)	1	3	0	1	5	2
Pyle (4th)	0	1	0	0	1	7
Riley (4th)	2	2	0	0	2	10
Robb (5th)	2	3	0	0	1	9
Vaidik (5th)	0	5	0	0	0	6
TOTAL	23	46	1	2	39	80

JUDGES (DISTRICT)	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	0	0	0	1	7	11
Bailey (1st)	0	0	0	0	1	6
Baker (1st)	0	0	0	0	14	12
Barnes (3rd)	0	0	0	1	2	6
Bradford (2nd)	0	0	0	0	5	12
Brown (5th)	0	1	0	0	3	11
Crone (3rd)	0	0	0	0	3	7
Kirsch (2nd)	0	0	0	0	5	5
Mathias (3rd)	0	1	0	0	4	3
May (4th)	0	0	0	0	5	10
Najam (1st)	0	0	0	0	6	6
Pyle (4th)	0	0	0	0	1	8
Riley (4th)	0	0	0	0	4	12
Robb (5th)	1	0	1	0	5	12
Vaidik (5th)	0	0	0	0	0	11
TOTAL	1	2	1	2	65	132



ORAL ARGUMENTS

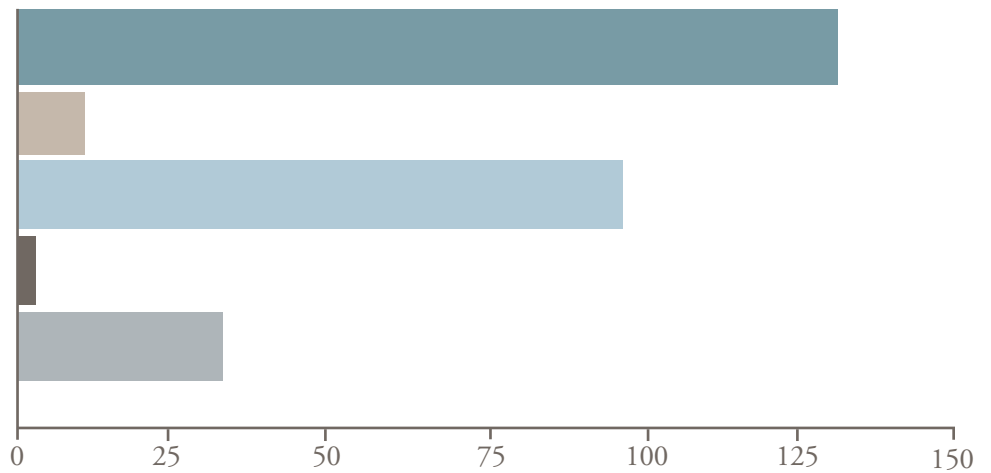
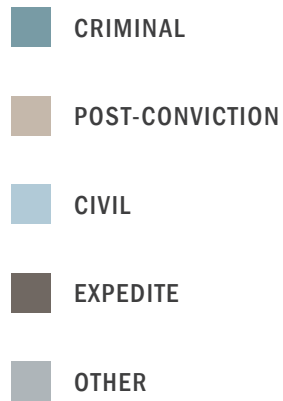
SENIOR JUDGES

SENIOR JUDGES	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Barteau	0	0	0	0	0	0
Darden	0	0	0	0	0	0
Friedlander	0	0	0	0	0	0
Garrard	0	0	0	0	0	0
Sharpnack	0	0	0	0	0	0
Shepard	0	0	0	0	1	0
TOTAL	0	0	0	0	1	0

SENIOR JUDGES	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Barteau	0	0	0	0	0	0
Darden	0	0	0	0	0	0
Friedlander	0	0	0	0	0	0
Garrard	0	0	0	0	0	0
Sharpnack	0	0	0	0	0	0
Shepard	0	0	0	0	1	0
TOTAL	0	0	0	0	1	0

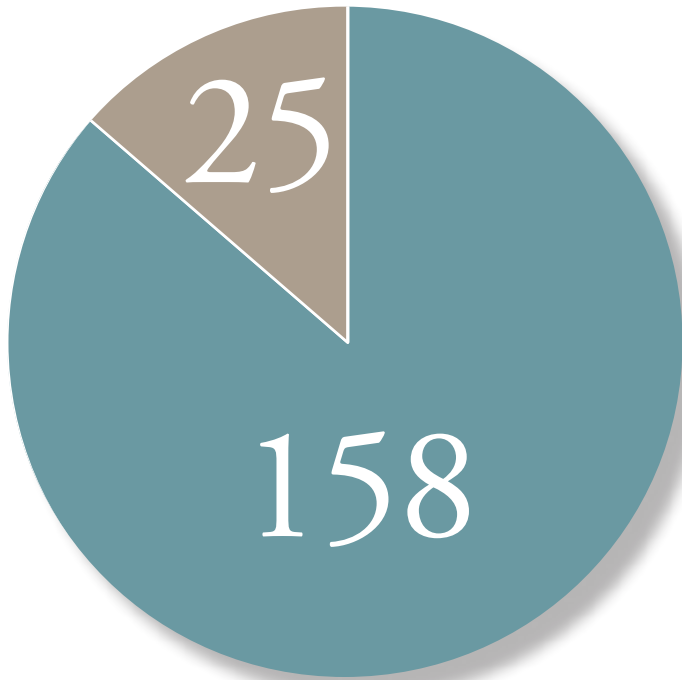
CASES PENDING

TOTAL CASES PENDING (PER TYPE)



JUDGES (DISTRICT)	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Altice (2nd)	7	1	8	1	2	19
Bailey (1st)	3	0	3	0	2	8
Baker (1st)	5	1	5	0	2	13
Barnes (3rd)	12	0	10	0	3	25
Bradford (2nd)	3	1	3	0	1	8
Brown (5th)	10	1	7	0	6	24
Crone (3rd)	4	0	8	1	0	13
Kirsch (2nd)	12	1	6	1	3	23
Mathias (3rd)	12	2	5	1	4	24
May (4th)	17	0	7	0	2	26
Najam (1st)	4	0	4	1	0	9
Pyle (4th)	13	1	5	1	2	22
Riley (4th)	6	0	6	0	2	14
Robb (5th)	7	4	8	0	0	19
Vaidik (5th)	7	0	4	0	1	12
SENIOR JUDGES	11	1	6	0	3	21
TOTAL	133	13	95	6	33	280

SUCCESSIVE PETITIONS FOR POST-CONVICTION RELIEF



25

Pending as of 12/31/2015

158

Petitions filed

183

Total petitions

AUTHORIZATION

15

Petitions authorized to be filed in trial court for hearing

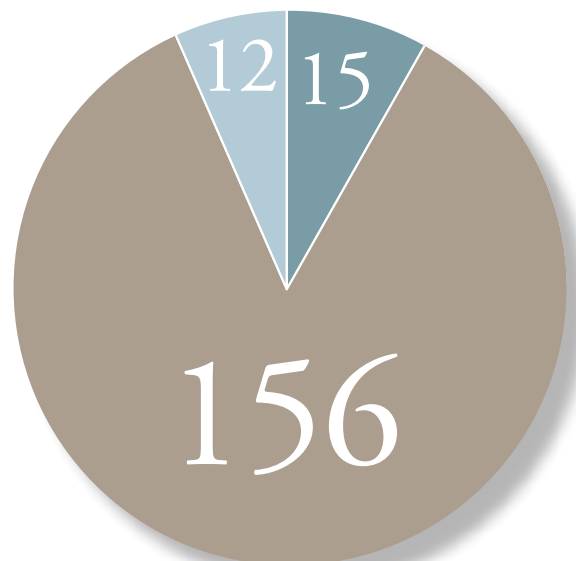
156

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

12

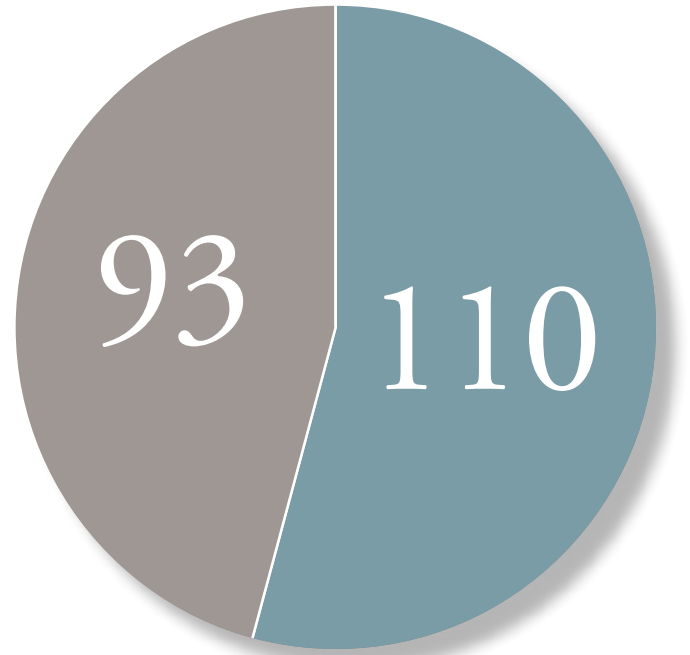
Petitions pending

183 Total petitions



APPELLEE'S MOTIONS TO DISMISS

MOTIONS TO DISMISS GRANTED	MOTION TO DISMISS DENIED
110	93
PER CURIAM OPINIONS	TOTAL DISPOSITIONS
0	203



31 Pending motions as of 12/31/2016

STATISTICS REGARDING DISPOSITION OF CHIEF JUDGE MATTERS

7,239 Motions, Petitions for Time, Misc. Motions Received

JANUARY 1, 2016 - DECEMBER 31, 2016

Orders Granting Petitions to File Belated Notice of Appeal	18
Orders Denying Petitions to File Belated Notice of Appeal	17
Orders Granting Pre-Appeal Conferences	0
Orders Denying Pre-Appeal Conferences	3
Orders with Instructions from Pre-Appeal Conference	0
Orders Granting Permissive Interlocutory Appeals	59
Orders Denying Permissive Interlocutory Appeals	111
Orders Granting Successive Petitions for Post-Conviction Relief	15
Orders Denying Successive Petitions for Post-Conviction Relief	156
Orders Granting Consolidations of Appeals	45
Orders Denying Consolidations of Appeals	10
Orders Granting Petitions to Amend Brief	143
Orders Denying Petitions to Amend Brief	4
Orders Granting Withdrawals of Record	304
Orders Denying Withdrawals of Record	41
Miscellaneous Orders	3,448

REHEARINGS

Petitions for Rehearing Granted without Opinion	0
Petitions for Rehearing Denied without Opinion	154
Petitions for Rehearing Granted with Opinion	14
Petitions for Rehearing Denied with Opinion	0

TIME GRANTS

Petitions for Time to File Record Granted	213
Petitions for Time to File Record Denied	3
Petitions for Time to File Appellant's Brief Granted	1,168
Petitions for Time to File Appellant's Brief Denied	38
Petitions for Time to File Appellee's Brief Granted	380
Petitions for Time to File Appellee's Brief Denied	9
Petitions for Time to File Appellant's Reply Brief Granted	88
Petitions for Time to File Appellant's Reply Brief Denied	2

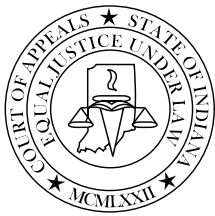
ORAL ARGUMENT ACTION

Orders Setting Oral Arguments	78
Orders Denying Petitions for Oral Arguments	51

DISMISSALS

Orders Granting Appellant's Motions to Dismiss	266
Orders Denying Appellant's Motions to Dismiss	26
Orders Granting Appellee's Motions to Dismiss	110
Orders Denying Appellee's Motions to Dismiss	93
Court-Directed Orders of Dismissal	467

7,535 TOTAL



COURT OF APPEALS OF INDIANA

2 0 1 6 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, 2016, through December 31, 2016, is being submitted pursuant to paragraph 6.35, Judge's Manual.

Information about the Court of Appeals of Indiana and the Indiana Judicial Branch can be found online at:

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

THE MISSION OF THE COURT OF APPEALS OF INDIANA:
To serve all people by providing equal justice under law