

Supreme Court of Virginia Statistical Review 2015

Judicial Planning Department
Office of the Executive Secretary
Supreme Court of Virginia

Source: Virginia State of the Judiciary Report 2006, 2012, 2015; ACMS-SCV, 2016

Introduction In 2015, there were 1,996 petitions filed and 1,358 cases decided in the Supreme Court of Virginia (SCV). Although there has been a downward trend during the past 10 years, there were slight increases between 2008 and 2009 (<1.0%). Between 2010 and 2014, there was a decrease of 22.8% in petitions filed in the SCV, while there was a decrease of 35.1% in cases decided. Despite these decreases between 2010 and 2014, there was an increase in 2015 of petitions filed. Cases decided continued to decrease from last year. This caseload statistical review focuses on trends in filings and case types between 2011 and 2015 in the SCV.

Display 1

Supreme Court Petitions Filed and Decided 2011-2015

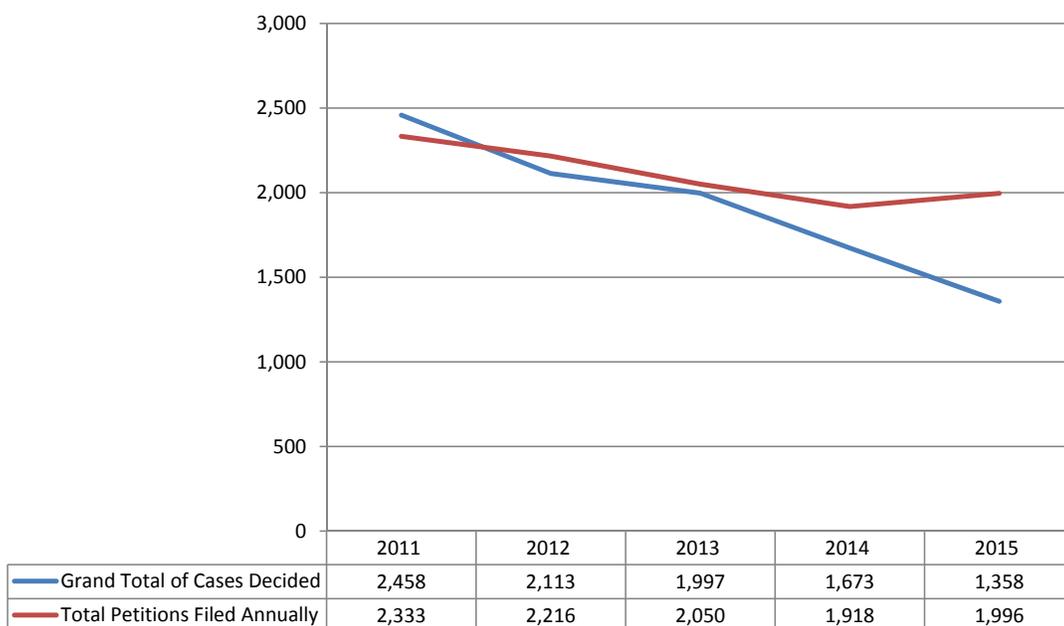


Table 1
Supreme Court Statistical History 2011-2015

	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
APPEAL PETITIONS											
Granted											
Appeals of Right	11	-21.4%	10	-9.1%	3	-70.0%	11	266.7%	5	-54.5%	-54.5%
Civil Granted	101	-33.6%	89	-11.9%	79	-11.2%	89	12.7%	79	-11.2%	-21.8%
Criminal Granted	31	-36.7%	17	-45.2%	25	47.1%	23	-8.0%	22	-4.3%	-29.0%
Habeas Appeals Granted	5	150.0%	4	-20.0%	3	-25.0%	6	100.0%	6	0.0%	20.0%
Cases Certified from CAV	0	-100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Certified Questions of Law Accepted	4	0.0%	3	-25.0%	2	-33.3%	2	0.0%	1	-50.0%	-
Remanded from U.S. Supreme Court	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	-
Total	152	0.0%	123	-19.1%	112	-8.9%	131	17.0%	113	-13.7%	-25.7%
Refused											
Civil	537	5.7%	488	-9.1%	372	-23.8%	341	-8.3%	342	0.3%	-36.3%
Criminal	1,120	-10.3%	999	-10.8%	841	-15.8%	691	-17.8%	630	-8.8%	-43.8%
Habeas Appeals	125	25.0%	110	-12.0%	89	-19.1%	74	-16.9%	50	-32.4%	-60.0%
Total	1,872	-2.4%	1,598	-14.6%	1,302	-18.5%	1,106	-15.1%	1,022	-7.6%	-45.4%
Total Granted/Refused/Rejected/Procedural Dismissal	2,024	-5.4%	1,721	-15.0%	1,684	-2.1%	1,448	-14.0%	1,365	-5.7%	-32.6%
ORIGINAL JURISDICTION PETITIONS											
Docketed											
	1	0.0%	3	-	0	-100.0%	0	0.0%	1	100.0%	0.0%
Awarded											
Writ of Habeas Corpus	25	-28.6%	14	-44.0%	12	-14.3%	9	-25.0%	11	22.2%	-56.0%
Writ of Mandamus	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Writ of Prohibition	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Writ of Actual Innocence	2	0.0%	1	0.0%	1	0.0%	0	0.0%	0	0.0%	0.0%
Total	27	-22.9%	15	-44.4%	13	-13.3%	9	-30.8%	11	22.2%	-59.3%
Refused											
Writ of Habeas Corpus	324	2.5%	284	-12.3%	218	-23.2%	161	-26.1%	147	-8.7%	-54.6%
Writ of Mandamus	69	-14.8%	81	17.4%	77	-4.9%	45	-41.6%	57	26.7%	-17.4%
Writ of Prohibition	8	700.0%	2	-75.0%	4	100.0%	5	25.0%	6	20.0%	-25.0%
Writ of Actual Innocence	5	66.7%	7	40.0%	1	-85.7%	5	400.0%	1	-80.0%	-80.0%
Total	406	1.2%	374	-7.9%	300	-19.8%	216	-28.0%	211	-2.3%	-48.0%
Total Docketed, Awarded, and Refused	434	-0.7%	392	-9.7%	313	-20.2%	225	-28.1%	223	-0.9%	-48.6%
SUMMARY											
Grand Total of Cases Decided	2,458	-4.6%	2,113	-14.0%	1,997	-5.5%	1,673	-16.2%	1,358	-18.8%	-44.8%
Total Petitions Filed Annually	2,333	-6.1%	2,216	-5.0%	2,050	-7.5%	1,918	-6.4%	1,996	4.1%	-14.4%

Cases Filed and Decided The table above (Table 1) shows an overview of the case dispositions for the SCV for the past five calendar years, as well as the total petitions filed each of those years. In 2015, the SCV recorded 1,996 petitions filed, 78 more than the 1,918 in 2014 and 337 less than the 2,333 in 2011. There were 1,358 decided cases in 2015, a decrease of 315 or 18.8% from the previous year. In 2015, 8.3% of cases that were decided were granted appeal petitions which decreased 13.7% from 2014. In 2015, 16.4% of cases that were decided were original jurisdiction petitions. Table 2 shows the different SCV case types. The increase recorded in petitions filed was driven by the increase in criminal. In 2015, there was a decrease of 5.4% in civil petitions. Criminal petitions increased by 164 or 20.2% from 810 in 2014 to 974 in 2015. Since 2011, criminal petitions have decreased 13.0% and civil petitions have decreased 8.8%.

Table 2

Supreme Court Case Types Filed 2011-2015

SCV Case Types	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
Actual Innocence	4	-20.0%	7	75.0%	1	-85.7%	5	400.0%	2	-60.0%	-50.0%
Certified Questions of Law	6	-	3	-	3	0.0%	1	-66.7%	1	0.0%	-
Civil	600	-3.8%	600	0.0%	542	-9.7%	578	6.6%	547	-5.4%	-8.8%
Commonwealth Appeals	3	-25.0%	6	100.0%	5	-16.7%	6	20.0%	2	-66.7%	-33.3%
Criminal	1,120	-15.0%	1,016	-9.3%	874	-14.0%	810	-7.3%	974	20.2%	-13.0%
Death Penalty	3	200.0%	1	-66.7%	-	-100.0%	-	0.0%	-	0.0%	-100.0%
Disciplinary Board	4	100.0%	4	0.0%	-	-100.0%	3	300.0%	3	0.0%	-25.0%
Disciplinary Court	3	-40.0%	2	-33.3%	1	-50.0%	1	0.0%	1	0.0%	-66.7%
Habeas Corpus Appeals	119	5.3%	124	4.2%	130	4.8%	113	-13.1%	92	-18.6%	-22.7%
Injunction Appeals	13	18.2%	7	-46.2%	8	14.3%	9	12.5%	12	33.3%	-7.7%
Interlocutory Appeals	-	-100.0%	3	300.0%	-	-3000.0%	2	-200.0%	-	0.0%	0.0%
Other	-	0.0%	12	-	27	0.0%	27	0.0%	25	-7.4%	-
State Corporation Commission	2	-77.8%	3	50.0%	5	66.7%	6	20.0%	4	-33.3%	100.0%
Workers Compensation	16	77.8%	7	-56.3%	14	100.0%	8	-42.9%	10	25.0%	-37.5%
Writ of Habeas Corpus	358	16.2%	317	-11.5%	330	4.1%	266	-19.4%	253	-4.9%	-29.3%
Writ of Mandamus	76	5.6%	99	30.3%	105	6.1%	72	-31.4%	64	-11.1%	-15.8%
Writ of Prohibition	6	500.0%	5	-16.7%	5	0.0%	11	120.0%	6	-45.5%	0.0%
Totals	2,333	-6.1%	2,216	-5.0%	2,050	-7.5%	1,918	-6.4%	1,996	4.1%	-14.4%

Case Filings Mix

Criminal, civil and writ of habeas corpus cases constituted the majority or 88.9% of the petitions filed. The percentage of criminal petitions in 2011 was 48.0%, and this percentage rose slightly in 2015 to 48.8% of total petitions filed. While the percentage of criminal petitions remained around the same, the percentage of civil petitions increased from 25.7% in 2011 to 27.4% in 2015. Writ of habeas corpus cases constituted 15.3% and 12.7% of the overall caseloads in 2011 and 2015, respectively.

Display 2

Supreme Court Case Types Filed 2011,2015

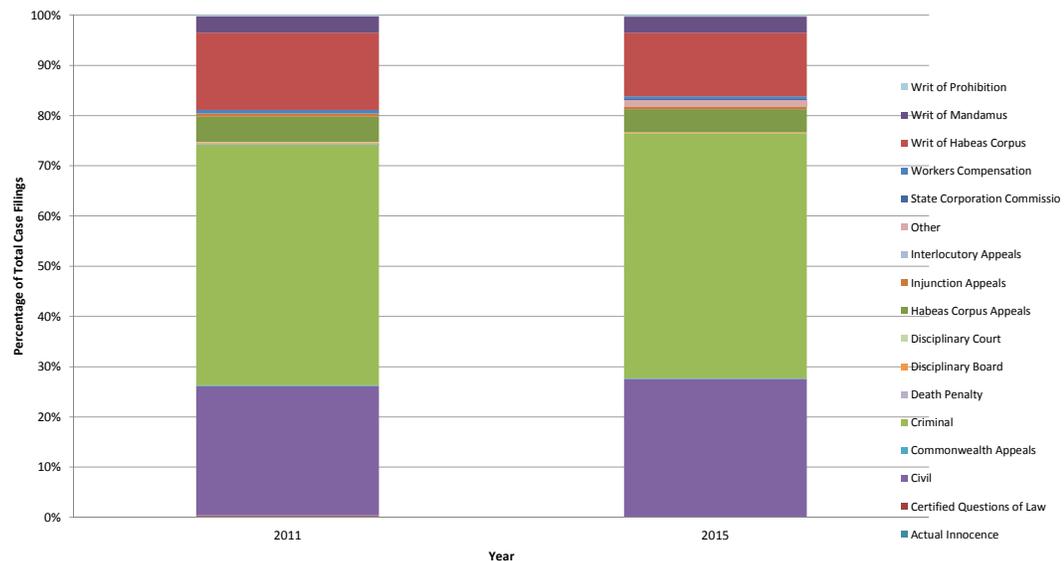


Table 3

Supreme Court Appeal Petitions Decided 2011-2015

Appeal Petitions	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
Granted											
Appeals of Right	11	-21.4%	10	-9.1%	3	-70.0%	11	266.7%	5	-54.5%	-54.5%
Civil Granted	101	-33.6%	89	-11.9%	79	-11.2%	89	12.7%	79	-11.2%	-21.8%
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Habeas Appeals Granted	5	150.0%	4	-20.0%	3	-25.0%	6	100.0%	6	0.0%	20.0%
Cases Certified from CAV	0	-100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Certified Questions of Law Accepted	4	0.0%	3	-25.0%	2	-33.3%	2	0.0%	1	-50.0%	-
Remanded from U.S. Supreme Court	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	-
Total	152	0.0%	123	-19.1%	112	-8.9%	131	17.0%	113	-13.7%	-25.7%
Refused											
Civil	537	5.7%	488	-9.1%	372	-23.8%	341	-8.3%	342	0.3%	-36.3%
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Appeal Petitions: Granted Of the appeal petitions granted (113), civil petitions constituted the majority, 69.9% in 2015. In 2015, there was a decrease in civil granted of 10 (11.2%) from 2014 and a decrease of 22 (21.8%) from 2011. There were 22 granted criminal petitions, a slight decrease of one or 4.3% from the 23 granted in 2014.

Refused In 2015, there were 1,022 cases refused with the majority (61.6%) being criminal in nature. There were decreases in criminal and *habeas* appeals, which caused the overall decrease of 84 or 7.6% in the total refused appeal petitions from the previous year.

Table 4
Supreme Court Original Jurisdiction Petitions Decided 2011-2015

Original Jurisdiction Petitions	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
Docketed	1	0.0%	3	-	0	-100.0%	0	0.0%	1	100.0%	0.0%
Awarded											
Writ of Habeas Corpus	25	-28.6%	14	-44.0%	12	-14.3%	9	-25.0%	11	22.2%	-56.0%
Writ of Mandamus	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Writ of Prohibition	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Writ of Actual Innocence	2	0.0%	1	0.0%	1	0.0%	0	0.0%	0	0.0%	0.0%
Total	27	-22.9%	15	-44.4%	13	-13.3%	9	-30.8%	11	22.2%	-59.3%
Refused											
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Total Docketed, Awarded, and Refused	434	-0.7%	392	-9.7%	313	-20.2%	225	-28.1%	223	-0.9%	-48.6%

Original Jurisdiction Petition In 2015, the total number of original jurisdiction cases decided was 223, which is two cases or 0.9% less than 2014, and 211 cases or 48.6% less than 2011. Of the 223 cases, 11 or 4.9% were awarded (11 *writ of habeas corpus*).

Table 5
Supreme Court Filings by Type

Motions, Requests, and Filings Table 5 shows filings by type. Notice of appeal constituted 27.6% of the total 1,642 filings in 2015. IFP Affidavit was 19.9% of the total and response or reply to a motion or objection was 8.5%. Motions and requests filed included appointment of counsel/ public defender and extension of time among various other categories. In 2015, there were 1,299 motions and requests filed in the SCV which was an increase of 36 or 2.9% from 2014.

Filing Types	2015
Affidavit	7
Appellant Designation	72
Appellee Designation	53
Appointment Order from Lower Tribunal	21
Bill of Cost	52
Bond	13
Certificate of Mailing	105
Copy of Record	0
Exhibit(s)	-
IFP Affidavit	326
Joint Designation	41
Notice of Appeal	454
Notice of Appeal Withdrawal	33
Notice of Appearance	30
Notice of Filing Transcript	20
Notice of Oral Argument	37
Notice of Written Statement of Facts	1
OJ Petition-No Number	108
Objection	34
Petition for Appeal-No Number	20
Pro Se Supplemental Petition	5
Replacement Certificate	14
Response or Reply to a Motion or Objection	140
Response to Show Cause	20
Return of Service	9
Suggestion of Bankruptcy	0
Verification	27
Total	1,642