

Supreme Court of Virginia Statistical Review 2016

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

Source: Virginia State of the Judiciary Report 2007, 2012, 2016; ACMS-SCV, 2017

Introduction In 2016, there were 1,852 petitions filed and 1,478 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. In 2016, there was a decrease of 7.2% in petitions filed from last year. Cases decided increased from last year (8.8%). This caseload statistical review focuses on trends in filings and case types between 2012 and 2016 in the SCV.

Display 1

Supreme Court Petitions Filed and Decided 2012-2016

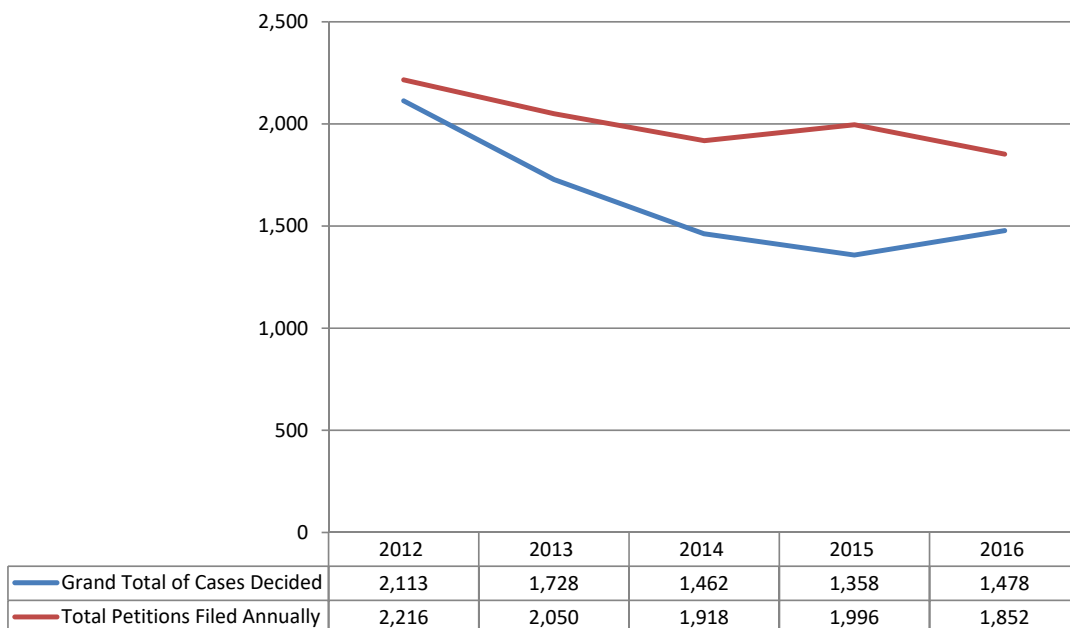


Table 1
Supreme Court Statistical History 2012-2016

	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2012-2016
APPEAL PETITIONS											
Granted											
Appeals of Right	10	-9.1%	3	-70.0%	11	266.7%	5	-54.5%	10	100.0%	0.0%
Civil Granted	89	-11.9%	79	-11.2%	89	12.7%	79	-11.2%	95	20.3%	6.7%
Criminal Granted	17	-45.2%	25	47.1%	23	-8.0%	22	-4.3%	30	36.4%	76.5%
Habeas Appeals Granted	4	-20.0%	3	-25.0%	6	100.0%	6	0.0%	4	-33.3%	0.0%
Cases Certified from CAV	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	0.0%	0.0%
Certified Questions of Law Accepted	3	-25.0%	2	-33.3%	2	0.0%	1	-50.0%	1	0.0%	-66.7%
Remanded from U.S. Supreme Court	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Total	123	-19.1%	112	-8.9%	131	17.0%	113	-13.7%	142	25.7%	15.4%
Refused											
Civil	488	-9.1%	372	-23.8%	341	-8.3%	342	0.3%	318	-7.0%	-34.8%
Criminal	999	-10.8%	841	-15.8%	691	-17.8%	630	-8.8%	746	18.4%	-25.3%
Habeas Appeals	110	-12.0%	89	-19.1%	74	-16.9%	50	-32.4%	68	36.0%	-38.2%
Total	1,598	-14.6%	1,302	-18.5%	1,106	-15.1%	1,022	-7.6%	1,132	10.8%	-29.2%
Total Granted/Refused	1,721	-15.0%	1,414	-17.8%	1,237	-12.5%	1,135	-8.2%	1,274	12.2%	-26.0%
ORIGINAL JURISDICTION PETITIONS											
Docketed											
	3	200.0%	1	-66.7%	0	-100.0%	1	0.0%	1	100.0%	-66.7%
Awarded											
Writ of Habeas Corpus	14	-44.0%	12	-14.3%	9	-25.0%	11	22.2%	8	-27.3%	-42.9%
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	1	0.0%	1	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Total	15	-44.4%	13	-13.3%	9	-30.8%	11	22.2%	8	-27.3%	-46.7%
Refused											
Writ of Habeas Corpus	284	-12.3%	218	-23.2%	161	-26.1%	147	-8.7%	113	-23.1%	-60.2%
Writ of Mandamus	81	17.4%	77	-4.9%	45	-41.6%	57	26.7%	76	33.3%	-6.2%
Writ of Prohibition	2	-75.0%	4	100.0%	5	25.0%	6	20.0%	5	-16.7%	150.0%
Writ of Actual Innocence	7	40.0%	1	-85.7%	5	400.0%	1	-80.0%	1	0.0%	-85.7%
Total	374	-7.9%	300	-19.8%	216	-28.0%	211	-2.3%	195	-7.6%	-47.9%
Total Docketed, Awarded, and Refused	392	-9.7%	314	-19.9%	225	-28.3%	223	-0.9%	204	-8.5%	-48.0%
SUMMARY											
Grand Total of Cases Decided	2,113	-14.0%	1,728	-18.2%	1,462	-15.4%	1,358	-7.1%	1,478	8.8%	-30.1%
Total Petitions Filed Annually	2,216	-5.0%	2,050	-7.5%	1,918	-6.4%	1,996	4.1%	1,852	-7.2%	-16.4%

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 2016, the SCV recorded 1,852 petitions filed, 144 less than the 1,996 in 2015 and 364 less than the 2,216 in 2012. There were 1,478 decided cases in 2016, an increase of 120 or 8.8% from the previous year. In 2016, 9.6% of cases that were decided were granted appeal petitions which increased 25.7% from 2015. In 2016, 13.8% of cases that were decided were original jurisdiction petitions. Table 2 shows the different SCV case types. The decrease recorded in petitions filed was driven by the decrease in criminal. In 2016, there was a increase of 4.0% in civil petitions. Criminal petitions decreased by 198 or 20.3% from 974 in 2015 to 776 in 2016. Since 2012, criminal petitions have decreased 23.6% and civil petitions have decreased 5.2%.

Table 2

Supreme Court Case Types Filed 2012-2016

SCV Case Types	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2012-2016
Actual Innocence	7	75.0%	1	-85.7%	5	400.0%	2	-60.0%	3	50.0%	-57.1%
Certified Questions of Law	3	-50.0%	3	0.0%	1	-66.7%	1	0.0%	1	0.0%	-66.7%
Civil	600	0.0%	542	-9.7%	578	6.6%	547	-5.4%	569	4.0%	-5.2%
Commonwealth Appeals	6	100.0%	5	-16.7%	6	20.0%	2	-66.7%	9	350.0%	50.0%
Criminal	1,016	-9.3%	874	-14.0%	810	-7.3%	974	20.2%	776	-20.3%	-23.6%
Death Penalty	1	-66.7%	0	-100.0%	0	0.0%	0	0.0%	0	0.0%	-100.0%
Disciplinary Board	4	0.0%	0	-100.0%	3	0.0%	3	300.0%	2	-33.3%	-50.0%
Disciplinary Court	2	-33.3%	1	-50.0%	1	0.0%	1	0.0%	0	-100.0%	-100.0%
Habeas Corpus Appeals	124	4.2%	130	4.8%	113	-13.1%	92	-18.6%	114	23.9%	-8.1%
Injunction Appeals	7	-46.2%	8	14.3%	9	12.5%	12	33.3%	10	-16.7%	42.9%
Interlocutory Appeals	3	0.0%	0	300.0%	2	0.0%	0	-200.0%	2	0.0%	-33.3%
Other	12	0.0%	27	0.0%	27	0.0%	25	-7.4%	21	-16.0%	75.0%
State Corporation Commission	3	50.0%	5	66.7%	6	20.0%	4	-33.3%	9	125.0%	200.0%
Workers Compensation	7	-56.3%	14	100.0%	8	-42.9%	10	25.0%	9	-10.0%	28.6%
Writ of Habeas Corpus	317	-11.5%	330	4.1%	266	-19.4%	253	-4.9%	218	-13.8%	-31.2%
Writ of Mandamus	99	30.3%	105	6.1%	72	-31.4%	64	-11.1%	105	64.1%	6.1%
Writ of Prohibition	5	-16.7%	5	0.0%	11	120.0%	6	-45.5%	4	-33.3%	-20.0%
Totals	2,216	-5.0%	2,050	-7.5%	1,918	-6.4%	1,996	4.1%	1,852	-7.2%	-16.4%

Case Filings Mix

Criminal, civil and writ of habeas corpus cases constituted the majority or 84.4% of the petitions filed. The percentage of criminal petitions in 2012 was 45.8%, and this percentage fell in 2016 to 41.9% of total petitions filed. The percentage of civil petitions increased from 27.1% in 2012 to 30.7% in 2016. Writ of habeas corpus cases constituted 14.3% and 11.8% of the overall caseloads in 2012 and 2016, respectively.

Display 2

Supreme Court Case Types Filed 2012, 2016

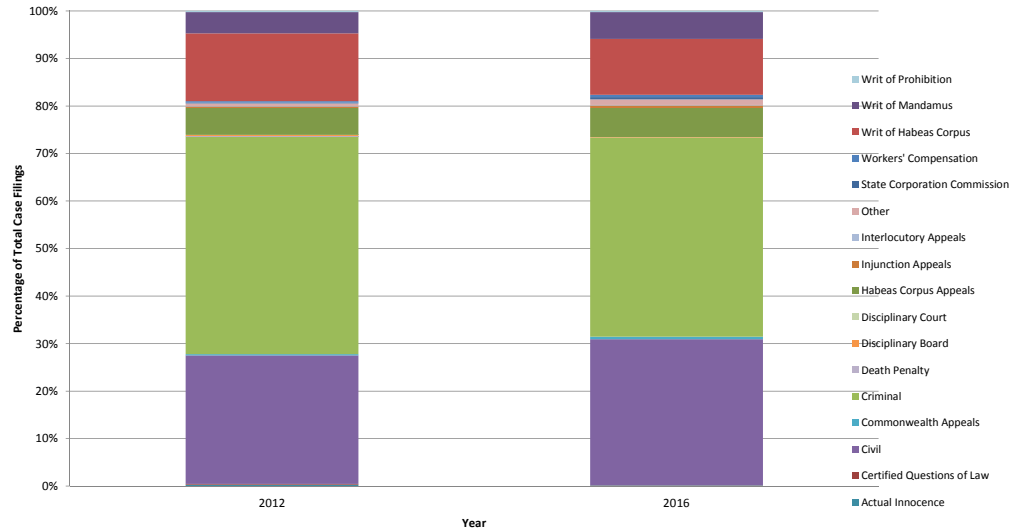


Table 3

Supreme Court Appeal Petitions Decided 2012-2016

Appeal Petitions	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2012-2016
Granted											
Appeals of Right	10	-9.1%	3	-70.0%	11	266.7%	5	-54.5%	10	100.0%	0.0%
Civil Granted	89	-11.9%	79	-11.2%	89	12.7%	79	-11.2%	95	20.3%	6.7%
Criminal Granted	17	-45.2%	25	47.1%	23	-8.0%	22	-4.3%	30	36.4%	76.5%
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Cases Certified from CAV	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	0.0%	0.0%
Certified Questions of Law Accepted	3	-25.0%	2	-33.3%	2	0.0%	1	-50.0%	1	0.0%	-66.7%
Remanded from U.S. Supreme Court	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Total	123	-19.1%	112	-8.9%	131	17.0%	113	-13.7%	142	25.7%	15.4%
Refused											
Civil	488	-9.1%	372	-23.8%	341	-8.3%	342	0.3%	318	-7.0%	-34.8%
Criminal	999	-10.8%	841	-15.8%	691	-17.8%	630	-8.8%	746	18.4%	-25.3%
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Total	1,598	-14.6%	1,302	-18.5%	1,106	-15.1%	1,022	-7.6%	1,132	10.8%	-29.2%
Total Granted/Refused/Rejected/Procedural Dismissal	1,721	-15.0%	1,414	-17.8%	1,237	-12.5%	1,135	-8.2%	1,274	12.2%	-26.0%

Appeal Petitions: Granted Of the appeal petitions granted (142), civil petitions constituted the majority, 66.9% in 2016. In 2016, there was an increase in civil granted of 16 (20.3%) from 2015 and an increase of 6 (6.7%) from 2012. There were 30 granted criminal petitions, an increase of eight or 36.4% from the 22 granted in 2015.

Refused In 2016, there were 1,132 cases refused with the majority (65.9%) being criminal in nature. There were increases in criminal and *habeas* appeals, which caused the overall increase of 110 or 10.8% in the total refused appeal petitions from the previous year.

Table 4
Supreme Court Original Jurisdiction Petitions Decided 2012-2016

Original Jurisdiction Petitions	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2012-2016
Docketed	3	200.0%	1	-66.7%	0	-100.0%	1	0.0%	1	100.0%	-66.7%
Awarded											
Writ of Habeas Corpus	14	-44.0%	12	-14.3%	9	-25.0%	11	22.2%	8	-27.3%	-42.9%
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	1	0.0%	1	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Total	15	-44.4%	13	-13.3%	9	-30.8%	11	22.2%	8	-27.3%	-46.7%
Refused											
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Total	374	-7.9%	300	-19.8%	216	-28.0%	211	-2.3%	195	-7.6%	-47.9%
Total Docketed, Awarded, and Refused	392	-9.7%	314	-19.9%	225	-28.3%	223	-0.9%	204	-8.5%	-48.0%

Original Jurisdiction Petition In 2016, the total number of original jurisdiction cases decided was 204, which is 19 cases or 8.5% less than 2015, and 188 cases or 48.0% less than 2012. Of the 204 cases, 8 or 3.9% were awarded (8 *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 24.4% of the total 1,827 filings in 2016. IFP Affidavit was 23.3% of the total and response or reply to a motion or objection was 7.2%. Motions and requests filed included appointment of counsel/ public defender and extension of time among various other categories. In 2016, there were 1,420 motions and requests filed in the SCV which was an increase of 121 or 9.3% from 2015.

Filing Types	2016
Affidavit	8
Appellant Designation	97
Appellee Designation	61
Appointment Order from Lower Tribunal	29
Bill of Cost	46
Bond	26
Certificate of Mailing	125
Exhibit(s)	1
IFP Affidavit	425
Inmate Trust Account Statement	3
Joint Designation	46
Notarized Statement of Mailing	6
Notice of Appeal	446
Notice of Appeal Withdrawal	21
Notice of Appearance	70
Notice of Filing Transcript	14
Notice of Oral Argument	6
Notice of Supplemental Authority	2
OJ Petition-No Number	104
Objection	18
Petition for Appeal-No Number	29
Pro Se Supplemental Petition	9
Replacement Certificate	8
Response or Reply to a Motion or Objection	131
Response to Show Cause	28
Return of Service	31
Verification	37
Total	1,827