

Supreme Court of Virginia Statistical Review 2018

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

Source: Virginia State of the Judiciary Report 2010, 2014, 2018; ACMS-SCV, 2019

Introduction In 2018, there were 1,704 petitions filed and 1,830 cases decided in the Supreme Court of Virginia (SCV). Although there has been a downward trend during the past 15 years, there were slight increases between 2008 and 2009 (<1.0%). Between 2014 and 2018, there was a decrease of 11.2% in petitions filed in the SCV, while there was an increase of 9.4% in cases decided. In 2018, there was a decrease of 4.4% in petitions filed and an increase of 2.6% in cases decided from the previous year. This caseload statistical review focuses on trends in filings and case types between 2014 and 2018 in the SCV.

Display 1

Supreme Court Petitions Filed and Decided 2014-2018



Table 1
Supreme Court Statistical History 2014-2018

	2014	%Change	2015	%Change	2016	%Change	2017	%Change	2018	%Change	%Change 2014-2018
APPEAL PETITIONS											
Granted											
Appeals of Right	11	266.7%	5	-54.5%	10	100.0%	4	-60.0%	6	50.0%	-45.5%
Civil Granted	89	12.7%	79	-11.2%	95	20.3%	80	-15.8%	90	12.5%	1.1%
Criminal Granted	23	-8.0%	22	-4.3%	30	36.4%	23	-23.3%	28	21.7%	21.7%
Habeas Appeals Granted	6	100.0%	6	0.0%	4	-33.3%	4	0.0%	2	-50.0%	-66.7%
Cases Certified from CAV	0	0.0%	0	0.0%	2	0.0%	0	0.0%	0	0.0%	0.0%
Certified Questions of Law Accepted	2	0.0%	1	0.0%	1	0.0%	1	0.0%	1	0.0%	-50.0%
Remanded from U.S. Supreme Court	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Total	131	17.0%	113	-13.7%	142	25.7%	112	-21.1%	127	13.4%	-3.1%
Refused											
Civil	341	-8.3%	342	0.3%	318	-7.0%	383	20.4%	332	-13.3%	-2.6%
Criminal	691	-17.8%	630	-8.8%	746	18.4%	708	-5.1%	795	12.3%	15.1%
Habeas Appeals	74	-16.9%	50	-32.4%	68	36.0%	71	4.4%	67	-5.6%	-9.5%
Certified Questions of Law Rejected	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	
Total	1,106	-15.1%	1,022	-7.6%	1,132	10.8%	1,162	2.7%	1,195	2.8%	8.0%
Total Granted/Refused	1,237	-12.5%	1,135	-8.2%	1,274	12.2%	1,274	0.0%	1,322	3.8%	6.9%
Procedural Dismissal	211	-21.9%	230	9.0%	218	-5.2%	234	7.3%	212	-9.4%	0.5%
ORIGINAL JURISDICTION PETITIONS											
Docketed											
	0	-100.0%	1	0.0%	1	0.0%	5	400.0%	2	-60.0%	#DIV/0!
Awarded											
Writ of Habeas Corpus	9	-25.0%	11	22.2%	8	-27.3%	8	0.0%	8	0.0%	-11.1%
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	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Total	9	-30.8%	11	22.2%	8	-27.3%	8	0.0%	8	0.0%	-11.1%
Refused											
Writ of Habeas Corpus	161	-26.1%	147	-8.7%	113	-23.1%	127	12.4%	135	6.3%	-16.1%
Writ of Mandamus	45	-41.6%	57	26.7%	76	33.3%	43	-43.4%	56	30.2%	24.4%
Writ of Prohibition	5	25.0%	6	20.0%	5	-16.7%	5	0.0%	5	0.0%	0.0%
Writ of Actual Innocence	5	400.0%	1	-80.0%	1	0.0%	1	0.0%	0	-100.0%	-100.0%
Total	216	-28.0%	211	-2.3%	195	-7.6%	176	-9.7%	196	11.4%	-9.3%
Procedural Dismissal/Dismissed as Moot/Dismissed Other	126	-9.4%	121	-4.0%	87	-28.1%	82	-5.7%	90	9.8%	-28.6%
Total Docketed, Awarded, and Refused	225	-28.3%	344	52.9%	204	-40.7%	271	32.8%	296	9.2%	31.6%
SUMMARY											
Grand Total of Cases Decided	1,673	-16.3%	1,709	2.2%	1,696	-0.8%	1,779	4.9%	1,830	2.9%	9.4%
Total Petitions Filed Annually	1,918	-6.4%	1,996	4.1%	1,852	-7.2%	1,782	-3.8%	1,704	-4.4%	-11.2%

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 2018, the SCV recorded 1,704 petitions filed, 78 less than the 1,782 in 2017 and 214 less than the 1,918 in 2014. There were 1,830 decided cases in 2018, an increase of 51 or 2.9% from the previous year. In 2018, 6.9% of cases that were decided were granted appeal petitions which increased 13.4% from 2017. In 2018, 10.7% 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 2018, there was a decrease of 6.0% in criminal petitions. Civil petitions decreased by one or 0.2% from 538 in 2017 to 537 in 2018.

Table 2
Supreme Court Case Types Filed 2014-2018

SCV Case Types	2014	%Change	2015	%Change	2016	%Change	2017	%Change	2018	%Change	%Change 2014-2018
Actual Innocence	5	400.0%	2	-60.0%	3	50.0%	4	33.3%	-	-100.0%	-100.0%
Certified Questions of Law	1	-66.7%	1	0.0%	1	0.0%	1	0.0%	2	100.0%	100.0%
Civil	578	6.6%	547	-5.4%	569	4.0%	538	-5.4%	537	-0.2%	-7.1%
Commonwealth Appeals	6	20.0%	2	-66.7%	9	350.0%	7	-22.2%	2	-71.4%	-66.7%
Criminal	810	-7.3%	974	20.2%	776	-20.3%	801	3.2%	753	-6.0%	-7.0%
Death Penalty	-	-	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Disciplinary Board	3	-	3	0.0%	2	300.0%	2	300.0%	2	0.0%	0.0%
Disciplinary Court	1	0.0%	1	0.0%	-	-100.0%	-	0.0%	2	0.0%	100.0%
Habeas Corpus Appeal	113	-13.1%	92	-18.6%	114	23.9%	102	-10.5%	78	-23.5%	-31.0%
Injunction Appeal	9	12.5%	12	33.3%	10	-16.7%	11	10.0%	5	-54.5%	-44.4%
Interlocutory Appeal	2	#DIV/0!	0	-100.0%	2	0.0%	4	0.0%	3	-25.0%	0.0%
Other	27	0.0%	25	-7.4%	21	-16.0%	18	-14.3%	33	83.3%	22.2%
State Corporation Commission	6	20.0%	4	-33.3%	9	125.0%	3	-66.7%	1	-66.7%	-83.3%
Workers' Compensation	8	-42.9%	10	25.0%	9	-10.0%	8	-11.1%	8	0.0%	0.0%
Writ of Habeas Corpus	266	-19.4%	253	-4.9%	218	-13.8%	217	-0.5%	194	-10.6%	-27.1%
Writ of Mandamus	72	-31.4%	64	-11.1%	105	64.1%	57	-45.7%	82	43.9%	13.9%
Writ of Prohibition	11	120.0%	6	-45.5%	4	-33.3%	9	125.0%	2	-77.8%	-81.8%
Totals	1,918	-6.4%	1,996	4.1%	1,852	-7.2%	1,782	-3.8%	1,704	-4.4%	-11.2%

Case Filings Mix

Criminal, civil and writ of habeas corpus cases constituted the majority or 87.1% of the petitions filed. The percentage of criminal petitions in 2014 was 42.2%, and this percentage rose in 2018 to 44.2% of total petitions filed. The percentage of civil petitions increased from 30.1% in 2014 to 31.5% in 2018. Writ of habeas corpus cases constituted 13.9% and 11.4% of the overall caseloads in 2014 and 2018, respectively.

Display 2
Supreme Court Case Types Filed 2014, 2018

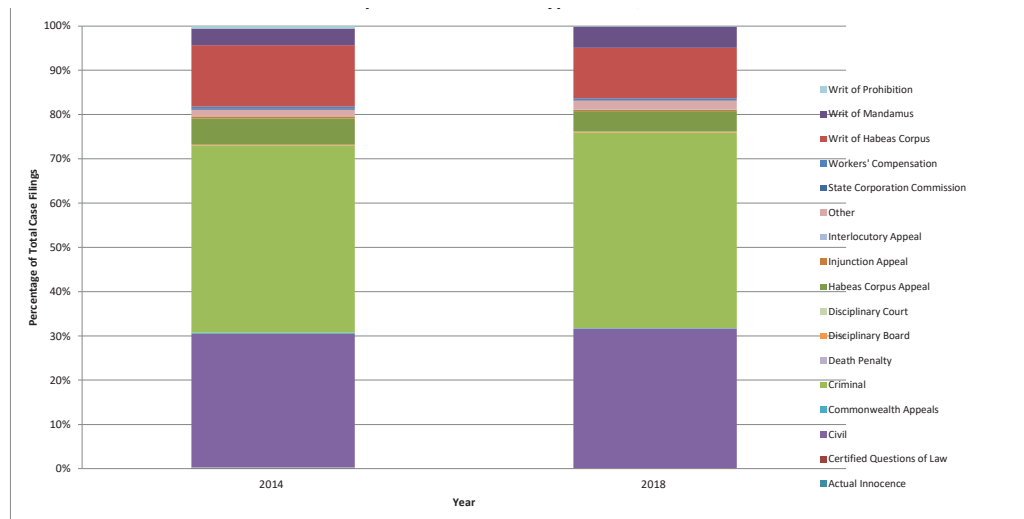


Table 3
Supreme Court Appeal Petitions Decided 2014-2018

Appeal Petitions	2014	%Change	2015	%Change	2016	%Change	2017	%Change	2018	%Change	%Change 2013-2017
Granted											
Appeals of Right	11	266.7%	5	-54.5%	10	100.0%	4	-60.0%	6	50.0%	-45.5%
Civil Granted	89	12.7%	79	-11.2%	95	20.3%	80	-15.8%	90	12.5%	1.1%
Criminal Granted	23	-8.0%	22	-4.3%	30	36.4%	23	-23.3%	28	21.7%	21.7%
Habeas Appeals Granted	6	100.0%	6	0.0%	4	-33.3%	4	0.0%	2	-50.0%	-66.7%
Cases Certified from CAV	0	0.0%	0	0.0%	2	0.0%	0	0.0%	0	0.0%	0.0%
Certified Questions of Law Accepted	2	0.0%	1	0.0%	1	0.0%	1	0.0%	1	0.0%	-50.0%
Remanded from U.S. Supreme Court	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Total	131	17.0%	113	-13.7%	142	25.7%	112	-21.1%	127	13.4%	-3.1%
Refused											
Civil	341	-8.3%	342	0.3%	318	-7.0%	383	20.4%	332	-13.3%	-2.6%
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Certified Questions of Law Rejected	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	
Total	1,106	-15.1%	1,022	-7.6%	1,132	10.8%	1,162	2.7%	1,195	2.8%	8.0%
Total Granted/Refused	1,237	-12.5%	1,135	-8.2%	1,274	12.2%	1,274	0.0%	1,322	3.8%	6.9%
Procedural Dismissal	211	-21.9%	230	9.0%	218	-5.2%	234	7.3%	212	-9.4%	0.5%

Appeal Petitions: Granted Of the appeal petitions granted (127), civil petitions constituted the majority, 70.9% in 2018. In 2018, there was an increase in civil granted of 10 (12.5%) from 2017 and an increase of one (1.1%) from 2014. There were 28 granted criminal petitions, an increase of five or 21.7% from the 23 granted in 2017.

Refused In 2018, there were 1,195 cases refused with the majority (66.5%) being criminal in nature. There were decreases in civil and *habeas* appeals, yet there was an overall increase of 33 or 2.8% in the total refused appeal petitions from the previous year.

Table 4
Supreme Court Original Jurisdiction Petitions Decided 2014-2018

Original Jurisdiction Petitions	2014 %Change		2015 %Change		2016 %Change		2017 %Change		2018 %Change		%Change 2014-2018
Docketed	0	-100.0%	1	0.0%	1	0.0%	5	400.0%	2	-60.0%	200.0%
Awarded											
Writ of Habeas Corpus	9	-25.0%	11	22.2%	8	-27.3%	8	0.0%	8	0.0%	-11.1%
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	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Total	9	-30.8%	11	22.2%	8	-27.3%	8	0.0%	8	0.0%	-11.1%
Refused											
Writ of Habeas Corpus	161	-26.1%	147	-8.7%	113	-23.1%	127	12.4%	135	6.3%	-16.1%
Writ of Mandamus	45	-41.6%	57	26.7%	76	33.3%	43	-43.4%	56	30.2%	24.4%
Writ of Prohibition	5	25.0%	6	20.0%	5	-16.7%	5	0.0%	5	0.0%	0.0%
Writ of Actual Innocence	5	400.0%	1	-80.0%	1	0.0%	1	0.0%	0	-100.0%	-100.0%
Total	216	-28.0%	211	-2.3%	195	-7.6%	176	-9.7%	196	11.4%	-9.3%
Total Docketed, Awarded, and Refused	126	-9.4%	121	-4.0%	87	-28.1%	82	-5.7%	90	9.8%	-28.6%

Original Jurisdiction Petition In 2018, the total number of original jurisdiction cases decided was 204, which is 20 cases or 10.9% more than 2017, and 21 cases or 9.3% less than 2014. Of the 204 cases, eight or 3.9% were awarded (eight *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 20.2% of the total 1,972 filings in 2018. IFP Affidavit was 16.1% of the total and response or reply to a motion or objection was 6.7%. Motions and requests filed included appointment of counsel/ public defender and extension of time among various other categories. In 2018, there were 1,371 motions and requests filed in the SCV which was an increase of two or less than one percent from 2017.

Filing Types	2018
Affidavit	5
Appellant Designation	91
Appellee Designation	62
Appointment Order from Lower Tribunal	21
Bill of Cost	35
Bond	8
Certificate of Mailing	136
Copy of Record	-
Exhibit(s)	291
IFP Affidavit	317
Inmate Trust Account Statement	69
Joint Designation	40
Notarized Statement of Mailing	20
Notice of Appeal	398
Notice of Appeal Withdrawal	20
Notice of Appearance	50
Notice of Filing Transcript	14
Notice of Oral Argument	1
Notice of Supplemental Authority	10
Notice of Written Statement of Facts	-
OJ Petition-No Number	96
Objection	22
Petition for Appeal-No Number	31
Pro Se Supplemental Petition	1
Replacement Certificate	10
Response or Reply to a Motion or Objection	132
Response to Show Cause	31
Return of Service	24
Suggestion of Bankruptcy	-
Verification	37
Total	1,972