



Court of Appeals

Memorandum

To: Chief Judge Beasley

From: John Pilgrim, Central Staff

Subject: Court Statistics: Misdemeanor Cases

Date: September 24, 1996

1996

| Total Direct Appeals | Total Criminal Cases | Misdemeanor Cases |
|----------------------|----------------------|-------------------|
| 2546* | 1256 | 159** |

*The number of direct appeals is based on an eleven month docketing period necessitated by a change in the oral argument rule. Previous years reflect a 12 month docketing period. Approximately 250 to 275 cases are docketed per month. Factoring that additional month's docketing, the 1996 total would be around 2800.

**The Court of Appeals began tracking the number of misdemeanor filings on December 5, 1995, about two months after the docketing year began. Factoring in the monthly average of 16 cases, approximately 192 misdemeanor appeals were filed in the 1996 docketing year.

PERCENTAGES: In 1996, misdemeanor appeals represented approximately 15.2 percent of the criminal appeals docketed, and approximately 6 percent of the entire direct appeal caseload.

1995

| Total Direct Appeals | Total Criminal Cases | Misdemeanor Cases |
|-----------------------------|-----------------------------|--------------------------|
| 2883 | 1103 | 123* |

*Estimated figure. The Court of Appeals's docketing system was not yet designed to track misdemeanors exactly.

PERCENTAGES: In 1995, misdemeanor appeals represented approximately 11.1 percent of the criminal appeals docketed, and approximately 4 percent of the entire direct appeal caseload.

1994

| Total Direct Appeals | Total Criminal Cases | Misdemeanor Cases |
|-----------------------------|-----------------------------|--------------------------|
| 2842 | 1133 | 114* |

*Estimated figure.

PERCENTAGES: In 1994, misdemeanor appeals represented approximately 10 percent of the criminal appeals docketed, and approximately 4 percent of the entire direct appeals.



Court of Appeals

Memorandum

To: Presiding Judge Pope
From: John Pilgrim, Central Staff
Subject: Case Statistics
Date: September 19, 1996

As you requested, I obtained the following statistics from the Court of Appeals and Supreme Court's docket records, for the purpose of showing approximately how many domestic relations cases and workers' compensation cases are filed with the two appellate courts. The search term was from January 1, 1996, to date.

I. Workers' Compensation

A. Court of Appeals

Discretionary Applications: 151

Appeals: 41

B. Supreme Court

Petitions for certiorari from discretionary applications: 28

Petitions for certiorari from appeals: 6

II. Domestic Relations

A. Court of Appeals

Discretionary applications: 48

Appeals: 91 (including *custody, visitation, etc.*)

(The search included the following topics: child custody, child support, divorce, paternity, visitation, and termination of parental rights, adoptions, delinquency, and deprivation.)

B. Supreme Court

Discretionary applications: 144 (including *custody, visitation, etc.*)

(The search could not be specified beyond the general category of "domestic relation.")

DOMESTIC RELATIONS APPLICATIONS FILED IN THE COURT OF APPEALS

| Year | Applications | Granted | Denied | Dismissed | Other |
|-------|--------------|--------------------|--------|-----------|-------|
| 1996* | 48 | Not Available..... | | | |
| 1995 | 52 | 13 | 33 | | 6 |
| 1994 | 88 | 29 | 41 | 14 | 4 |
| 1993 | 74 | 20 | 41 | 11 | 2 |
| 1992 | 58 | 16 | 31 | 7 | 4 |
| 1991 | 59 | 12 | 32 | 13 | 2 |

*This figure for 1996 is incomplete. The number reflects the applications filed from January 1, 1996 through September 19, 1996. The figures for the other years reflect the entire calendar year's filings.

DOMESTIC RELATIONS APPLICATION FILED IN SUPREME COURT

| Year | Number | Granted | Denied | Dismissed | Other |
|-------|--------|---------------|---------------|-----------|-------|
| 1996* | 144 | Not available | | | |
| 1995 | 147 | 29 | Not available | | |

*Reflects docketing period from January 1, 1996, to September 19, 1996.

COURT OF APPEALS
DOCKET SYSTEM
PERIOD: JAN 1, 1991 THRU DEC 31, 1991

*Summarized
in TAB 9 of
Commission
report.*

DISCRETIONARY APPLICATION
DOMESTIC RELATION CASES

TOTAL DISCRETIONARY FILED: 0059

TOTAL GRANTS: 0012

TOTAL DENIED: 0032

TOTAL DISMISSED: 0013

TOTAL OTHERS: 0002

DISPOSITION OF DIRECT APPEALS:

AFFIRMED: 4

REVERSED: 2

VACATED & REMANDED WITH DIRECTON: 1

AFFIRMED IN PART/REVERSED IN PART WITH DIRECTION: 2

TRANSFERRED TO SUPREME COURT: 1

NO DIRECT APPEAL FILED: 2

COURT OF APPEALS
DOCKET SYSTEM
PERIOD: JAN 1, 1992 THRU DEC 31, 1992

DISCRETIONARY APPLICATION

DOMESTIC RELATION CASES

TOTAL DESCRETIONARY FILED: 0058

TOTAL GRANTS: 0016

TOTAL DENIED: 0031

TOTAL DISMISSED: 0007

TOTAL OTHERS: 0004

DISPOSITION OF DIRECT APPEALS:

AFFIRMED: 1

REVERSED: 4

DISMISSED: 2

REVERSED & REMANDED WITH DIRECTION: 1

REVERSED & REMANDED: 2

NO DIRECT APPEAL FILED: 6

COURT OF APPEALS
DOCKET SYSTEM

PERIOD: JAN 1, 1993 THRU DEC 31, 1993

DISCRETIONARY APPLICATION

DOMESTIC RELATIONS CASES

TOTAL FILED: 0074

TOTAL GRANTS: 0020

TOTAL DENIED: 0041

TOTAL DISMISSED: 0011

TOTAL OTHERS: 0002

DISPOSITION ON DIRECT APPEALS:

AFFIRMED: 3

REVERSED: 3

AFFIRMED IN PART/REVERSED IN PART: 1

WITHDRAWN: 4

DISMISSED: 2

VACATED & REMANDED WITH DIRECTION: 1

VACATED AND CASE REMANDED: 1

VACATED WITH DIRECTION: 1

AFFIRMED IN PART/REVERSED IN PART/REMANDED WITH DIRECTION: 1

NO DIRECT: 3

COURT OF APPEALS
DOCKET SYSTEM

PERIOD: JAN 1, 1994 THRU DEC 31, 1994

DISCRETIONARY APPLICATIONS

DOMESTIC RELATIONS CASES

TOTAL FILED: 0088
TOTAL GRANTS: 0029
TOTAL DENIED: 0041
TOTAL DISMISSED: 0014
TOTAL OTHERS: 0004

DISPOSITION DIRECT APPEALS:

AFFIRMED: 8

REVERSED: 6

AFFIRMED IN PART/REVERSED IN PART: 1

WITHDRAWN: 2

REMANDED WITH DIRECTION: 1

DISMISSED: 1

REVERSED & REMANDED WITH DIRECTION: 1

VACATED & REMANDED WITH DIRECTION: 2

REVERSED & REMANDED: 1

TRANSFERRED TO SUPREME COURT: 1

NO DIRECT FILED: 4

PENDING: 1

11/1/95

COURT OF APPEALS
DOCKET SYSTEM
PERIOD: JAN 1, 1995 THRU DEC 31, 1995

DISCRETIONARY APPLICATION
DOMESTIC RELATION CASES

TOTAL DESCRETIONARY FILED: 0052

TOTAL GRANTS: 0013

TOTAL DENIED: 0033

TOTAL DISMISSED: 0000

TOTAL OTHERS: 0006

DISPOSITION OF DIRECT APPEALS:

AFFIRMED: 3

REVERSED: 3

WITHDRAWN: 1

VACATED & REMANDED WITH DIRECTION: 2

REVERSED & REMANDED: 2

VACATED IN PART/AFFIRMED IN PART: 1

NO DIRECT APPEALED FILED: 1



Court of Appeals

Memorandum

To: Ann Kelley
From: John Pilgrim
Subject: Cases that would be affected by proposed procedural changes
Date: September 11, 1996

I. The number of direct appeal cases that would be rendered discretionary appeals by requiring applications to appeal in all criminal cases except for the seven deadlies provided in OCGA § 17-10-6.1 would be substantial. Based upon the Court of Appeals's docket for 1995, a total of 1135 criminal appeals were filed. Of those, approximately 259 cases would fall within the list of seven deadlies, leaving 876 that would become discretionary appeals. The breakdown, omitting murder cases, follows:

| | |
|--------------------|-----|
| Armed robbery: | 128 |
| Kidnapping: | 20 |
| Rape: | 42 |
| Child molestation: | 58 |
| Aggravated sodomy: | 7 |
| Sexual battery: | 4 |

II. With regard to the number of direct appeals that would be affected by repealing OCGA § 9-11-56 (h), which authorizes a direct

appeal in an interlocutory grant of summary judgment, search of the jurisdictional review data base created by Cliff Head reveals 144 such appeals docketed in the 1996 docketing year. There is some margin for error, but that figure represents a conservative estimate of the number of such cases.

ESTIMATED COURT OF APPEALS CASELOAD REDUCTION

Based on 1995 statistics

APPLICATIONS

Workers' Compensation discretionary applications: 184

Domestic relations discretionary applications: 52

Total: 236

Approximately 33 percent of such applications are granted, producing 77 direct appeals in those matters. If workers' compensation discretionary applications were assigned to the proposed panel of superior court judges, and if all domestic relations matters were assigned to the Supreme Court, the net reduction in the Court of Appeals's direct appeal caseload would be 77 cases.

DIRECT APPEALS

Misdemeanor Criminal Appeals (estimated): 192

If misdemeanor criminal offenses were also removed from the direct appeal caseload of the Court of Appeals, another 192 cases would be subtracted.

GRANTS OF PARTIAL SUMMARY JUDGMENT (OCGA § 9-11--56 (h))

In 1996 there were approximately 144 direct appeals from the grant of partial summary judgment filed pursuant to OCGA § 9-11-56 (h), as an exception to the interlocutory appeal procedures. If such cases were required to follow the interlocutory appeal procedures, another 144 direct appeal eliminated.

| | | |
|----------------|--|------------|
| TOTALS: | Appeals following discretionary applications | 77 |
| | Misdemeanor criminal appeals | 192 |
| | Partial summary judgment cases | <u>144</u> |
| | | 413 |

Thus, the Court of Appeals's direct appeal caseload would be reduced by approximately 413 cases. There would be some increase in the interlocutory applications, however.

SEVEN SERIOUS FELONIES

If all criminal appeals were made discretionary except for the seven serious felonies listed at OCGA § 17-10-6.1, and no other jurisdictional or procedural changes implemented, the Court of Appeals direct appeal caseload would be reduced by approximately 75 percent.

17-10-6.1

appropriate sentence to be imposed for any offense committed on or after the effective date of this Act."

JUDICIAL DECISIONS

Editor's notes. — Many of the cases noted below were decided prior to the 1994 amendment of subsection (a).

Purpose.
Any question as to the excessiveness of a sentence which is within legal limits should be addressed to the sentence review panel. *Hill v. State*, 212 Ga. App. 386, 441 S.E.2d 863 (1994).

Procedural matters relating to sentencing are subject to review even though the sentence itself is within the statutory limit. *Sinkfield v. State*, 262 Ga. 239, 416 S.E.2d 288 (1992).

Sentence not conforming to order of Sen-

tence Review Panel. — Since a sentence imposed by a trial court was inconsistent with the order of the Sentence Review Panel, defendant was able to seek review of the sentence within 30 days after the remittitur of the appellate court was received in the trial court without regard to the provisions of subsection (d) of this section limiting him to one application for review of a sentence. *Warren v. State*, 204 Ga. App. 191, 418 S.E.2d 783 (1992).

Cited in *Ranson v. State*, 198 Ga. App. 659, 402 S.E.2d 740 (1991); *Tyler v. Bennett*, 215 Ga. App. 87, 449 S.E.2d 666 (1994).

17-10-6.1. Punishment for serious violent offenders.

(a) As used in this Code section, the term "serious violent felony" means:

- (1) Murder or felony murder, as defined in Code Section 16-5-1;
- (2) Armed robbery, as defined in Code Section 16-8-41;
- (3) Kidnapping, as defined in Code Section 16-5-40;
- (4) Rape, as defined in Code Section 16-6-1;
- (5) Aggravated child molestation, as defined in Code Section 16-6-4;
- (6) Aggravated sodomy, as defined in Code Section 16-6-2; or
- (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2.

(b) Notwithstanding any other provisions of law to the contrary, any person convicted of a serious violent felony as defined in paragraphs (2) through (7) of subsection (a) of this Code section shall be sentenced to a mandatory minimum term of imprisonment of ten years and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.

(c) (1) Except as otherwise provided in subsection (c) of Code Section 42-9-39, for a first conviction of a serious violent felony in which the defendant has been sentenced to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a