



JUDICIAL COUNCIL OF GEORGIA
Administrative Office of the Courts
SUITE 550
244 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334-5900
(404) 656-5171
FAX: (404) 651-6449

MEMORANDUM

TO: R. Alex Crumbley
Chairperson, Committee on Jurisdiction
Commission on the Appellate Courts

FROM: Holly Sparrow
Administrative Office of the Courts

RE: Your request

DATE: September 12, 1996

You have asked me to estimate the caseload of the appellate courts, if certain jurisdiction was shifted between those two courts, and an appellate division of the superior court was created to handle some of these cases. A chart of the resulting total caseload of each court is attached. The types of jurisdictional changes you requested are listed below with some caveats about the data used.

- I. Shift criminal felony cases in which a life sentence was imposed from the Court of Appeals to the Supreme Court. Caveats: The docket classifications are not fine enough for us to separate cases in which a life sentence could have been imposed and was in fact imposed. Secondly, the docket does not distinguish aggravated cases of sexual battery and child molestation from other such cases. Therefore, the 1995 figures below represent all cases in which a life sentence could have been imposed and a, possibly, somewhat inflated number of sexual battery and child molestation cases. Lastly, violations of the Georgia Controlled Substance Act are not identified more specifically in the court's docket system. Thus, the drug case numbers here are also over inclusive. In addition, a 1996 amendment to O.C.G.A. § 16-13-30 provided that a second violation of section (d) is no longer punishable by a life sentence. This change will probably reduce the number of these appeals.

| | |
|----------------------|-----|
| Murder/Felony Murder | 10 |
| Armed Robbery | 128 |
| Kidnapping | 20 |
| Rape | 42 |

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| | |
|-------------------|-----|
| Aggravated Sodomy | 7 |
| Sexual Battery | 4 |
| Child Molestation | 58 |
| Drug | 234 |
| Total | 503 |

II. Shift Divorce and Alimony Cases from the Supreme Court to the Court of Appeals.
In 1995, there were 147 discretionary applications filed. 29 such cases were granted review.

III. Shift Worker's Compensation Cases from the Court of Appeals to an appellate division of the Superior Courts.
In 1995, there were 184 discretionary applications filed. 59 such cases were granted review.

IV. Shift Misdemeanor Cases from the Court of Appeals to an appellate division of the Superior Courts.

| | |
|--------------------------|-----|
| DUI | 78 |
| Other Traffic Violations | 13 |
| Simple Assault/Battery | 23 |
| Other Misdemeanors | 9 |
| Total | 123 |

V. Negate transfers from Supreme Court to the Court of Appeals in cases originally filed as either constitutional issues or equity issues. The only figures available to us on these cases that identify the reason for the transfer come from the research of Chief Judge Beasley's law clerk. For a period from 1994 through a point in 1996, there were 62 opinions in which a reason could be identified for the transfer. Of these:

- A. Equity Issues were mentioned in 19 opinions for a 30.6% of the 62 opinions.
- B. Constitutional Issues were mentioned in 25 or 40.3%.

In 1995, there were 101 transfers from the Supreme Court to the Court of Appeals. If it can be assumed that the composition of these transfers is similar to the above sample set of cases from 1994 through 1996, then 31 "equity" cases and 41 "constitutional" cases would have remained on the Supreme Court docket. This is a total of 72 cases.

| State Case Types | 1995 Dockets Filed | | Approximation of the Number of Dockets filed after Proposed Jurisdictional Changes | | | | |
|---|-----------------------|---------------------|--|-------|---------------------|-------|-------------------------------|
| | Supreme Court | Court of Appeals | Supreme Court | | Court of Appeals | | Appellate Div Superior Cts |
| | | | Range | | Range | | |
| | | | Low | High | Low | High | |
| TOTAL Filings | 2,054 | 3,632 | 2,118 | 2,352 | 3,104 | 3,338 | 366 |
| A. Constitutionally Defined Supreme Court Cases (Changeable by admendment only) <i>Article 6, Section 6, Paragraph 2: Total</i> | 47 | | 47 | 47 | | | |
| 3. Direct Appeals Exclusive Supreme Court Cases Amendable by Statute Only <i>Article 6, Section 6, Paragraph 3: Total</i> | 342 | 136 | 313 | 313 | 136 | 136 | |
| 1. Title to land | 30 * | | 30 | 30 | | | |
| 2. Equity cases | 59 | | 59 | 59 | | | |
| 3. Wills | 22 | | 22 | 22 | | | |
| 4. Habeas Corpus | 14 | | 14 | 14 | | | |
| Death penalty habeas corpus | 1 | | 1 | 1 | | | |
| 5. Extraordinary remedies | 52 | | 52 | 52 | | | |
| 6. Divorce and alimony | 29 | | | | 29 | 29 | |
| 7. Certified by Court of Appeals | | | | | | | |
| 8. Death penalty cases | 135 | | 135 | 135 | | | |
| <i>Article 5, Section 6, Paragraph 34: Total</i> | 841 | 2,883 | 1,110 | 1,344 | 2,198 | 2,432 | |
| 1. Petitions for Certiorari | 841 | | 841 | 841 | | | |
| 2. Probate Court Cases | | 42 | | | 42 | 42 | |
| 3. Juvenile Court Cases | | 42 | | | 42 | 42 | |
| 4. Worker's Compensation Cases | | 59 | | | | | 59 |
| 5. Administrative Law Cases | | 23 | | | 23 | 23 | |
| 6. Misdemeanor Cases | | 123 | | | | | 123 |
| 7. Other | | 2,594 | 269 | 503 | 2,091 | 2,325 | |
| E. Applications for Appeal <i>Article 5, Section 6, Paragraph 35: Total</i> | 532 | 749 | 385 | 385 | 712 | 712 | |
| 1. Discretionary Appeals | 202 | 419 | 55 | 55 | 382 | 382 | 184 |
| 2. Interlocutory Appeals | 53 | 330 | 53 | 53 | 330 | 330 | |
| 3. Habeas Corpus | 277 | | 277 | 277 | | | |
| F. Attorney Discipline | 113 | | 113 | 113 | | | |
| G. Judicial Qualifications | 1 | | 1 | 1 | | | |
| H. Original Petitions | 10 | | 10 | 10 | | | |
| I. Transfer to Court of Appeals | 101 | | 72 | 72 | 29 | 29 | |
| J. Other Cases | 67 | | 67 | 67 | | | |

Notes

- * Indicates unduplicated subtotals.
- 1. All appeals to the Appellate Division of the Superior Courts would be direct appeals. All requests for review of decisions of the Appellate Division of the Superior Courts would be by certiorari from the Supreme Court.
- 2. The change in the numbers shown in Discretionary Appeals, Line E.1., relates to workers compensation and misdemeanor cases.
- 3. The change in the numbers shown in Transfer to Court of Appeals, Line I., relates to cases with purported constitutional and equity cases.