

# Supreme Court of Virginia Statistical Review 2017

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

Source: Virginia State of the Judiciary Report 2010, 2013, 2017; ACMS-SCV, 2018

**Introduction** In 2017, there were 1,782 petitions filed and 1,697 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 2013 and 2017, there was a decrease of 13.1% in petitions filed in the SCV, while there was a decrease of 15.1% in cases decided. Despite these decreases between 2013 and 2017, there was an increase (4.1%) in 2015 of petitions filed. In 2017, there was a decrease of 3.8% in petitions filed from last year. Cases decided remained around the same as last year. In previous years' reports, procedural dismissed cases were not included in the number reported in the grand total of cases decided. This 2017 report includes procedural dismissed cases in the grand total of cases decided for 2013-2017. Additionally, procedural dismissed cases are reported separately in Table 1 in the Appeal Petitions section. This caseload statistical review focuses on trends in filings and case types between 2013 and 2017 in the SCV.

Display 1

## Supreme Court Petitions Filed and Decided 2013-2017

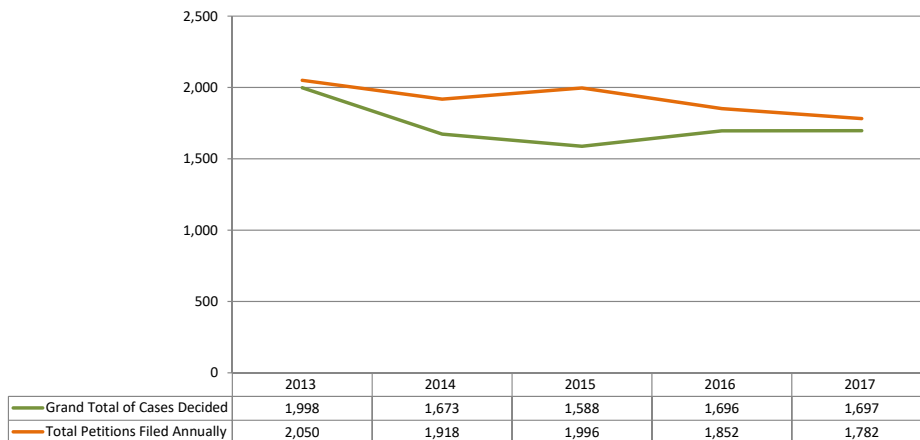


Table 1  
**Supreme Court Statistical History 2013-2017**

	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
<b>APPEAL PETITIONS</b>											
Granted											
Appeals of Right	3	-70.0%	11	266.7%	5	-54.5%	10	100.0%	4	-60.0%	33.3%
Civil Granted	79	-11.2%	89	12.7%	79	-11.2%	95	20.3%	80	-15.8%	1.3%
Criminal Granted	25	47.1%	23	-8.0%	22	-4.3%	30	36.4%	23	-23.3%	-8.0%
Habeas Appeals Granted	3	-25.0%	6	100.0%	6	0.0%	4	-33.3%	4	0.0%	33.3%
Cases Certified from CAV	0	0.0%	0	0.0%	0	0.0%	2	0.0%	0	0.0%	0.0%
Certified Questions of Law Accepted	2	-33.3%	2	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%
<b>Total</b>	<b>112</b>	<b>-8.9%</b>	<b>131</b>	<b>17.0%</b>	<b>113</b>	<b>-13.7%</b>	<b>142</b>	<b>25.7%</b>	<b>112</b>	<b>-21.1%</b>	<b>0.0%</b>
Refused											
Civil	372	-23.8%	341	-8.3%	342	0.3%	318	-7.0%	383	20.4%	3.0%
Criminal	841	-15.8%	691	-17.8%	630	-8.8%	746	18.4%	708	-5.1%	-15.8%
Habeas Appeals	89	-19.1%	74	-16.9%	50	-32.4%	68	36.0%	71	4.4%	-20.2%
<b>Total</b>	<b>1,302</b>	<b>-18.5%</b>	<b>1,106</b>	<b>-15.1%</b>	<b>1,022</b>	<b>-7.6%</b>	<b>1,132</b>	<b>10.8%</b>	<b>1,162</b>	<b>2.7%</b>	<b>-10.8%</b>
<b>Total Granted/Refused</b>	<b>1,414</b>	<b>-17.8%</b>	<b>1,237</b>	<b>-12.5%</b>	<b>1,135</b>	<b>-8.2%</b>	<b>1,274</b>	<b>12.2%</b>	<b>1,274</b>	<b>0.0%</b>	<b>-9.9%</b>
<b>Procedural Dismissal</b>	<b>270</b>	<b>-83.1%</b>	<b>211</b>	<b>-21.9%</b>	<b>230</b>	<b>9.0%</b>	<b>218</b>	<b>-5.2%</b>	<b>234</b>	<b>7.3%</b>	<b>-13.3%</b>
<b>ORIGINAL JURISDICTION PETITIONS</b>											
Docketed											
	1	-66.7%	0	-100.0%	1	0.0%	1	0.0%	5	400.0%	400.0%
Awarded											
Writ of Habeas Corpus	12	-14.3%	9	-25.0%	11	22.2%	8	-27.3%	8	0.0%	-33.3%
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%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
<b>Total</b>	<b>13</b>	<b>-13.3%</b>	<b>9</b>	<b>-30.8%</b>	<b>11</b>	<b>22.2%</b>	<b>8</b>	<b>-27.3%</b>	<b>8</b>	<b>0.0%</b>	<b>-38.5%</b>
Refused											
Writ of Habeas Corpus	218	-23.2%	161	-26.1%	147	-8.7%	113	-23.1%	127	12.4%	-41.7%
Writ of Mandamus	77	-4.9%	45	-41.6%	57	26.7%	76	33.3%	43	-43.4%	-44.2%
Writ of Prohibition	4	100.0%	5	25.0%	6	20.0%	5	-16.7%	5	0.0%	25.0%
Writ of Actual Innocence	1	-85.7%	5	400.0%	1	-80.0%	1	0.0%	1	0.0%	0.0%
<b>Total</b>	<b>300</b>	<b>-19.8%</b>	<b>216</b>	<b>-28.0%</b>	<b>211</b>	<b>-2.3%</b>	<b>195</b>	<b>-7.6%</b>	<b>176</b>	<b>-9.7%</b>	<b>-41.3%</b>
<b>Total Docketed, Awarded, and Refused</b>	<b>314</b>	<b>-19.9%</b>	<b>225</b>	<b>-28.3%</b>	<b>223</b>	<b>-0.9%</b>	<b>204</b>	<b>-8.5%</b>	<b>189</b>	<b>-7.4%</b>	<b>-39.8%</b>
<b>SUMMARY</b>											
<b>Grand Total of Cases Decided</b>	<b>1,998</b>	<b>-5.4%</b>	<b>1,673</b>	<b>-16.3%</b>	<b>1,588</b>	<b>-5.1%</b>	<b>1,696</b>	<b>6.8%</b>	<b>1,697</b>	<b>0.1%</b>	<b>-15.1%</b>
<b>Total Petitions Filed Annually</b>	<b>2,050</b>	<b>-7.5%</b>	<b>1,918</b>	<b>-6.4%</b>	<b>1,996</b>	<b>4.1%</b>	<b>1,852</b>	<b>-7.2%</b>	<b>1,782</b>	<b>-3.8%</b>	<b>-13.1%</b>

**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 2017, the SCV recorded 1,782 petitions filed, 70 less than the 1,852 in 2016 and 268 less than the 2,050 in 2013. There were 1,697 decided cases in 2017, an increase of one or 0.1% from the previous year. In 2017, 6.6% of cases that were decided were granted appeal petitions which decreased 21.1% from 2016. In 2017, 10.4% 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 civil. In 2017, there was an increase of 3.2% in criminal petitions. Civil petitions decreased by 31 or 5.4% from 569 in 2016 to 538 in 2017.

Table 2

## Supreme Court Case Types Filed 2013-2017

SCV Case Types	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
Actual Innocence	1	-85.7%	5	400.0%	2	-60.0%	3	50.0%	4	33.3%	300.0%
Certified Questions of Law	3	0.0%	1	-66.7%	1	0.0%	1	0.0%	1	0.0%	-66.7%
Civil	542	-9.7%	578	6.6%	547	-5.4%	569	4.0%	538	-5.4%	-0.7%
Commonwealth Appeals	5	-16.7%	6	20.0%	2	-66.7%	9	350.0%	7	-22.2%	40.0%
Criminal	874	-14.0%	810	-7.3%	974	20.2%	776	-20.3%	801	3.2%	-8.4%
Death Penalty	-	-100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Disciplinary Board	-	-100.0%	3	0.0%	3	0.0%	2	300.0%	2	0.0%	0.0%
Disciplinary Court	1	-50.0%	1	0.0%	1	0.0%	-	-100.0%	0	0.0%	-100.0%
Habeas Corpus Appeal	130	4.8%	113	-13.1%	92	-18.6%	114	23.9%	102	-10.5%	-21.5%
Injunction Appeal	8	14.3%	9	12.5%	12	33.3%	10	-16.7%	11	10.0%	37.5%
Interlocutory Appeal	-	-100.0%	2	0.0%	-	-100.0%	2	0.0%	4	100.0%	0.0%
Other	27	125.0%	27	0.0%	25	-7.4%	21	-16.0%	18	-14.3%	-33.3%
State Corporation Commission	5	66.7%	6	20.0%	4	-33.3%	9	125.0%	3	-66.7%	-40.0%
Workers' Compensation	14	100.0%	8	-42.9%	10	25.0%	9	-10.0%	8	-11.1%	-42.9%
Writ of Habeas Corpus	330	4.1%	266	-19.4%	253	-4.9%	218	-13.8%	217	-0.5%	-34.2%
Writ of Mandamus	105	6.1%	72	-31.4%	64	-11.1%	105	64.1%	57	-45.7%	-45.7%
Writ of Prohibition	5	0.0%	11	120.0%	6	-45.5%	4	-33.3%	9	125.0%	80.0%
<b>Totals</b>	<b>2,050</b>	<b>-7.5%</b>	<b>1,918</b>	<b>-6.4%</b>	<b>1,996</b>	<b>4.1%</b>	<b>1,852</b>	<b>-7.2%</b>	<b>1,782</b>	<b>-3.8%</b>	<b>-13.1%</b>

### Case Filings Mix

Criminal, civil and writ of habeas corpus cases constituted the majority or 87.3% of the petitions filed. The percentage of criminal petitions in 2013 was 42.6%, and this percentage rose in 2017 to 44.9% of total petitions filed. The percentage of civil petitions increased from 26.4% in 2013 to 30.2% in 2017. Writ of habeas corpus cases constituted 16.1% and 12.2% of the overall caseloads in 2013 and 2017, respectively.

Display 2

### Supreme Court Case Types Filed 2013, 2017

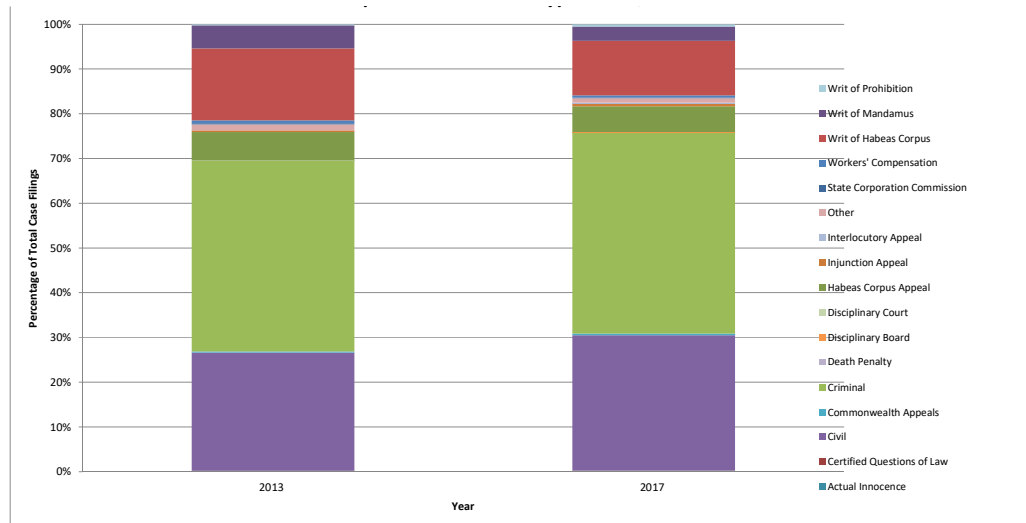


Table 3

## Supreme Court Appeal Petitions Decided 2013-2017

Appeal Petitions	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
<b>Granted</b>											
Appeals of Right	3	-70.0%	11	266.7%	5	-54.5%	10	100.0%	4	-60.0%	33.3%
Civil Granted	79	-11.2%	89	12.7%	79	-11.2%	95	20.3%	80	-15.8%	1.3%
Criminal Granted	25	47.1%	23	-8.0%	22	-4.3%	30	36.4%	23	-23.3%	-8.0%
Habeas Appeals Granted	3	-25.0%	6	100.0%	6	0.0%	4	-33.3%	4	0.0%	33.3%
Cases Certified from CAV	0	0.0%	0	0.0%	0	0.0%	2	0.0%	0	0.0%	0.0%
Certified Questions of Law Accepted	2	-33.3%	2	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%
<b>Total</b>	<b>112</b>	<b>-8.9%</b>	<b>131</b>	<b>17.0%</b>	<b>113</b>	<b>-13.7%</b>	<b>142</b>	<b>25.7%</b>	<b>112</b>	<b>-21.1%</b>	<b>0.0%</b>
<b>Refused</b>											
Civil	372	-23.8%	341	-8.3%	342	0.3%	318	-7.0%	383	20.4%	3.0%
Criminal	841	-15.8%	691	-17.8%	630	-8.8%	746	18.4%	708	-5.1%	-15.8%
Habeas Appeals	89	-19.1%	74	-16.9%	50	-32.4%	68	36.0%	71	4.4%	-20.2%
<b>Total</b>	<b>1,302</b>	<b>-18.5%</b>	<b>1,106</b>	<b>-15.1%</b>	<b>1,022</b>	<b>-7.6%</b>	<b>1,132</b>	<b>10.8%</b>	<b>1,162</b>	<b>2.7%</b>	<b>-10.8%</b>
<b>Total Granted/Refused</b>	<b>1,414</b>	<b>-17.8%</b>	<b>1,237</b>	<b>-12.5%</b>	<b>1,135</b>	<b>-8.2%</b>	<b>1,274</b>	<b>12.2%</b>	<b>1,274</b>	<b>0.0%</b>	<b>-9.9%</b>
Procedural Dismissal	270	-83.1%	211	-21.9%	230	9.0%	218	-5.2%	234	7.3%	-13.3%

**Appeal Petitions: Granted** Of the appeal petitions granted (112), civil petitions constituted the majority, 71.4% in 2017. In 2016, there was a decrease in civil granted of 15 (15.8%) from 2016 and an increase of one (1.3%) from 2013. There were 23 granted criminal petitions, a decrease of seven or 23.3% from the 30 granted in 2016.

**Refused** In 2017, there were 1,162 cases refused with the majority (60.9%) being criminal in nature. There were increases in civil and *habeas* appeals, which caused the overall increase of 30 or 2.7% in the total refused appeal petitions from the previous year.

Table 4  
**Supreme Court Original Jurisdiction Petitions Decided 2013-2017**

Original Jurisdiction Petitions	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
Docketed	1	-66.7%	0	-100.0%	1	0.0%	1	0.0%	5	400.0%	400.0%
Awarded											
Writ of Habeas Corpus	12	-14.3%	9	-25.0%	11	22.2%	8	-27.3%	8	0.0%	-33.3%
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%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
<b>Total</b>	<b>13</b>	<b>-13.3%</b>	<b>9</b>	<b>-30.8%</b>	<b>11</b>	<b>22.2%</b>	<b>8</b>	<b>-27.3%</b>	<b>8</b>	<b>0.0%</b>	<b>-38.5%</b>
Refused											
Writ of Habeas Corpus	218	-23.2%	161	-26.1%	147	-8.7%	113	-23.1%	127	12.4%	-41.7%
Writ of Mandamus	77	-4.9%	45	-41.6%	57	26.7%	76	33.3%	43	-43.4%	-44.2%
Writ of Prohibition	4	100.0%	5	25.0%	6	20.0%	5	-16.7%	5	0.0%	25.0%
Writ of Actual Innocence	1	-85.7%	5	400.0%	1	-80.0%	1	0.0%	1	0.0%	0.0%
<b>Total</b>	<b>300</b>	<b>-19.8%</b>	<b>216</b>	<b>-28.0%</b>	<b>211</b>	<b>-2.3%</b>	<b>195</b>	<b>-7.6%</b>	<b>176</b>	<b>-9.7%</b>	<b>-41.3%</b>
<b>Total Docketed, Awarded, and Refused</b>	<b>314</b>	<b>-19.9%</b>	<b>225</b>	<b>-28.3%</b>	<b>223</b>	<b>-0.9%</b>	<b>204</b>	<b>-8.5%</b>	<b>189</b>	<b>-7.4%</b>	<b>-39.8%</b>

**Original Jurisdiction Petition** In 2017, the total number of original jurisdiction cases decided was 189, which is 15 cases or 7.4% less than 2016, and 125 cases or 39.8% less than 2013. Of the 189 cases, eight or 4.2% 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 24.4% of the total 1,700 filings in 2017. IFP Affidavit was 21.0% of the total and response or reply to a motion or objection was 8.1%. Motions and requests filed included appointment of counsel/ public defender and extension of time among various other categories. In 2017, there were 1,369 motions and requests filed in the SCV which was an increase of 51 or 3.6% from 2016.

Filing Types	2017
Affidavit	3
Appellant Designation	68
Appellee Designation	57
Appointment Order from Lower Tribunal	25
Bill of Cost	42
Bond	10
Certificate of Mailing	107
Copy of Record	1
Exhibit(s)	18
IFP Affidavit	357
Inmate Trust Account Statement	29
Joint Designation	38
Notarized Statement of Mailing	24
Notice of Appeal	415
Notice of Appeal Withdrawal	28
Notice of Appearance	50
Notice of Filing Transcript	10
Notice of Oral Argument	2
Notice of Supplemental Authority	12
Notice of Written Statement of Facts	1
OJ Petition-No Number	118
Objection	18
Petition for Appeal-No Number	31
Pro Se Supplemental Petition	5
Replacement Certificate	9
Response or Reply to a Motion or Objection	137
Response to Show Cause	27
Return of Service	24
Suggestion of Bankruptcy	5
Verification	29
<b>Total</b>	<b>1,700</b>