

# Supreme Court of Virginia Statistical Review 2019

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

Source: Virginia State of the Judiciary Report 2010, 2015, 2019; ACMS-SCV, 2020

**Introduction** In 2019, there were 1,760 petitions filed and 1,675 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 2015 and 2019, there was a decrease of 11.8% in petitions filed in the SCV, while there was a decrease of 2.0% in cases decided. In 2019, there was a decrease of 3.3% in petitions filed from last year. Cases decided remained around the same as last year. This caseload statistical review focuses on trends in filings and case types between 2015 and 2019 in the SCV.

Display 1

## Supreme Court Petitions Filed and Decided 2015-2019

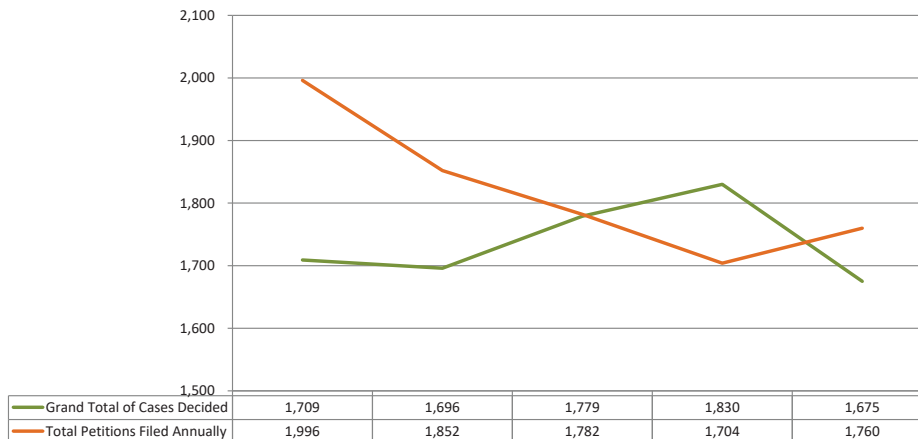


Table 1  
**Supreme Court Statistical History 2015-2019**

|  | 2015         | %Change       | 2016         | %Change       | 2017         | %Change       | 2018         | %Change      | 2019         | %Change       | %Change 2015-2019 |
|--|--------------|---------------|--------------|---------------|--------------|---------------|--------------|--------------|--------------|---------------|-------------------|
| <b>APPEAL PETITIONS</b>                                |              |               |              |               |              |               |              |              |              |               |                   |
| Granted  |              |               |              |               |              |               |              |              |              |               |                   |
| Appeals of Right                                       | 5            | -54.5%        | 10           | 100.0%        | 4            | -60.0%        | 6            | 50.0%        | 5            | -16.7%        | 0.0%              |
| Civil Granted  | 79           | -11.2%        | 95           | 20.3%         | 80           | -15.8%        | 90           | 12.5%        | 62           | -31.1%        | -21.5%            |
| Criminal Granted                                       | 22           | -4.3%         | 30           | 36.4%         | 23           | -23.3%        | 28           | 21.7%        | 27           | -3.6%         | 22.7%             |
| Habeas Appeals Granted                                 | 6            | 0.0%          | 4            | -33.3%        | 4            | 0.0%          | 2            | -50.0%       | 4            | 100.0%        | -33.3%            |
| Cases Certified from CAV                               | 0            | 0.0%          | 2            | 0.0%          | 0            | 0.0%          | 0            | 0.0%         | 0            | 0.0%          | 0.0%              |
| Certified Questions of Law Accepted                    | 1            | -50.0%        | 1            | 0.0%          | 1            | 0.0%          | 1            | 0.0%         | 0            | -100.0%       | -100.0%           |
| 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>113</b>   | <b>-13.7%</b> | <b>142</b>   | <b>25.7%</b>  | <b>112</b>   | <b>-21.1%</b> | <b>127</b>   | <b>13.4%</b> | <b>98</b>    | <b>-22.8%</b> | <b>-13.3%</b>     |
| Refused  |              |               |              |               |              |               |              |              |              |               |                   |
| Civil  | 342          | 0.3%          | 318          | -7.0%         | 383          | 20.4%         | 332          | -13.3%       | 335          | 0.9%          | -2.0%             |
| Criminal   | 630          | -8.8%         | 746          | 18.4%         | 708          | -5.1%         | 795          | 12.3%        | 693          | -12.8%        | 10.0%             |
| Habeas Appeals   | 50           | -32.4%        | 68           | 36.0%         | 71           | 4.4%          | 67           | -5.6%        | 54           | -19.4%        | 8.0%              |
| Certified Questions of Law Rejected                    | 0            | 0.0%          | 0            | 0.0%          | 0            | 0.0%          | 1            | 0.0%         | 0            | 100.0%        |                   |
| <b>Total</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>1,195</b> | <b>2.8%</b>  | <b>1,082</b> | <b>-9.5%</b>  | <b>5.9%</b>       |
| <b>Total Granted/Refused</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>1,322</b> | <b>3.8%</b>  | <b>1,180</b> | <b>-10.7%</b> | <b>4.0%</b>       |
| Procedural Dismissal                                   | 230          | 9.0%          | 218          | -5.2%         | 234          | 7.3%          | 212          | -9.4%        | 220          | 3.8%          | -4.3%             |
| <b>ORIGINAL JURISDICTION PETITIONS</b>                 |              |               |              |               |              |               |              |              |              |               |                   |
| Docketed   |              |               |              |               |              |               |              |              |              |               |                   |
|  | 1            | 0.0%          | 1            | 0.0%          | 5            | 0.0%          | 2            | -60.0%       | 1            | -50.0%        | 200.0%            |
| Awarded  |              |               |              |               |              |               |              |              |              |               |                   |
| Writ of Habeas Corpus                                  | 11           | 22.2%         | 8            | -27.3%        | 8            | 0.0%          | 8            | 0.0%         | 5            | -37.5%        | -54.5%            |
| 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%              |
| <b>Total</b>   | <b>11</b>    | <b>22.2%</b>  | <b>8</b>     | <b>-27.3%</b> | <b>8</b>     | <b>0.0%</b>   | <b>8</b>     | <b>0.0%</b>  | <b>5</b>     | <b>-37.5%</b> | <b>-54.5%</b>     |
| Refused  |              |               |              |               |              |               |              |              |              |               |                   |
| Writ of Habeas Corpus                                  | 147          | -8.7%         | 113          | -23.1%        | 127          | 12.4%         | 135          | 6.3%         | 98           | -27.4%        | -33.3%            |
| Writ of Mandamus                                       | 57           | 26.7%         | 76           | 33.3%         | 43           | -43.4%        | 56           | 30.2%        | 62           | 10.7%         | 8.8%              |
| Writ of Prohibition                                    | 6            | 20.0%         | 5            | -16.7%        | 5            | 0.0%          | 5            | 0.0%         | 3            | -40.0%        | -50.0%            |
| Writ of Actual Innocence                               | 1            | -80.0%        | 1            | 0.0%          | 1            | 0.0%          | 0            | -100.0%      | 0            | 0.0%          | -100.0%           |
| <b>Total</b>   | <b>211</b>   | <b>-2.3%</b>  | <b>195</b>   | <b>-7.6%</b>  | <b>176</b>   | <b>-9.7%</b>  | <b>196</b>   | <b>11.4%</b> | <b>163</b>   | <b>-16.8%</b> | <b>-22.7%</b>     |
| Procedural Dismissal/Dismissed as Moot/Dismissed Other | 121          | -4.0%         | 87           | -28.1%        | 82           | -5.7%         | 90           | 9.8%         | 106          | 17.8%         | -12.4%            |
| <b>Total Docketed, Awarded, and Refused</b>            | <b>344</b>   | <b>-2.0%</b>  | <b>204</b>   | <b>-40.7%</b> | <b>271</b>   | <b>32.8%</b>  | <b>296</b>   | <b>9.2%</b>  | <b>275</b>   | <b>-7.1%</b>  | <b>-20.1%</b>     |
| <b>SUMMARY</b>   |              |               |              |               |              |               |              |              |              |               |                   |
| Grand Total of Cases Decided                           | 1,709        | -5.0%         | 1,696        | -0.8%         | 1,779        | 4.9%          | 1,830        | 2.9%         | 1,675        | -8.5%         | -2.0%             |
| Total Petitions Filed Annually                         | 1,996        | 4.1%          | 1,852        | -7.2%         | 1,782        | -3.8%         | 1,704        | -4.4%        | 1,760        | 3.3%          | -11.8%            |

**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 2019, the SCV recorded 1,760 petitions filed, 56 less than the 1,704 in 2018 and 236 less than the 1,996 in 2015. There were 1,675 decided cases in 2019, a decrease of 155 or 8.5% from the previous year. In 2019, 8.3% of cases that were decided were granted appeal petitions which decreased 22.8% from 2018. In 2019, 9.7% 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 civil and criminal. In 2019, there was a decrease of 14.7% in criminal petitions along with a decrease in civil petitions decreased by 78 or 9.3% from 753 in 2018 to 753 in 2019.

Table 2  
**Supreme Court Case Types Filed 2015-2019**

| SCV Case Types               | 2015  | %Change | 2016  | %Change | 2017  | %Change | 2018  | %Change | 2019  | %Change | %Change 2015-2019 |
|------------------------------|-------|---------|-------|---------|-------|---------|-------|---------|-------|---------|-------------------|
| Actual Innocence             | 2     | -60.0%  | 3     | 50.0%   | 4     | 33.3%   | -     | -100.0% | 1     | 100.0%  | -50.0%            |
| Certified Questions of Law   | 1     | 0.0%    | 1     | 0.0%    | 1     | 0.0%    | 2     | 100.0%  | -     | -100.0% | -100.0%           |
| Civil                        | 547   | -5.4%   | 569   | 4.0%    | 538   | -5.4%   | 537   | -0.2%   | 496   | -7.6%   | -9.3%             |
| Commonwealth Appeals         | 2     | -66.7%  | 9     | 350.0%  | 7     | -22.2%  | 2     | -71.4%  | 3     | 50.0%   | 50.0%             |
| Criminal                     | 974   | 20.2%   | 776   | -20.3%  | 801   | 3.2%    | 753   | -6.0%   | 831   | 10.4%   | -14.7%            |
| Death Penalty                | -     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 0.0%              |
| Disciplinary Board           | 3     | 0.0%    | 2     | -33.3%  | 2     | 300.0%  | 2     | 300.0%  | 4     | 100.0%  | 0.0%              |
| Disciplinary Court           | 1     | 0.0%    | -     | -100.0% | -     | 0.0%    | 2     | 200.0%  | 0     | 0.0%    | -100.0%           |
| Habeas Corpus Appeal         | 92    | -18.6%  | 114   | 23.9%   | 102   | -10.5%  | 78    | -23.5%  | 58    | -25.6%  | -37.0%            |
| Injunction Appeal            | 12    | 33.3%   | 10    | -16.7%  | 11    | 10.0%   | 5     | -54.5%  | 15    | 200.0%  | 25.0%             |
| Interlocutory Appeal         | -     | -100.0% | 2     | 200.0%  | 4     | 0.0%    | 3     | 0.0%    | 2     | -33.3%  | 0.0%              |
| Other                        | 25    | -7.4%   | 21    | -16.0%  | 18    | -14.3%  | 33    | 83.3%   | 35    | 6.1%    | 40.0%             |
| State Corporation Commission | 4     | -33.3%  | 9     | 125.0%  | 3     | -66.7%  | 1     | -66.7%  | -     | -100.0% | -100.0%           |
| Workers' Compensation        | 10    | 25.0%   | 9     | -10.0%  | 8     | -11.1%  | 8     | 0.0%    | 13    | 62.5%   | 30.0%             |
| Writ of Habeas Corpus        | 253   | -4.9%   | 218   | -13.8%  | 217   | -0.5%   | 194   | -10.6%  | 185   | -4.6%   | -26.9%            |
| Writ of Mandamus             | 64    | -11.1%  | 105   | 64.1%   | 57    | -45.7%  | 82    | 43.9%   | 112   | 36.6%   | 75.0%             |
| Writ of Prohibition          | 6     | -45.5%  | 4     | -33.3%  | 9     | 125.0%  | 2     | -77.8%  | 5     | 150.0%  | -16.7%            |
| Totals                       | 1,996 | 4.1%    | 1,852 | -7.2%   | 1,782 | -3.8%   | 1,704 | -4.4%   | 1,760 | 3.3%    | -11.8%            |

**Case Filings Mix**

Criminal, civil and *writ of habeas corpus* cases constituted the majority or 88.9% of the petitions filed. The percentage of criminal petitions in 2015 was 48.8%, and this percentage fell in 2019 to 47.2% of total petitions filed. The percentage of civil petitions increased from 27.4% in 2015 to 28.2% in 2019. *Writ of habeas corpus* cases constituted 12.7% and 10.5% of the overall caseloads in 2013 and 2017, respectively.

Display 2  
**Supreme Court Case Types Filed 2015, 2019**

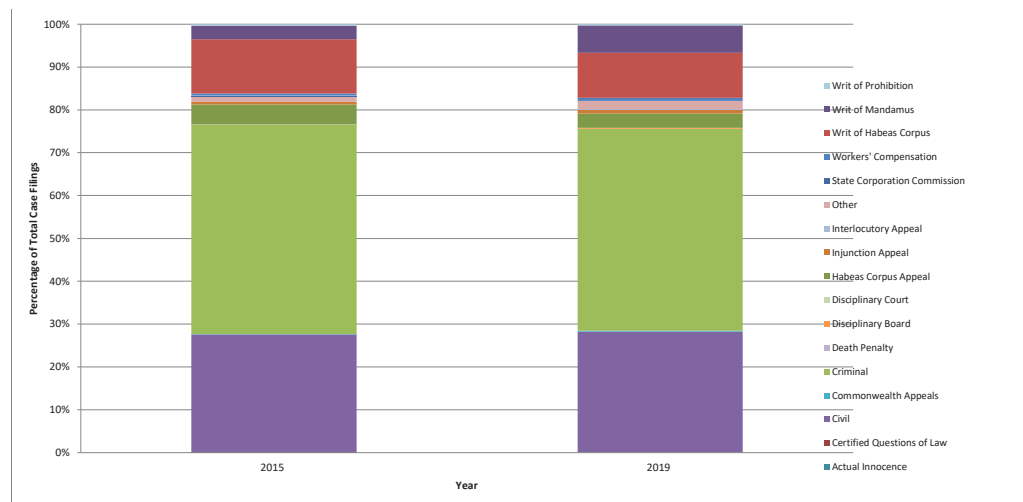


Table 3  
**Supreme Court Appeal Petitions Decided 2015-2019**

| Appeal Petitions                    | 2015  | %Change | 2016  | %Change | 2017  | %Change | 2018  | %Change | 2019  | %Change | %Change 2015-2019 |
|-------------------------------------|-------|---------|-------|---------|-------|---------|-------|---------|-------|---------|-------------------|
| Granted                             |       |         |       |         |       |         |       |         |       |         |                   |
| Appeals of Right                    | 5     | -54.5%  | 10    | 100.0%  | 4     | -60.0%  | 6     | 50.0%   | 5     | -16.7%  | 0.0%              |
| Civil Granted                       | 79    | -11.2%  | 95    | 20.3%   | 80    | -15.8%  | 90    | 12.5%   | 62    | -31.1%  | -21.5%            |
| Criminal Granted                    | 22    | -4.3%   | 30    | 36.4%   | 23    | -23.3%  | 28    | 21.7%   | 27    | -3.6%   | 22.7%             |
| Habeas Appeals Granted              | 6     | 0.0%    | 4     | -33.3%  | 4     | 0.0%    | 2     | -50.0%  | 4     | 100.0%  | -33.3%            |
| Cases Certified from CAV            | 0     | 0.0%    | 2     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 0.0%              |
| Certified Questions of Law Accepted | 1     | -50.0%  | 1     | 0.0%    | 1     | 0.0%    | 1     | 0.0%    | 0     | -100.0% | -100.0%           |
| Remanded from U.S. Supreme Court    | 0     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 0.0%              |
| Total                               | 113   | -13.7%  | 142   | 25.7%   | 112   | -21.1%  | 127   | 13.4%   | 98    | -22.8%  | -13.3%            |
| Refused                             |       |         |       |         |       |         |       |         |       |         |                   |
| Civil                               | 342   | 0.3%    | 318   | -7.0%   | 383   | 20.4%   | 332   | -13.3%  | 335   | 0.9%    | -2.0%             |
| Criminal                            | 630   | -8.8%   | 746   | 18.4%   | 708   | -5.1%   | 795   | 12.3%   | 693   | -12.8%  | 10.0%             |
| Habeas Appeals                      | 50    | -32.4%  | 68    | 36.0%   | 71    | 4.4%    | 67    | -5.6%   | 54    | -19.4%  | 8.0%              |
| Certified Questions of Law Rejected | 0     | 0.0%    | 0     | 0.0%    | 0     | 0.0%    | 1     | 0.0%    | -     | 100.0%  | 0.0%              |
| Total                               | 1,022 | -7.6%   | 1,132 | 10.8%   | 1,162 | 2.7%    | 1,195 | 2.8%    | 1,082 | -9.5%   | 5.9%              |
| Total Granted/Refused               | 1,135 | -8.2%   | 1,274 | 12.2%   | 1,274 | 0.0%    | 1,322 | 3.8%    | 1,180 | -10.7%  | 4.0%              |
| Procedural Dismissal                | 230   | 9.0%    | 218   | -5.2%   | 234   | 7.3%    | 212   | -9.4%   | 220   | 3.8%    | -4.3%             |

**Appeal Petitions: Granted** Of the appeal petitions granted (98), civil petitions constituted the majority, 63.3% in 2019. In 2019, there was a decrease in civil granted of 38 (31.1%) from 2018 and a decrease of 17 (21.5%) from 2015. There were 27 granted criminal petitions, a decrease of one or 3.6% from the 28 granted in 2018.

**Refused** In 2019, there were 1,082 cases refused with the majority (64.0%) being criminal in nature. There were decreases in criminal and *habeas* appeals, which caused the overall decrease of 113 or 9.5% in the total refused appeal petitions from the previous year.

Table 4  
**Supreme Court Original Jurisdiction Petitions Decided 2015-2019**

| Original Jurisdiction Petitions                        | 2015       | %Change      | 2016       | %Change       | 2017       | %Change      | 2018       | %Change      | 2019       | %Change       | %Change 2015-2019 |
|--|------------|--------------|------------|---------------|------------|--------------|------------|--------------|------------|---------------|-------------------|
| Docketed   | 1          | 0.0%         | 1          | 0.0%          | 5          | 0.0%         | 2          | -60.0%       | 1          | -50.0%        | 200.0%            |
| Awarded  |            |              |            |               |            |              |            |              |            |               |                   |
| Writ of Habeas Corpus                                  | 11         | 22.2%        | 8          | -27.3%        | 8          | 0.0%         | 8          | 0.0%         | 5          | -37.5%        | -54.5%            |
| 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%              |
| <b>Total</b>   | <b>11</b>  | <b>22.2%</b> | <b>8</b>   | <b>-27.3%</b> | <b>8</b>   | <b>0.0%</b>  | <b>8</b>   | <b>0.0%</b>  | <b>5</b>   | <b>-37.5%</b> | <b>-54.5%</b>     |
| Refused  |            |              |            |               |            |              |            |              |            |               |                   |
| Writ of Habeas Corpus                                  | 147        | -8.7%        | 113        | -23.1%        | 127        | 12.4%        | 135        | 6.3%         | 98         | -27.4%        | -33.3%            |
| Writ of Mandamus                                       | 57         | 26.7%        | 76         | 33.3%         | 43         | -43.4%       | 56         | 30.2%        | 62         | 10.7%         | 8.8%              |
| Writ of Prohibition                                    | 6          | 20.0%        | 5          | -16.7%        | 5          | 0.0%         | 5          | 0.0%         | 3          | -40.0%        | -50.0%            |
| Writ of Actual Innocence                               | 1          | -80.0%       | 1          | 0.0%          | 1          | 0.0%         | 0          | -100.0%      | 0          | 0.0%          | -100.0%           |
| <b>Total</b>   | <b>211</b> | <b>-2.3%</b> | <b>195</b> | <b>-7.6%</b>  | <b>176</b> | <b>-9.7%</b> | <b>196</b> | <b>11.4%</b> | <b>163</b> | <b>-16.8%</b> | <b>-22.7%</b>     |
| Procedural Dismissal/Dismissed as Moot/Dismissed Other | 121        | -4.0%        | 87         | -28.1%        | 82         | -5.7%        | 90         | 9.8%         | 106        | 17.8%         | -12.4%            |

**Original Jurisdiction Petition** In 2019, the total number of original jurisdiction cases decided was 163, which is 33 cases or 16.8% less than 2018, and 48 cases or 22.7% less than 2013. Of the 163 cases, five or 3.1% were awarded (five *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 18.9% of the total 1,933 filings in 2019. IFP Affidavit was 15.3% of the total and response or reply to a motion or objection was 5.6%. Motions and requests filed included appointment of counsel/public defender and extension of time among various other categories. In 2019, there were 1,330 motions and requests filed in the SCV.

| Filing Types                               | 2019         |
|--|--------------|
| Affidavit                                  | 20           |
| Appellant Designation                      | 75           |
| Appellee Designation                       | 55           |
| Appointment Order from Lower Tribunal      | 26           |
| Bill of Cost                               | 56           |
| Bond                                       | 8            |
| Certificate of Mailing                     | 103          |
| Copy of Record                             | 1            |
| Exhibit(s)                                 | 309          |
| IFP Affidavit                              | 295          |
| Inmate Trust Account Statement             | 98           |
| Joint Designation                          | 27           |
| Notarized Statement of Mailing             | 3            |
| Notice of Appeal                           | 365          |
| Notice of Appeal Withdrawal                | 14           |
| Notice of Appearance                       | 54           |
| Notice of Filing Transcript                | 4            |
| Notice of Oral Argument                    | -            |
| Notice of Supplemental Authority           | 12           |
| Notice of Written Statement of Facts       | -            |
| OJ Petition-No Number                      | 141          |
| Objection                                  | 28           |
| Petition for Appeal-No Number              | 23           |
| Pro Se Supplemental Petition               | 1            |
| Replacement Certificate                    | 1            |
| Response or Reply to a Motion or Objection | 109          |
| Response to Show Cause                     | 38           |
| Return of Service                          | 18           |
| Suggestion of Bankruptcy                   | -            |
| Verification                               | 49           |
| <b>Total</b>                               | <b>1,933</b> |