Judge Mathias, cont.

the management of state court rec-

ords into the 21st Century. Judge Mathias is a longtime sup-
porter of We the People, a national civics education program sponsored in Indiana by the Indiana Bar Foun-
dation. He coaches high school We the People teams in Indiana’s 5th Congressional District and helps or-
ganize We the People competitions in the 3rd Congressional District.

In 2010, he received the Indiana Bar Foundation’s William G. Baker Civic Education Award for his work in civics education. Judge Mathias has been married for 36 years and is the proud father of two sons who teach at the high school level. His wife, Carlabeth, is a

private practice counselor for children and families and a consultant to schools throughout Indiana. Judge Mathias enjoys Macintosh computers, technology in general and photography. He also enjoys spending many Saturdays during the school year helping to build theatric-

cal sets for Hamilton Southeastern High School.

Judge Bradford, cont.

Before joining the bench, he was recruited by Marion County Prosec-
cut Scott Newman as Chief Trial Deputy, in which capacity he man-
geister and a doctor of psychology.

Judge Crone, cont.

court in election 2006. He is mar-
deed and has three daughters – a

practicing attorney, an anesthesiolo-
gist and a doctor of psychology.

Senior Fellow of the Indianapolis Bar Association and a member of the Marion County Bar Association, Kos-
cinco County Bar Association, Indi-
ana State Bar Association, American Bar Association, and the Sagamore Inn of Courts. He has taught Indiana Continuing Legal Education Founda-
tion trial practice seminars for more

than 10 years and also teaches Fo-
rensic Science and the Law at Indo-
iana University-Purdue University Indianapolis, where he is an adjunct instructor.

Judge Bradford is well versed in contempo-
rary technology and media issues, having served on the Judicial Technology and Automation Com-
mee (JTAC), helping to draft the state judiciary’s policies on technolo-

gy and case management. From 2005 to 2007, he hosted “Off the Bench with Judge Cale Bradford,” a legal commentary program on Marion County’s government access network. He frequently lectures on a wide

range of legal topics and in 2012 will have clerked for an Appeals Court judge and later be appointed to

the court.

Because the Indiana Constitution provides an “absolute right to one appeal,” the Court of Appeals considers about 2,300 cases each year. In contrast, the Indiana Supreme Court decides about 100 cases per year.

Eight women and three African Americans have served on the Court. Current Chief Judge Margret G. Robb is the Court’s first female chief judge.

The court decides most cases without holding oral argument. In 2012, for example, the court issued 2,143 majority opinions and heard 78 oral arg-

guments.

The court hears and decides about twice as many criminal cases as civil cases each year.

The Court of Appeals affirmed trial court decisions in 80 percent of its cases in 2012. By case type, the affirmation rate was 86 percent of criminal cases; 88 percent of post-conviction relief petitions; and 64 percent of civil cases.

Betcha didn’t know: fast facts about the Court

- The Court hears cases in three-judge panels that rotate three times per year. Cases are never assigned to a single judge, and all cases are randomly assigned.
- Including judges serving senior terms, 135 judges have served the Court since its inception. Their photos are displayed against the north wall of the Statehouse on the fourth floor. Judge James B. Black (1838-1916) was the Court’s first chief judge.
- Judge Rudolph R. Pyle III is believed to be the first judge in the court’s history to have clerked for an Appeals Court judge and later be appointed to the court.
- Whether trial counsel was ineffective for failing to initiate an appeal of the consecutive sentences.

Case Summary

Scott pled guilty to all counts without benefit of a plea agreement.

When the trial court advised Scott that his sentence could range from 16 to 56 years of incarceration, he indicated that he still wanted to plead guilty as charged.

On May 9, 2008, the trial court accepted Scott’s plea to Counts I and II but not for Counts III and IV, finding that Counts III and IV were subsumed into Counts I and II. The trial court sentenced Scott to 15 years of incarceration for Counts I and II, the sentences to be served consecutively, and with five years of Count II suspended to the Lake County Community Corrections Forensic Diversion Program. The trial court found Scott’s youth and remorse to be mitigating. The trial court found, as aggravating cir-
cumstances, Scott’s prior criminal history and that fact that he was on probation at the time of his offenses. The trial court also noted that Scott’s “prior history was . . . primarily related to drugs and alcohol and driving,” Appellant’s App. p. 179.

The trial court advised Scott that he could appeal his sentence, had 30 days in which to file a notice of ap-

peal or motion to correct error, and that it would appoint an attorney if he could not afford one. Scott did not appeal his sentence.

On Sept. 19, 2011, Scott filed a peti-
tion for post-conviction relief, which, while not a substitute for direct ap-

peal, is a vehicle for some types of

Scott v. State

COURT OF APPEALS OF INDIANA

ORAL ARGUMENT AT A GLANCE

Manchester University

ORAL ARGUMENT:

Tuesday, March 12, 2013
3:30 p.m.

APPEAL FROM:

Lake Superior Court

The Honorable

Diane Ross Boswell, Judge

Scott v. State

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Case Summary, cont.

In the very first Sherlock Holmes story, “A Study in Scarlet,” Holmes claims to have discovered a unique representation for identifying hemoglobin. “Why, man, it is the most practical medico-legal discovery for years,” he exclaims to Dr. Watson. “Don’t you see that it gives us an infallible test for blood stains?”

to which a modern judge might say: “It’s a natural question. Most science advances only after replication and review by the broader scientific community. Courts are properly cautious, then, about the use of novel scientific methods in both criminal and civil cases.”

Judge Cale J. Bradford of the Court of Appeals of Indiana, who handled the case, including the trial judge’s role as gatekeeper for the admission of expert testimony.

Judges aren’t the only ones who grapple with scientific complexities. Trial attorneys have to coax understandable testimony from expert witnesses, and juries have to weigh that evidence — perhaps influenced by media depictions of scientific certainty.

“Sometimes, judges say ‘I can’t do science but it’s all right,’ ” Judge Bradford said in a 2019 interview. “They’ve made it up. Science can’t be ‘just right.’ ”

The most important choice that a judge faces when deciding whether to admit expert testimony is deciding whether the witness has the qualifications and expertise to testify on a particular subject.

Judge Bradford said he always starts by asking, “Does the witness have the expertise to testify about a particular issue?”

If the expert is qualified, the judge then must decide whether the expert’s testimony is relevant to the case.

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