

### **Najam continued from p. 3**

Project, which culminated in a complete revision of the Indiana Rules of Appellate Procedure, the first comprehensive review of the appellate rules in 30 years.

By designation of the Chief Justice of Indiana, Judge Najam has represented the Indiana judiciary on the Indiana Department of Homeland Security Counter-Terrorism and Security Council since it was created following the events of September 11, 2001. He also serves on the Court Security Committee of the Judicial Conference of Indiana. Judge Najam was an original member of the Indiana Supreme Court Judicial Technology and Automation Committee, which initiated the Odyssey electronic case and financial management system for Indiana courts.

While in practice he was a member of the Bloomington Rotary Club and the Greater Bloomington Chamber of Commerce. He has also served as a Director and President of the Monroe County YMCA and as a Director and Chair of the Community Foundation of Bloomington and Monroe County. He is currently a member of the Sycamore Land Trust Advisory Board.

Judge Najam is the author of "Public School Finance in Indiana: A Critique," published in the Indiana Law Journal, and "Caught in the Middle: The Role of State Intermediate Appellate Courts" and "Merit Selection in Indiana: The Foundation for a Fair and Impartial Appellate Judiciary," both of which were published in the Indiana Law Review. Judge Najam is a graduate of the Indiana Graduate Program for judges, a member of the American, Indiana, and Monroe County Bar Associations, and a Fellow of the American, Indiana, and Indianapolis Bar Foundations. He is a member of the Indiana University Maurer School of Law Board of Visitors, a member of Phi Delta Phi legal fraternity, and an Eagle Scout.

Judge Najam has authored over 3,500 majority opinions for the Court.

### **Robb continued from p. 3**

Board member of the Indiana State Bar Association, the Fellows of the Indiana State Bar Foundation, Tippecanoe County Bar Association, National Association of Women Judges, the Indiana University School of Law- Indianapolis Alumni Association, the Bankruptcy Section and the Appellate Practice Section of the Indiana State Bar Association, Appellate Judges Conference of the American Bar Association, the Appellate Judges Education Institute, and the Council of Chief Judges of State Courts of Appeal. She is the Appellate Judges Conference Delegate to the American Bar Association's House of Delegates. She has also been a Board member of the Indianapolis Bar Association, the Indianapolis Bar Foundation, and the Senior Council Section of the Indianapolis Bar Association. She was the moderator for the 2005-2006 and Chair for the 2006-2007 Indianapolis Bar Association's Bar Leader Series. Judge Robb is a member of the American Bar Foundation, American Judicature Society, and is a Master Fellow of the Indiana State Bar Foundation and a Senior Distinguished Fellow of the Indianapolis Bar Foundation.

Judge Robb Chaired the 2004 National Association of Women Judges' annual conference, the 2010 ABA's Appellate Judges Council - Appellate Judges Education Institute's national Summit for Judges, lawyers and Staff attorneys, the 2015 annual conference of the Council of Judges of State Courts of Appeal, and co-chaired the Education committee of the 2016 International Association of Women Judges Biennial Conference held in Washington, D.C. She is a frequent speaker on legal topics for attorneys, other judges, and professional, civic and community organizations.

In addition, she was a member of the ABA Committee that accredits law schools and continues to assist in the accreditation process by reviewing and evaluating law schools and their programs. Judge Robb is an elected member of the American Law Institute (ALI).

Judge Robb was Founding Chair of Governor Bowen's Commission on the Status of Women; was a recipient of a 1993 Indiana State Bar Association's "Celebrating 100 Years of Women in the Legal Profession" award; the 2001 Maynard K. Hine distinguished alumni award given in recognition of support and service to IUPUI and Indiana University; the 2004 Bernadette Perham "Indiana Women of Achievement" Award, bestowed by Ball State University to honor of one of their outstanding professors; the 2005 Indiana State Bar Association's Women in the Law Recognition Award; the 2006 Tippecanoe County YWCA Salute to Women "Women of Distinction" Award; the 2007 Warren G. Harding High School, Warren, Ohio, Distinguished Alumni Award; the 2010 Indiana University Alumni Association President's Award, a 2010 Indiana Lawyer Distinguished Barrister Award, the 2011 Indianapolis Bar Association Women and the Law Committee's Antoinette Dakin Leach Award, the 2011 David Hamacher Award from the Appellate Practice Section of the Indiana State Bar Association, a 2011 Indiana Business Journal Woman of Influence award, a 2012 Senate/House Concurrent Resolution in her honor, a 2014 Indiana Women's Commission Trailblazer award and one of five women to ever receive the special recognition as a "Trailblazer," and a 2014 Indiana University Robert H. McKinney School of Law Distinguished Alumni award.

Judge Robb authored "Reflections of Baseball, Life and the Law" in the Indiana State Bar Association's journal, Res Gestae and "Running Bases, Winning Cases: Why the Grand Old Game of Baseball is like the legal profession" in the ABA's journal. She also authored a chapter on Supreme Court Justice Leonard Hackney in, Indiana Supreme Court Justices, and co-authored a chapter, "From Juvenile Courts to Family Courts," in Essays on Indiana Legal History. She also co-authored, with her judicial law clerks, a law review note, "Do You Want To Know a Secret? Do You Promise Not to Tell? Whoa Oh Oh: Judges, Opinion and Judicial Notice," in the 2016 Indiana Law Review.

Judge Robb was retained on the Court of Appeals in 2000 and 2010, is married to a professor at Purdue University. Their son, a graduate of the United States Naval Academy, is a Lieutenant Commander on active duty in the United States Navy.

### **Altice continued from p. 3**

Judge Altice also served as chair of the Marion Superior Court Criminal Term from 2005-2007, as a member of the Executive Committee for the Marion Superior Court from 2007-2009, and as Presiding Judge of the Marion Superior Court from 2009 to 2011.

Judge Altice moved to the civil division of the Marion Superior Court in 2013 and was appointed chair of the Marion Superior Court Civil Term in January 2015.

Throughout his judicial career, Judge Altice has held leadership roles in organizations that improve the administration of justice. He accepted special assignments from the Indiana Supreme Court on the Judicial Performance Task Force and the Cameras in the Courtroom project, which allowed cameras in certain courtrooms under limited conditions. The Duval Work Release Center was built and opened during his tenure on the Marion County Community Corrections Advisory Board.

Judge Altice is a member of the Indiana Judges Association, the Indiana State Bar Association, and the Indianapolis Bar Association. In April 2015, Judge Altice was appointed to serve on an ad hoc Indiana Tax Court Advisory Task Force.

His community activities include prior service on the Board of Directors of these organizations: Indianapolis Police Athletic League; the Martin Luther King Community Development Corp.; and Coburn Place Safe Haven, a transitional housing facility for domestic abuse victims. He has presented on legal and ethical issues for the Indiana Continuing Legal Education Forum, the Indiana Judicial Center, and various Indiana bar associations. In his spare time, he enjoys gardening, golf and reading.

He and his wife, Kris, an attorney who is General Counsel for Shiel Sexton, have two adult children.

## SYNOPSIS

Following an encounter with police outside an Indianapolis gas station, Oluwaseyi Ojo was arrested and charged with resisting law enforcement by forcibly resisting, obstructing, or interfering with a law enforcement officer engaged in the execution of the officer's duties, a Class A misdemeanor. Ojo appeals his conviction, claiming there was insufficient evidence he made a strong, powerful, or violent action in an effort to evade the rightful exercise of police duties.

## Court of Appeals Mission Statement

"To serve all people by providing  
equal justice under law"



## Court of Appeals of Indiana

Hearing oral argument at  
South Vermillion High School  
Clinton, IN

*Thursday, February 8 @ 1:00 p.m.*



Oluwaseyi Ojo

v.

State of Indiana

49A04-1707-CR-01636

*On appeal from the  
Marion County Superior Court  
Criminal Division 3*

## Attorneys For The Parties

### Appellant Attorney

**Rory Gallagher** is an appellate attorney at the Marion County Public Defender Agency. Originally from Schererville, Indiana, Rory earned his bachelor degree from Indiana University—Bloomington where he studied philosophy and psychology. He attended Indiana University Robert H. McKinney School of Law and graduated in 2015 with a concentration in advocacy skills. Rory began his legal career as a trial attorney for the Marion County Public Defender Agency. He joined the agency's appellate division in June of 2017.

### Appellee Attorney

**Matthew MacKenzie** is a 2012 graduate of the IU McKinney School of Law. He completed his undergraduate studies in history and psychology at Cedarville University, where he graduated with a B.A. cum laude. Matthew is a three-year veteran of the Tippecanoe County Prosecutor's Office and has focused his career on governmental work, having interned with the Indiana Dept. of Homeland Security, and the Prosecutor's Offices in Johnson and Marion Counties while he was a law student. Matthew began working with the Attorney General's Office in the summer of 2016. He is a Bloomington native, and enjoys pursuing a multitude of hobbies including: competing in the International Defensive Pistol Association (IDPA), kayaking, biking, and following the automotive industry. Matthew and his wife Sarah live in Whitestown, IN.

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### About the Court of Appeals

As the second-highest court in Indiana, the Court of Appeals hears appeals from the state's trial courts and some state agencies. The Court does not preside over trials and must accept all appeals sent to it, with the exception of:

- Cases in which the death penalty or life-without-parole is rendered (appealed directly to the Indiana Supreme Court);
- Cases in which statutes are declared unconstitutional by a trial court (automatically appealed to the Supreme Court);
- Attorney disciplinary cases (which also go to the Supreme Court); and,
- Cases involving taxation (which go to the Indiana Tax Court).

As a result, the 15 members of the Court issue approximately 2,000 written opinions each year. A decision of the Court of Appeals of Indiana is final unless granted further review by the Indiana Supreme Court.

The Court hears cases only in three-judge panels. All panels have statewide jurisdiction and rotate three times per year. Cases are randomly assigned. In addition, there is no deadline for the Court to reach a decision in each case; however, the Court strives to issue decisions within four months of receiving an appeal. Opinions are often issued earlier.

### What happens after oral argument?

After oral argument, the judges confer to decide the outcome. A designated writing judge drafts an opinion for the others' review. Final language may involve several drafts and significant collaboration. Generally, opinions affirm or reverse lower court rulings in whole. But some affirm in part, some reverse in part, and some do both. Not infrequently, the opinion instructs the trial court about the next appropriate course of action. Many opinions are unanimous, although non-unanimous decisions (2-1) are not uncommon. Dissenting judges usually express their views in a separate opinion that becomes part of the permanent record of the case. Judges might also write separate, concurring opinions that emphasize different points of law or facts than the main opinion. No rules or laws govern how fast the court must issue an opinion. But the court strives to decide cases within four months of receiving all briefs, transcripts and other records. Once issued, all opinions are published on [www.courts.in.gov](http://www.courts.in.gov) and maintained in the permanent records of the Clerk of Appellate Courts. Parties can appeal decisions of the Court of Appeals to the Indiana Supreme Court by filing a petition to transfer within a prescribed number of days. But transfer is not automatic; the Supreme Court can grant or deny transfer with or without giving a reason. If the petition is denied, the Appeals Court decision stands.

## Today's Panel of Judges



The Honorable  
Edward W. Najam,  
Jr.

Monroe County

**Edward W. Najam, Jr.**, of Bloomington, Monroe County, was appointed to the Court of Appeals by Governor Evan Bayh in 1992 and retained by the electorate in 1996, 2006, and 2016. Judge Najam graduated from Indiana University High School in Bloomington, where he grew up. He attended Indiana University-Bloomington, where he earned a B.A. in political science, with Highest Distinction, in 1969. Judge Najam earned his J.D. from Harvard Law School and was admitted to the Indiana Bar in 1972. While at I.U. he was elected to Phi Beta Kappa and was elected Student Body President. He was also the recipient of the Herman B Wells Senior Recognition Award for academic excellence and campus leadership, an award named for I.U.'s legendary President and University Chancellor.

After his admission to the Bar, Judge Najam served as Administrative Assistant to the Mayor of Bloomington for two years and was a practicing attorney with a general civil and trial practice for eighteen years before joining the Court.

The Indiana Supreme Court appointed Judge Najam to the Supreme Court Committee on Rules of Practice and Procedure, which conducts a continuous study of the Indiana Rules of Procedure and the Indiana Rules of Evidence. He served on this committee for 10 years. As Chair of the Appellate Practice Section of the Indiana State Bar Association, Judge Najam initiated the Appellate Rules

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The Honorable  
Margret G. Robb

Tippecanoe County

**Margret G. Robb** was appointed to the Court of Appeals of Indiana in July 1998 by Governor Frank O'Bannon. She holds a B.S. and an M.S. in Business Economics from Purdue University, a Magna Cum Laude J.D. from Indiana University Robert H. McKinney School of Law and is a graduate of the Graduate Program for Indiana Judges. In 2011 she began a three year term as Chief Judge; the first woman to hold that position in the Court's more than 100 year history.

Prior to her appointment to the Court, Judge Robb was, for 20 years, engaged in the general practice of law in Lafayette, and served as a Chapter 11, 12 and a standing Chapter 7 Bankruptcy trustee for the Northern District of Indiana. She was a registered family and civil mediator and served as a Tippecanoe County Deputy Public Defender.

Judge Robb chaired the Supreme Court Task Force on Family Courts and the Supreme Court task force for the development of Trial Court Local Rules, is a member of the planning committee for the Supreme Court Graduate Judges Program, has also served as a member of the Indiana Board of Law Examiners, the Governance Committee of the Supreme Court IOLTA (Interest on Lawyer Trust Account) Committee; the Federal Advisory Committee on Local Rules for the Federal Court for the Northern District of Indiana; and the Federal Advisory Committee for the Expediting of Federal Litigation.

She has been both an officer and

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The Honorable  
Robert R. Altice

Marion County

**Robert R. Altice, Jr.**, was appointed to the Court of Appeals by Gov. Mike Pence and began his service on Sept. 2, 2015.

Judge Altice earned his undergraduate degree from Miami University, Oxford, OH, a master's degree in criminal justice administration from the University of Central Missouri, and his law degree from the University of Missouri-Kansas City School of Law.

Judge Altice began his career handling felony cases as a deputy prosecutor in Jackson County, MO, before being promoted to Chief Deputy Prosecutor for the Drug Unit. He then practiced with a Kansas City civil law firm, focusing on medical malpractice defense. After moving to Indianapolis, he concentrated on insurance defense in private practice.

Judge Altice returned to prosecution in 1994, handling a major felony caseload as a deputy prosecutor for the Marion County Prosecutor's Office. He served as Chief of the Felony Division from 1997-2000, trying more than 100 major felony jury trials, including 25 murder cases. While serving briefly as the Office's Chief Counsel, he helped amend Indiana laws on domestic battery and possession of firearms by violent felons.

Judge Altice was elected to the Marion County bench in 2000. As judge of Marion Superior Court, Criminal Division 2 from 2001-2012, he presided at 250 major felony jury trials, including 75 murder trials (seven death penalty cases).

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