

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 3, 2024

Page:

1

A-23-000395

Meier v. Meier

Motion Appellant for Attorney Fees

Appellant's motion for attorney fees is sustained in part. Appellee Steven C. Meier is ordered to pay \$15,000 towards attorney fees incurred by appellant Taress M. Meier on appeal.

A-23-000771

Evert v. Srb

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1). Accordingly, matter removed from the November Proposed Call of the Nebraska Court of Appeals.

A-23-000865

State v. Ademir Estrada-Pena

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). The record demonstrates that the decision by appellant's attorney to not cross-examine the State's principal witness was a strategic trial decision, which does not amount to deficient performance. See State v. Wood, 310 Neb. 391, 966 N.W.2d 825 (2021) (decisions about whether to engage in cross-examination, and if so to what extent and in what manner, are strategic in nature and generally will not support an ineffective assistance claim).

A-24-000203

Ramirez v. Magana

Motion Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to October 30, 2024.

A-24-000231

State v. Massey L Allen Jr

By order of the Court re request BOE

Late request for bill of exceptions filed after briefs have been tendered is overruled. See Neb. Ct. R. App. P. § 2-105(B)(2)(a) and (B)(2)(f).

A-24-000265

Magett v. CHI Health Immanuel Medical Center

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's FINAL brief date extended to November 8, 2024. No further extensions will be allowed.

A-24-000303

Hillyer v. Hillyer

By order of the Court re Mot to Withdraw

Counsel Jaquelin Leef provided an additional five days to comply with the Courts prior order to provide supplementation showing compliance with Neb. Ct. R. App. P. § 2-106(F). Failure to comply will result in denial of counsels motion to withdraw.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 3, 2024

Page:

2

A-24-000305

In re Interest of Nowa K.

Mot. of Appellee for Summary Dismissal

Appellee's motion for summary dismissal is denied. Case to proceed.

A-24-000306

In re Interest of Nowa K.

Mot. of Appellee for Summary Dismissal

Appellee's motion for summary dismissal is denied. Case to proceed.

A-24-000307

In re Interest of Nowa K.

Mot. of Appellee for Summary Dismissal

Appellee's motion for summary dismissal is denied. Case to proceed.

A-24-000408

Muhlbauer v. Farmers New World Life Insurance

Motion Appt to Extend Reply Brief Date

Motion sustained; Appellant's reply brief date extended to October 28, 2024.

A-24-000428

Koch v. Koch

Motion For Reconsideration

Appellant's motion for reconsideration overruled.

A-24-000433

Weisenberg v. Miller

ROD APPT Default Notice

By order of the Court, appeal dismissed for failure to file briefs; mandate to issue accordingly.

A-24-000465

State v. Jose L Amaya

ROD Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. See Neb. Ct. R.

App. P. § 2-107(B)(2); State v. Morton, 310 Neb. 355, 966 N.W.2d 57

(2021) (sentence imposed within statutory limits will not be disturbed on appeal absent abuse of discretion by trial court).

A-24-000468

State v. Brandon L Farrar

ROD Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. See Neb. Ct. R.

App. P. § 2-107(B)(2); State v. Morton, 310 Neb. 355, 966 N.W.2d 57

(2021) (sentence imposed within statutory limits will not be disturbed on appeal absent abuse of discretion by trial court).

A-24-000508

State v. Michael J Sands

Mot Appt Ext Brief & Request for Counsel

Motion of Appellant for appointment of counsel overruled.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 3, 2024

Page:

3

A-24-000508

State v. Michael J Sands

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's FINAL brief date extended to October 28, 2024.

A-24-000519

In re Interest of Gabriel S.

Ruling Reserved Motion to Withdraw

Motion to withdraw filed by Appellant's counsel, Erick Martin and Charles Grimes, taken under further advisement pending compliance with Neb. Ct. R. App. P. § 2-106(F), certifying that a copy of such motion has been sent to the client's last-known address, which address shall be included in the motion. Compliance shall be provided to the Court within seven days of this notice.

A-24-000532

State v. William R Schukei

Motion of Appellant to Extend Brief Date

Motion of Appellant to extend brief date granted in part; Appellant's FINAL brief date extended to October 21, 2024.

A-24-000565

State v. Jeff A Dolberg

Request to Extend Bill Exceptions

Request for extension granted in part; time for preparation of bill of exceptions extended to November 18, 2024, which is the full scope of our extensions for court reporters.

A-24-000565

State v. Jeff A Dolberg

Appellant's Brief Date Extended

Record preparation date having been extended to November 18, 2024, Appellant's brief date extended to December 18, 2024.

A-24-000576

State v. Jarvis T Young

Ruling reserved on Order Show Cause

Appellant provided an additional seven days to respond to the Court's Order to Show Cause issued on September 16, 2024. See prior order. Failure to respond on or before October 10, 2024 will result in an order which provides the appeal will move forward without a bill of exceptions for failure to timely pay or obtain proper leave to make payment out-of-time.

A-24-000591

State v. Michael P Donner

Motion of Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to 14 days after court's ruling on Appellee's motion for summary affirmance.

A-24-000612

State v. Ivell M Hagens

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 3, 2024

Page:

4

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to November 18, 2024.

A-24-000612

State v. Ivell M Hagens

Appellant's Brief Date Extended

Record preparation date having been extended to November 18, 2024, Appellant's brief date extended to December 18, 2024.

A-24-000624

Yah v. Hamilton

ROD Order to Show Cause re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2 107(A)(1). Appellant failed to respond to this court's order to show cause dated September 16, 2024.

A-24-000657

In re Guardianship of Koch

ROD Misc. Submission to Court - Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2 107(A)(1). Appellant's notice of appeal filed on July 22, 2024, was not filed within 30 days following entry of the final order in the case that dismissed the matter on September 3, 2024. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2022).

A-24-000667

State v. Joseph W Blythe

Motion to Withdraw - Gasaway for Appt

Motion sustained; Elizabeth Gasaway allowed to withdraw as counsel for Appellant.

A-24-000685

State v. Jenna M Herrera

Mot Appt Req Leave Supp BOE Out of Time

Motion of Appellant to supplement request for bill of exceptions out of time sustained.

A-24-000690

State v. Joseph A Cervantes

Motion to Withdraw Mathias for Appt

Motion sustained; Renee Mathias allowed to withdraw as counsel for Appellant.

A-24-000691

Campbell v. Meyer

ROD Misc. Submission to Court - Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2 107(A)(1). Appellant's notice of appeal filed on September 13, 2024, was not filed within 30 days of the district court's August 13, 2024, order. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2022) (notice of appeal must be filed within 30 days after entry of judgment, decree, or final order).

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 3, 2024

Page:

5

A-24-000718

State v. Jeremy W Haag

Ruling Reserved on Motion to Withdraw

Motion to withdraw filed by Appellant's counsel, Angela Minahan, taken under further advisement pending compliance with Neb. Ct. R. App. P. § 2-106(F), certifying that a copy of such motion has been sent to the client's last-known address, which address shall be included in the motion. Compliance shall be provided to the Court within seven days of this notice.