

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: December 19, 2024

Page: 1

A-24-000239

Bockelman v. Bockelman

ROD Submitted to Court without Oral Argument  
Affirmed. (2/1 vote). See Neb. Ct. R. App. P. § 2-107(A)(2). Court has jurisdiction of appeal. See Neb. Rev. Stat. § 42-358(1) and (6) (Reissue 2016). Appellant failed to argue assignments of error. An argument that does little more than restate an assignment of error does not support the assignment, and an appellate court will not address it. *State v. Blake*, 310 Neb. 769, 969 N.W.2d 399 (2022). In addition, we have no evidence before us in the record that would indicate any abuse of discretion on the part of the district court in allocating the guardian ad litem fees. It is incumbent upon the appellant to present a record supporting the errors assigned; absent such a record, an appellate court will affirm the lower court's decision regarding those errors. *Centurion Stone of Neb. v. Whelan*, 286 Neb. 150, 835 N.W.2d 62 (2013). No plain error exists in the decision of the district court.

A-24-000351

State v. Kevin J Moore

ROD Mot. of Appellee for Summary Affirmance  
Appellee's motion for summary affirmance granted. See Neb. Ct. R. App. P. § 2-107(B)(2). The sentence imposed did not constitute an abuse of discretion. An appellate court will not disturb a sentence imposed within the statutory limits absent an abuse of discretion by the trial court. *State v. Morton*, 310 Neb. 355, 966 N.W.2d 57 (2021). Furthermore, it is incumbent upon the appellant to present a record supporting the errors assigned; absent such a record, an appellate court will affirm the lower court's decision regarding those errors. *State v. Lara*, 315 Neb. 856, 2 N.W.3d 1 (2024).

A-24-000487

Belcastro-Gonzalez v. City of Omaha

Mot of Appt to Extend Reply Brief Date

Motion of Appellant to extend reply brief date overruled.

A-24-000551

State v. Ryan A Beck

ROD Mot. of Appellee for Summary Affirmance  
Appellee's motion for summary affirmance granted. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentence imposed did not constitute an abuse of discretion. See *State v. Dejaynes-Beaman*, 317 Neb. 131, 8 N.W.3d 779 (2024) (absent abuse of discretion by trial court, appellate court will not disturb sentence imposed within statutory limits).

A-24-000582

State v. Olajuwon A Felix

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's FINAL brief date extended to January 21, 2025. No further extensions will be allowed without exceptional cause.

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: December 19, 2024

Page: 2

A-24-000603

State v. Jacob E Dolinar

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's FINAL brief date extended to December 24, 2024. No further extensions will be allowed. If brief not filed by above due date, appeal will be dismissed without issuance of 10 day default letter.

A-24-000648

State obo Aivalynn W. v. Austin W.

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 January 27, 2025.

A-24-000669

State v. Amanda L McManus

Motion Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to January 21, 2025.

A-24-000671

Eakes, Inc v. City of Grand Island, Nebraska

Motion of Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellee's FINAL brief date extended to February 7, 2025.

A-24-000705

Robinson v. Boyd

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-24-000735

Weaver v. Department of Correctional Services

ROD By order of the Court re Dismissal

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

A-24-000775

State v. Devin L Stortzum

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's FINAL brief date extended to January 22, 2025.

A-24-000800

State v. Lucas S Kenkel

Motion Appt Extend Time Pay for BOE

Motion sustained; Appellant granted leave to pay for bill of exceptions out of time.

A-24-000800

State v. Lucas S Kenkel

Motion Appt Extend BOE Prep Date

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: December 19, 2024

Page: 3

Motion sustained; Bill of exceptions preparation date extended to December 10, 2024.

A-24-000800

State v. Lucas S Kenkel

Appellant's Brief Date Extended

Record preparation date having been extended to December 10, 2024, Appellant's brief date extended to January 9, 2025.

A-24-000836

State v. Gabino De Los Santos

Mot Appellant to Consolidate 24-836, 837

Motion sustained; cases 24-0836 and 24-0837 consolidated for briefing and disposition.

A-24-000837

State v. Gabino De Los Santos

Mot Appellant to Consolidate 24-836, 837

Motion sustained; cases 24-0836 and 24-0837 consolidated for briefing and disposition.

A-24-000844

Pebley v. Pebley

Mot Appe Counsel Glasz to Withdraw

Motion sustained; Nicholas Glasz allowed to withdraw as counsel for Appellee.

A-24-000851

State obo A'layah S. v. D'Angelo S.

Mot Apt Extend Brf Date & BOE Prep Date

Motion for Extension of Due Date of Brief is considered. The transcript, supplemental transcript, and second supplemental transcript have been filed with the Clerk. The Affidavit of Court Reporter states that there was no record made of the hearing and there is no Bill of Exceptions. The due date for Appellant's brief of December 25, 2024, is extended for 30 days. Appellant's brief due on or before January 27, 2025.

A-24-000865

Ashford v. Hendrix

ROD Misc. Submission to Court - Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2 107(A)(1). Appellant did not timely appeal from the district court's October 8, 2024, order denying his motion to alter or amend. A timely motion to alter or amend terminates the time to file an appeal, and the full 30-day period to appeal begins to run from the entry of the order ruling upon the motion to alter or amend a judgment. Bryson L. v. Izabella L., 302 Neb. 145, 921 N.W.2d 829 (2019). A successive motion to alter or amend the same judgment does not terminate the time to appeal. Id.

A-24-000865

Ashford v. Hendrix

Motion Appe for Summary Dismissal

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: December 19, 2024

Page: 4

The motion for summary dismissal filed by Douglas County, Douglas Johnson, and Daniel Esch is denied as moot.

A-24-000872

In re Interest of Mattie C.

Motion to Withdraw Laughlin for Appt

Motion sustained; Jessica Laughlin allowed to withdraw as counsel for Appellant.

A-24-000880

State v. Douglas H Anders

Mot Leave to Pay BOE Late

Motion sustained; Appellant granted leave to pay for bill of exceptions out of time.

A-24-000884

State v. Delvin J Amaya

Mot Appt Counsel Tate to Withdraw

Motion sustained; Cindy Tate allowed to withdraw as counsel for Appellant.

A-24-000884

State v. Delvin J Amaya

Motion Appt Leave to Request Supp BOE

Motion of Appellant for leave to request a supplemental bill of exceptions overruled without prejudice to retained counsel refiling a similar motion.

A-24-000886

State v. Jeffrey S Richardson

Motion of Appellant to Extend Brief Date

There being no praecipe for Bill of Exceptions filed by the Appellant within time allowed by this court's order entered December 12, 2024, no Bill of Exceptions shall be received and appeal shall proceed without Bill of Exceptions. Appellant's brief due on or before January 15, 2025.

A-24-000889

State v. Fredrick C Crouse

By order of Court re: Record Prep Date

Leave to request boe out of time having been granted and said request having been filed, boe prep date re-established to be January 30, 2025.

A-24-000889

State v. Fredrick C Crouse

Brief Date Re-Established

BOE prep date having been re-established to be January 30, 2025, Appellant's brief date re-established to be March 3, 2025.

A-24-000907

State v. Stuart D Howard

Mot Appt Leave to Req BOE Out of Time

Motion sustained; appellant granted leave to file praecipe for bill of

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: December 19, 2024

Page: 5

exceptions out of time. Appellant shall file their request within three days of this order.

A-24-000917

State v. Selassie H Spencer

Order to Show Cause re Late BOE Request

Response of Appellant to show cause order received. Cause shown.

Request to allow praecipe for Bill of Exceptions to be filed and approved as late request for Bill of Exceptions sustained. Late filed praecipe for Bill of Exceptions, filed December 10, 2024, shall be allowed. Bill of Exceptions shall be prepared. Appeal to proceed.

A-24-000917

State v. Selassie H Spencer

By order of the Court re Record Prep Dt

By order of the Court; time for preparation for bill of exceptions re-established to January 9, 2025.

A-24-000917

State v. Selassie H Spencer

Appellant's Brief Date Re-established

Record preparation date having been re-established to January 9, 2025, Appellant's brief date re-established to February 10, 2025.

A-24-000922

In re Interest of Atreus P.

Order to Show Cause re Summary Affirm

Cause having been shown, case to proceed.

A-24-000929

State v. Gregory T Berger

Cert of Ct Rept No Record Found, no BOE

Appellant's praecipe for preparation of Bill of Exceptions was not timely filed and no motion for leave to file a praecipe for Bill of Exceptions out of time has been filed with the court. Appellant has therefore waived right to request Bill of Exceptions and no Bill of Exceptions shall be prepared in the absence of leave granted by this court. See Neb. Ct. R. App. P. Sec. § 2-105(B)(2).

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-24-000629

State v. Logan C Hunts Horse

Order to Show Cause re Co-Counsel