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A-24-000415

State v. David J Tufts

Motion of Appellant to Alter or Amend

Appellant's "Motion to Alter or Amend," which we elect to review as a motion for rehearing, is overruled. The Nebraska Rules of Appellate Practice only provide for motions for rehearing or petitions for further review. See Neb. Ct. R. App. P. §§ 2-113 and 2-102(F). When the title of a filing does not reflect its substance, it is proper for a court to treat a pleading or motion based on its substance rather than its title. In re Guardianship of Maronica B., 314 Neb. 597, 992 N.W.2d 457 (2023). In addition, Appellant's motion was not accompanied by a brief in support. See § 2-113(A). Also, Appellant's request for leave to file an amended appellate brief is not a proper remedy afforded by a motion for rehearing under the rules of appellate practice. See § 2-113(D)(4).

A-24-000588

State v. Tavius X Dancy

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. 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-24-000593

State v William S Serrano

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. 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-24-000621

Morris v. Dall

Motion Appellee to Extend Brief Date

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

A-24-000833

In re Interest of Analicia K.

Order to Show Cause re Jurisdiction

Supplemental transcript filed containing affidavit of appellant in response to court's show cause order. Supplemental transcript displays appellant's intent to pursue appeal. Cause is shown. Appeal to proceed.

A-24-000860

Johnson v. Nebraska Board of Parole

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2 107(A)(1). The district court lacked subject matter jurisdiction, as

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nothing in the statutes governing mandamus actions indicates a legislative intent to waive sovereign immunity for mandamus actions against a state agency. Henderson v. Department of Corr. Servs., 256 Neb. 314, 589 N.W.2d 520 (1999). See also State ex rel. Rhiley v. Nebraska State Patrol, 301 Neb. 241, 917 N.W.2d 903 (2018). When a lower court does not gain jurisdiction over the case before it, an appellate court also lacks the jurisdiction to review the merits of the claim. Id.

A-24-000860

Johnson v. Nebraska Board of Parole
Motion Appt to Consolidate 24-860, 861
Appellant's motion to consolidate case Nos. 24-0860 and 24-0861 is overruled as moot.

A-24-000861

Johnson v. Nebraska Department of Corrections
ROD Misc Submission to Court re Jurisdiction
Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2 107(A)(1). The district court lacked subject matter jurisdiction, as nothing in the statutes governing mandamus actions indicates a legislative intent to waive sovereign immunity for mandamus actions against a state agency. Henderson v. Department of Corr. Servs., 256 Neb. 314, 589 N.W.2d 520 (1999). See also State ex rel. Rhiley v. Nebraska State Patrol, 301 Neb. 241, 917 N.W.2d 903 (2018). When a lower court does not gain jurisdiction over the case before it, an appellate court also lacks the jurisdiction to review the merits of the claim. Id.

A-24-000861

Johnson v. Nebraska Department of Corrections
Motion Appt to Consolidate 24-860, 861
Appellant's motion to consolidate case Nos. 24-0860 and 24-0861 is overruled as moot.

A-24-000951

State v. John W Graves II
By Order of Court re: Appt of Counsel
By order of the Court, trial court directed to rule upon motion for appointment of counsel previously filed in the trial court and/or to notify the Clerk of the Supreme Court of such ruling within 14 days of this order.

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S-21-000419

State v. Jorge A Galindo

Motion Appe to Lift Stay of Mandate

Order of January 4, 2024, staying mandate is vacated, and Clerk is directed to issue the mandate immediately.

S-23-000400

Sulzle v. Sulzle

ROD Submission to Court

Affirmed in part, and in part reversed and remanded with directions. Freudenberg, Justice. Stacy, Justice, concurring.

S-23-000845

Backhaus v. Backhaus

ROD Petition Appellee for Further Review

Petition of Appellee for further review granted. Case to appear on the next proposed call of the Nebraska Supreme Court to occur on March 5, 6, or 7, 2025. Further briefing pursuant to Neb. Ct. R. App. P. § 2-102(H) left to the discretion of the parties.

S-23-000860

Marousek obo Vivianne M. v. Nebraska Pediatric Practice Inc.

Pet Appt to Bypass Court of Appeals

Petition of Appellant to bypass granted.

S-24-000113

State v. Anthony J Garcia

ROD Submission to Court

Affirmed. Papik, Justice. Freudenberg, Justice, not participating.

S-24-000808

State v. Armon K Rejai

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 21, 2025.

S-24-000954

In re Administrative Order of Chief Justice Funke

Administrative Order (December 24, 2024)

By Order of the Court, the following proceedings were had and done: IN RE PROCLAMATION. On December 20, 2024, the Governor signed a proclamation that Thursday, the 24th of December, 2024 shall be a holiday for purposes of Neb. Rev. Stat. § 25-2221. See Order.