

Court of Appeals of Nebraska
Office of the Clerk

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A-24-000445

Cornerstone Bank v. Flat Creek Farms, Inc.

By order of the Court re O/A Time Change

By order of the Court, the parties are hereby notified that oral argument will commence at 9:30am on Tuesday, May 6, 2025. The parties are directed to disregard any previous scheduling notices received from this Court.

A-24-000489

State v. Manuel A Portillo

By order of the Court re O/A Time Change

By order of the Court, the parties are hereby notified that oral argument will commence at 9:30am on Tuesday, May 6, 2025. The parties are directed to disregard any previous scheduling notices received from this Court.

A-24-000505

Connot v. Connot

Motion Appellant for Oral Argument

Motion of Appellant for oral argument overruled.

A-24-000637

Barber v. Linder

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 May Review Docket of the Nebraska Court of Appeals.

A-24-000661

State v. Arthur T Varney

ROD

May Early Case Review

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). On May 1, 2024, Appellant was granted an evidentiary hearing on the sole issue of whether his trial attorney was ineffective for failing to investigate an alibi defense. In doing so, the district court also implicitly denied his remaining claims without an evidentiary hearing. See State v. Payne, 298 Neb. 373, 904 N.W.2d 275 (2017) (stating that order limiting evidentiary hearing to single issue implicitly denied evidentiary hearing to all other issues). Appellant failed to appeal within 30 days of the May 1, 2024, order limiting the issues in his postconviction motion to that of ineffectiveness of trial counsel in failing to investigate his alibi defense. See, Neb. Rev. Stat. § 29-3002 (Reissue 2016); § 25-1912(1) (Cum. Supp. 2024). Because Appellant only assigned error to the claims that were implicitly dismissed on May 1, 2024, we have no jurisdiction over those claims.

A-24-000661

State v. Arthur T Varney

Motion Appt to Grant Oral Argument

Motion of Appellant to grant oral argument overruled as moot.

A-24-000875

State v. Terra L Rap

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Motion Appt Counsel Sigler to Withdraw

Attorney Theresa M. Sigler's April 25, 2025, motion to withdraw as
counsel for the appellant is sustained.

A-24-000900

State v. Justin A Colbert

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is granted. See Neb. Ct. R.
App. P. § 2-107(A)(2). See State v. Rivera-Meister, 318 Neb. 164, 14
N.W.3d 1 (2024) (appellate court will not disturb sentence imposed
within statutory limits absent abuse of discretion by trial court).

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S-24-000698

In re Application for Appointment of Trustee, Elaine A. Waggoner

Second Report of Trustee Hupp

Report approved. Clerk directed to file Trustee's second report. Next report due on or before July 29, 2025.

S-24-000698

In re Application for Appointment of Trustee, Elaine A. Waggoner

Trustee Motion for Fees/Expenses

Motion for fees and expenses sustained in the amount of \$5,579.63.

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A-24-000582

State v. Olajuwon A Felix

Motion Appellant Continue Oral Argument

Motion of Appellant to continue oral argument sustained. Case removed from the May Review Docket and placed on the June Proposed Call of the Nebraska Court of Appeals, to occur on June 3 and 4, 2025.

A-24-000659

In re Interest of Kamarcus M.

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 May Review Docket of the Nebraska Court of Appeals.

A-24-000681

State v. Christian X Hernandez

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 May 28, 2025.

A-24-000822

In re Interest of Aziah J.

Motion Appellee to Continue Oral Arg

Motion of Appellee to continue oral argument sustained. Case to be placed on the next Proposed Call of the Nebraska Court of Appeals, to occur on September 17 and 18, 2025.