

Court of Appeals of Nebraska  
Office of the Clerk

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A-23-000065

State v. Luke Lefever

ROD Pet of Appt for Further Review & Brief  
Petition of Appellant for further review denied.

A-23-000114

Tall Grass Hills, LLC v. Overholt

ROD Submission to Court  
Affirmed. Welch, Judge. See memorandum web opinion.

A-23-000452

Penate v. Penate

By order of the Court re Oral Arguments  
By order of the Court, matter removed from the Nebraska Court of Appeals May Review Docket and placed on the Call, to be heard for oral argument on May 14, 2024, at 10:00am in the Court of Appeals Courtroom, Lincoln, Nebraska.

A-23-000455

Schicker v. Cady

ROD Submitted to Court without Oral Argument  
Affirmed. Moore, Judge. See memorandum web opinion.

A-23-000497

Jama v. Seu

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-23-000557

Bayliss v. Clason

By order of the Court re Oral Arguments  
By order of the Court, matter removed from the Nebraska Court of Appeals May Review Docket and placed on the Call, to be heard for oral argument on May 14, 2024, at 10:00am in the Court of Appeals Courtroom, Lincoln, Nebraska.

A-23-000577

State v. Reynaldo A De Los Angeles

ROD Submission to Court  
Affirmed. Welch, Judge. See memorandum web opinion.

A-23-000639

Harris v. Sheldon

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-23-000656

In re Interest of Josslyne D.

ROD Submitted to Court without Oral Argument

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Affirmed. Arterburn, Judge. See memorandum opinion.

A-23-000721

State v. Kristopher P Marcoe

ROD Submission to Ct. re: Plea

Affirmed. Pirtle, Chief Judge. See memorandum web opinion.

A-23-000772

Jordan v. Jordan

ROD Submitted to Court without Oral Argument

Affirmed. Arterburn, Judge. See memorandum web opinion.

A-23-000795

In re Interest of Armani C.

By order of the Court re: Consolidation

By order of the Court, case 23-0795 and 23-0796 consolidated for oral argument and disposition.

A-23-000796

In re Interest of Kamari G.

By order of the Court re: Consolidation

By order of the Court, case 23-0795 and 23-0796 consolidated for oral argument and disposition.

A-23-000861

State v. Wesley J Stayberg

ROD Petition of Appellant for Further Review

Petition of Appellant for further review denied.

A-24-000070

State v. Devine W McKean

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 district court took the appropriate factors into consideration when sentencing appellant. The court adequately stated its reasoning for the sentence of incarceration in open court, on the record, as required by Neb. Rev. Stat. § 29-2204.02(3) (Reissue 2016). See State v. Baxter, 295 Neb. 496, 888 N.W.2d 726 (2017). Sentence imposed did not constitute an abuse of discretion. A sentence imposed within the statutory limits will not be disturbed on appeal in the absence of an abuse of discretion by the trial court. State v. Horne, 315 Neb. 766, 1 N.W.3d 457 (2024).

A-24-000123

State v. Samuel Tombe

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-24-000237

In re Interest of Jose P.

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). The juvenile court's March 8, 2024, order does not

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affect a substantial right and it is therefore not a final, appealable order; the order allows appellant to select a reputable barber or hairdresser for a limited trim of the juvenile's hair and does not disturb appellant's relationship with the juvenile for any extended period of time. See *In re Interest of Becka P. et al.*, 296 Neb. 365, 894 N.W.2d 247 (2017) (whether substantial right of parent is affected by order is dependent upon both object of order and length of time over which parent's relationship with juvenile may reasonably be expected to be disturbed).

A-24-000297

State obo Brooklynn H. v. Joseph B.

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). The order denying appellant's motion to discharge the guardian ad litem is not yet appealable as it can be effectively vindicated in an appeal from a final order entered in the case following the trial now scheduled for June 20, 2024. See Neb. Rev. Stat. § 25-1902 (Cum. Supp. 2022). To the extent that appellant is challenging the denial of the production of a supplemental transcript, that issue is now moot as the requested items are now available to the appellant in the record in A-23-833. To the extent that the appeal involves the denial of appellant's motions for visitation, those orders were not timely appealed. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2022).

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S-23-000417

Syring v. The Archdiocese of Omaha, Nebraska

Mot of Appt for Additional Time for OA

Motion of appellant to expand time for oral argument sustained in part; time for argument expanded to 15 minutes per side.

S-23-000685

Humphrey v. Smith

Motion Appt Allow Dept of Justice Filing

Motion of Appellant to "Allow Department of Justice Filings Into Records" overruled. See Yochum v. Yochum, 312 Neb. 535, 980 N.W.2d 17 (2022) ("[a] bill of exceptions is the only vehicle for bringing evidence before an appellate court; evidence which is not made part of the bill of exceptions may not be considered").