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A-23-000201

State v. Steven F Danon

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 June Review Docket of the Nebraska Court of Appeals.

A-23-000233

State v. Mario Santos

ROD Submission to Court

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

A-23-000495

In re Interest of Quiotis C.

ROD Submitted to Court without Oral Argument

Affirmed. Riedmann, Judge. (P)

A-23-000496

Ullerich v. Ullerich

Motion of Appellee for Attorney Fees

Appellee's motion for attorney fees is sustained, in part; Appellant is ordered to pay the sum of \$5,000 to Appellee for attorney fees incurred on appeal. See Neb. Ct. R. App. P. § 2-106(G).

A-23-000510

State v. Robert J Payne

Motion of Appellant for Rehearing

Appellant's motion for rehearing is overruled. Appellant specifically waived the objection to the recalling of Hasam outside the presence of the jury prior to his testimony on the second day of trial.

[Alternative addition: See also, State v. Williams, 306 Neb. 261, 945 N.W.2d 124 (2020) (no abuse of discretion in allowing State to recall witness).]

A-23-000544

Neal v. Solorzano

ROD Submitted to Court without Oral Argument

Affirmed. Riedmann, Judge. See memorandum web opinion.

A-23-000549

Janda v. Janda

ROD Submission to Court

Affirmed. Pirtle, Chief Judge. (P)

A-23-000557

Bayliss v. Clason

ROD Submission to Court

Appeal dismissed. Welch, Judge. See memorandum web opinion.

A-23-000579

Svoboda v. Acton

ROD Pet of Appt for Further Review & Brief

Petition of Appellant for further review denied.

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A-23-000603

General Drivers v. Duet of Eastern Nebraska

ROD Petition of Appellant for Further Review
Petition for Further Review based upon recent case stricken. See Neb.
Ct. R. App. P. § 2-113(A) (motion for hearing not permitted following
order of Supreme Court denying petition for further review).

A-23-000689

State v. Augustina Trevino

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

A-23-000737

Bahshoota v. Woodhouse Family Auto

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

A-23-000815

Lopez v. Jorge

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

A-23-000853

In re Interest of A Reesha C.

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

A-23-000924

In re Interest of Sophia J. & Selene J.

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

A-23-000925

In re Interest of Sophia J. & Selene J.

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

A-23-000926

In re Interest of Zynazia M.

By order of the Court re Consolidation
By order of the Court, case numbers A-23-0926 and A-23-0927 are
consolidated for oral argument and disposition.

A-23-000927

In re Interest of Kia'Riano R.

By order of the Court re Consolidation
By order of the Court, case numbers A-23-0926 and A-23-0927 are
consolidated for oral argument and disposition.

A-23-000952

In re Guardian/Conservatorship of Cora B.

Joint Mot Recognize Settlement & Remand
The joint motion to recognize settlement and remand to the trial court

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for further proceedings consistent with settlement is denied without prejudice to the parties filing a stipulated motion solely requesting the dismissal of the appeal.

A-24-000030

Hemmer v. Hemmer

Mot Appt Reinstate Appeal & Ext Brf Dt

Appellant's motion for reconsideration and extension of brief due date is denied as untimely. See Neb. Ct. R. App. P. § 2-113(A) (motion for rehearing must be filed within 10 days of order disposing of the appeal).

A-24-000202

State v. Donald G Bonar

Motion of Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to June 10, 2024.

A-24-000227

State v. Grant Reed

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-24-000228

State v. Stewart O Newman

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to July 12, 2024.

A-24-000324

Czech v. Allen

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 denied appellant's application to appeal in forma pauperis on April 29, 2024. Appellant then had 30 days to appeal from that order or otherwise pay a docket fee on appeal. See e.g. Mumin v. Frakes, 298 Neb. 381, 904 N.W.2d 667 (2017). Seeing neither, this court lacks jurisdiction.

A-24-000358

In re Interest of Triton B.

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's notice of appeal filed on May 1, 2024, was not filed within 30 days of the court's March 19, 2024, order denying

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her application to intervene. See Neb. Rev. Stat § 25-1912 (Cum. Supp. 2022). Appellant's April 19, 2024, motion to reconsider was not filed within 10 days of the March 19, 2024, motion; therefore, it did not toll the time for filing a notice of appeal. See Neb. Rev. Stat §25-1329. (Reissue 2016); Bryson L. v. Izabella L., 302 Neb. 145, 921 N.W.2d 829 (2019) (holding that if court denies motion to modify final order, notice of appeal must be filed within 30 days of entry of earlier final order if party wishes to appeal earlier order).

A-24-000359

In re Interest of Hazelynn B.

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's notice of appeal filed on May 1, 2024, was not filed within 30 days of the court's March 19, 2024, order denying her application to intervene. See Neb. Rev. Stat § 25-1912 (Cum. Supp. 2022). Appellant's April 19, 2024, motion to reconsider was not filed within 10 days of the March 19, 2024, motion; therefore, it did not toll the time for filing a notice of appeal. See Neb. Rev. Stat §25-1329. (Reissue 2016); Bryson L. v. Izabella L., 302 Neb. 145, 921 N.W.2d 829 (2019) (holding that if court denies motion to modify final order, notice of appeal must be filed within 30 days of entry of earlier final order if party wishes to appeal earlier order).

A-24-000379

State v. Glen W Jenkins

ROD

Motion Appellant to Dismiss Appeal

Stipulation allowed; appeal dismissed; mandate to issue accordingly forthwith.

A-24-000389

Mitchell v. Omaha Police Department

ROD

Misc Submission to Court - Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). The district court's order of May 21, 2024, is not appealable. No appeal can be taken from an order that grants a motion to dismiss a complaint but allows time in which to file an amended complaint; such a conditional order is not a judgment. Nichols v. Nichols, 288 Neb. 339, 847 N.W.2d 307 (2014).

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-24-000318

Bayemekessa v. Bayemekessa

OSC re Poverty Affidavit. See order.

A-24-000319

Bayemekessa v. Bayemekessa

OSC re Poverty Affidavit. See order.

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ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-23-000737

Bahshoota v. Woodhouse Family Auto
Amended Opinion