

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: July 23, 2025

Page:

1

A-24-000543

Zitterkopf v. Zitterkopf

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 September Proposed Call of the Nebraska Court of Appeals.

A-24-000543

Zitterkopf v. Zitterkopf

Motion of Appellant to Expedite Ruling

As a case involving custody of a minor child, Case No. A-24-0543 is already advanced pursuant to Neb. Ct. R. App. P. § 2-111(B)(2)(f); therefore, Appellant's motion to expedite ruling is denied. Case has been submitted to court without oral argument pursuant § 2-111(B)(1).

A-24-000543

Zitterkopf v. Zitterkopf

Appellant Waiver of Oral Argument

Request for submission on briefs overruled as moot.

A-24-000933

State v. August Dae

Joint Motion to Expedite Mandate

Joint motion to issue mandate early pursuant to stipulation of parties per § 2-114 sustained. Mandate to issue accordingly forthwith.

A-25-000130

McCroy v. Dept of Correctional Services

Motion of Appellant to Extend Brief Date

Motion of Appellant to extend brief date overruled. Clerk's office to issue default notice accordingly.

A-25-000167

State v. Roger L Lange

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is granted. See Neb. Ct. R. App. P. § 2-107(B)(2). The district court took the appropriate factors into consideration when sentencing Appellant, and the sentences imposed did not constitute an abuse of discretion. See State v. Jones, 318 Neb. 840, 19 N.W.3d 499 (2025) (absent abuse of discretion by trial court, appellate court will not disturb sentence imposed within statutory limits). It is within a trial court's discretion to direct that sentence imposed for separate crimes be served either concurrently or consecutively. State v. Casteneda, 295 Neb. 547, 889 N.W.2d 87 (2017).

A-25-000168

State v. Roger L Lange

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is granted. See Neb. Ct. R. App. P. § 2-107(B)(2). The district court took the appropriate factors into consideration when sentencing Appellant, and the sentences imposed did not constitute an abuse of discretion. See State v. Jones,

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: July 23, 2025

Page: 2

318 Neb. 840, 19 N.W.3d 499 (2025) (absent abuse of discretion by trial court, appellate court will not disturb sentence imposed within statutory limits). It is within a trial court's discretion to direct that sentence imposed for separate crimes be served either concurrently or consecutively. State v. Casteneda, 295 Neb. 547, 889 N.W.2d 87 (2017).

A-25-000251

State v. Daejon L Collins

Motion Appellant to Extend Brief Date

Second or subsequent motion to extend brief date considered. By order of the Court, Appellant's brief date extended to August 4, 2025.

A-25-000264

State obo Aarayah L. v. David W.

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to August 6, 2025.

A-25-000294

In re Interest of Amaya S.

Motion of Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's brief date extended to August 25, 2025.

A-25-000311

Climmer-Wilson v. Wilson

Motion of Appellant to Extend Brief Date

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

A-25-000372

Volmer v. Volmer

Motion Shattuck to Withdraw for Appe

Motion to withdraw sustained; Kelly T. Shattuck allowed to withdraw as counsel for Appellee.

A-25-000444

State obo Appollo S. v. Adam S.

Ruling Reserved Late Pymt: Add'l Days

No response to the order to show cause of July 10, 2025, having been received, the Appellant is provided three more days to respond.

Failure to respond or provide good cause as requested in prior order will result in rejection of bill of exceptions for failure to timely pay.

A-25-000452

Hiatt v. Eaton

Motion to Withdraw Garrison for Appt

Motion to Dustin A. Garrison to withdraw as counsel for Appellant overruled. See prior orders of court.

A-25-000463

State v. Gooden L Townsell III



Court of Appeals of Nebraska  
Office of the Clerk

Minutes: July 23, 2025

Page:

3

Order to Show Cause re Late Praecipe BOE  
Motion for leave to file request for bill of exceptions sustained.  
Request for bill of exceptions filed on July 3, 2025, accepted as  
filed. Record preparation date extended to September 10, 2025.

A-25-000463

State v. Gooden L Townsell III

Appellant's Brief Date Re-Established

Record preparation date having been re-established to September 10,  
2025, Appellant's brief date extended to October 10, 2025.

A-25-000481

Vogtscares, Inc. v. Nemaha County, Nebraska

Order to Show Cause re Late Payment BOE

Cause having been shown, payment of estimated cost of bill of  
exceptions made on July 15, 2025, accepted. Record preparation date  
re-established to September 10, 2025.

A-25-000481

Vogtscares, Inc. v. Nemaha County, Nebraska

Appellant Brief Date Re-Established

Record preparation date having been re-established to September 10,  
2025, Appellant's brief date extended to October 10, 2025.

A-25-000492

In re Interest of Luna F.

Motion to Withdraw Gligor for Appt

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

A-25-000516

State v. Emmanuel A.

Motion Appellant for Expedited Review

Appellant's Motion to Expedite Review is overruled. The bill of  
exceptions in juvenile transfer cases is already expedited. See Neb.  
Ct. R. App. P. § 2-105.01(B). The Appellant's brief is due 30 days  
after the date the bill of exceptions is due to be filed. See Neb. R.  
App. P. § 2-109(A)(1)(b). Although the Appellee's brief is due 30 days  
after Appellant's brief is served and filed (§ 2-109(A)(2)), since  
Appellant filed his brief before receipt of the bill of exception, we  
grant the Appellee's motion to extend its brief date to 30 days after  
receipt of the bill of exceptions.

A-25-000529

State v. Donte D Wilson

Motion to Withdraw Stensrud for Appt

Motion to withdraw sustained; Bethany R. Stensrud allowed to withdraw  
as counsel for Appellant.

A-25-000530

Ryan v. Ryan

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 July 14, 2025, poverty affidavit was not

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: July 23, 2025

Page:

4

filed within 30 days after the entry of the district court's dissolution decree on June 11, 2025. See, Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2024); In re Interest of Fedalina G., 272 Neb. 314, 721 N.W.2d 638 (2006) (poverty affidavit serves as substitute for docket fee otherwise required upon appeal).

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-25-000403

Koch v. City of Sargent, Nebraska

Order to Show Cause re: Late BOE Payment

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: July 23, 2025

Page:

1

A-24-000796

Garvais v. Garvais

ROD

Submission to Court re Rule 2-107(A)

Affirmed. See Neb. Ct. R. App. P. § 2-107(A)(2). Appellant's claim that the justification of self-defense is applicable in protection order proceedings has been rejected by the Nebraska Supreme Court. See, Dugan v. Sorensen, 319 Neb. 326, \_\_\_ N.W.3d \_\_\_ (2025) (civil protection order proceedings are not mentioned in Neb. Rev. Stat. § 28-1416 (Reissue 2016), and thus, justification based on self-defense under Neb. Rev. Stat. § 28-1409 (Reissue 2016) is not available in such proceedings).

A-25-000111

Bazan v. Gonser

Neb. Ct. R. App. P. § 2-105(C)(5) Notice

Pursuant to Neb. Ct. R. App. P. § 2-105(C)(5), notice is hereby provided that the appellate court has not received either the bill of exceptions by the due date or a request by court reporting personnel for an extension of time to prepare the same.

A-25-000169

State v. William P Collins

Motion of Appellee to Extend Brief Date

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

A-25-000190

State v. Francisco Nieto

Motion of Appellant to Extend Brief Date

Second or subsequent motion to extend brief date considered. By order of the Court, Appellant's brief filed July 22, 2025, accepted as filed.

A-25-000309

Jeffers v. Jeffers

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to August 27, 2025.

A-25-000473

Campbell v. Sgt. Pietzyk

ROD

Misc Submission to Court re Jurisdiction

There being no response to this court's order to show cause filed on July 11, 2025, this appeal is dismissed for lack of jurisdiction due to the untimely filing of Appellant's notice of appeal. See Neb. Ct. R. App. P. § 2-107(A)(1).



Supreme Court of Nebraska  
Office of the Clerk

Minutes: July 23, 2025

Page:

1

S-16-000982

State ex rel. Counsel for Discipline v. Douglas R. Lederer

By Order of Court re: Reinstatement

In accordance with the court's previous order dated June 18, 2025, by  
Order of the Court, Application for Reinstatement withdrawn.

S-25-000165

State v. Wilbert C Smith

Motion Appt to Exceed Word Limit

Motion of Appellant to exceed 15,000 word limit is sustained and limit  
increased to 15,243 as requested.

S-25-000346

State v. Bernard D Long

Motion of Appellant to Extend Brief Date

Second or subsequent motion to extend brief date considered. Motion  
of Appellant to extend brief date sustained and deadline extended to  
September 24, 2025.