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A-23-000186

State v. Keinald V Parnell

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). Upon this court's summary affirmance in A-24-0097 on May 20, 2024, of the district court's denial of appellant's motion to appeal in forma pauperis, and the Nebraska Supreme Court's denial of his petition for further review on June 26, appellant had 30 days in which to pay a docket fee. As none was paid, the appeal is hereby dismissed. See State v. Carter, 292 Neb. 16, 870 N.W.2d 641 (2015); Neb. Rev. Stat. § 25-2301.02(1) (Reissue 2016).

A-23-000186

State v. Keinald V Parnell

Mot. of Appellee for Summary Affirmance

Motion considered. Overruled as moot.

A-23-000403

Jenne v. Jenne

2nd Motion Apppe Extend Resp to Atty Fees

Motion sustained. Appellee's response time to appellant's motion for attorney fees extended to August 20, 2024.

A-23-000733

State v. Shekinah N Lightspirit

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-23-000733

State v. Shekinah N Lightspirit

Motion Appellee Continue Oral Argument

Overruled as moot.

A-23-000840

Murtaugh v. Sabatka-Rine

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is sustained. See Sanders v. Frakes, 295 Neb. 374, 888 N.W.2d 514 (2016) (writ of habeas corpus will not lie to discharge person from sentence of penal servitude where court imposing sentence had jurisdiction of offense and person of defendant and sentence was within power of court to impose); Peterson v. Houston, 284 Neb. 861, 824 N.W.2d 26 (2012) (double jeopardy does not provide a proper ground for granting a writ of habeas corpus in Nebraska); State v. Schaaf, 234 Neb. 144, 449 N.W.2d 762 (1989) (series of separate acts, each of which was a theft, did not constitute one criminal act or a continuing offense of theft).

A-23-000885

Dolton Electric, LLC v. Ichtertz

Case Review re Rule 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant

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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-23-000922

State v. Jacob W Pollock

By order of the Court re Oral Argument

Oral argument in this case will be heard the afternoon of September 10, 2024, at Nebraska Wesleyan University starting at 1:00 p.m. The parties are hereby ordered to be prepared to address the following issue during oral argument: Whether the Nebraska Court Rules of Appellate Practice § 2-101 et seq., govern appeals from the county court to the district court.

A-24-000088

Williams v. Folts-Oberle

Case Review re 2-111 Submission

By order of the Court, matter submitted without oral argument pursuant to Neb. Ct. R. App. P. § 2-111(B)(1).

A-24-000177

State v. Juan G Martinez

ROD

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). The motion for postconviction relief filed on May 30, 2023 is procedurally barred as a successive postconviction motion. See, Neb. Rev. Stat. § 29-3001(3)(Reissue 2016); State v. Lotter, 311 Neb. 878, 976 N.W.2d 721 (2022).

A-24-000178

In re Interest of Lorenz T.

Motion Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to September 4, 2024.

A-24-000181

In re Interest of Lorenz T.

Motion Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to September 4, 2024.

A-24-000183

In re Interest of Lorenz T.

Motion Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to September 4, 2024.

A-24-000184

In re Interest of Lorenz T.

Motion Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to September 4, 2024.

A-24-000185

State v. Leroy A McDonald

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ROD Mot of Appellee for Summary Affirmance
Appellee's motion for summary affirmance granted. See Neb. Ct. R. App. P. § 2-107(B)(2). 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-24-000217

State v. Graylin Gray

ROD Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance pursuant to Neb. Ct. R. App. P. § 2-107(B)(2) is granted. A legislative act operates only prospectively and not retrospectively unless the legislative intent and purpose that it should operate retrospectively is clearly disclosed. State v. Van Dorn, 234 Neb. 93, 449 N.W.2d 530 (1989). The provision of Laws 2023, LB 50, § 5 on which appellant relies for retroactivity does not apply to Neb. Rev. Stat. § 29-2221 (Supp. 2023).

A-24-000264

State of Nebraska obo Jaxon D. v. Bazzle

Motion of Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellee's FINAL brief date extended to September 9, 2024.

A-24-000330

State v. Deron D Gatus

ROD Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance granted. See Neb. Ct. R. App. P. § 2-107(B)(2). 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-24-000342

McCartney v. Zurcher

Order to Show Cause re Jurisdiction

Cause having been shown, case to proceed.

A-24-000342

McCartney v. Zurcher

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's FINAL brief date extended to September 4, 2024.

A-24-000342

McCartney v. Zurcher

Motion Appt to Expand Brf Word Limit

Appellant's motion to extend brief word limit to 35,000 sustained.

A-24-000346

Mark v. Nebraska Department of Corrections

ROD Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance is sustained. See Sanders v.

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Frakes, 295 Neb. 374, 888 N.W.2d 514 (2016) (writ of habeas corpus will not lie to discharge person from sentence of penal servitude where court imposing sentence had jurisdiction of offense and person of defendant and sentence was within power of court to impose; regularity of the proceedings leading up to the sentence in a criminal case cannot be inquired into on an application for writ of habeas corpus, for that matter is available only in a direct proceeding).

A-24-000371

Evolution Towing and Recovery v. Seven Group LLC

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's FINAL brief date extended to September 18, 2024.

A-24-000406

State v. Kevin R Nelson

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 September 16, 2024.

A-24-000450

State v. Angel O Rodriguez Alvis

Motion 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-24-000456

State v. Mathew J Heath

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's FINAL brief date extended to September 4, 2024.

A-24-000525

In re Interest of Annabella M.

ROD Misc. Submission to Court - Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2 107(A)(1). The juvenile court's order of June 17, 2024, indicates that an issue of supervised visitation was taken under advisement. Generally, when multiple issues are presented to a court for simultaneous disposition in the same proceeding, the court's determination of fewer than all the issues presented is not a final order for the purpose of an appeal. See e.g. Tilson v. Tilson, 299 Neb. 64, 907 N.W.2d 31 (2018). This is because, absent unusual circumstances, postponing appellate review until all the issues presented have been decided will not significantly undermine the rights affected by the order. Id.

A-24-000525

In re Interest of Annabella M.

Notice of Payment of Estimated B/E Costs

Overruled as moot.

A-24-000540

State obo A'layah S. v. D'Angelo S.

ROD Misc. Submission to Court - Jurisdiction

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Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). The district court's order denying appellant's motion for continuance is not a final, appealable order. See Neb. Rev. Stat. § 25-1902 (Cum. Supp. 2022). A substantial right is not affected when that right can be effectively vindicated in an appeal from the final judgment. See *Paxton v. Paxton*, 314 Neb. 197, 989 N.W.2d 420 (2023). Appellant may appeal from a final judgment entered in the matter following the trial that was scheduled for July 19.

A-24-000547

Dreesen v. Dreesen

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's order excluding appellant from the family residence during the pendency of the case is not a final order for purposes of appeal. See Neb. Rev. Stat. §25-1902 (Cum. Supp. 2022). See also *Noland v. Yost*, 315 Neb. 568, 998 N.W.2d 57 (2023) (generally temporary orders are not appealable orders).

A-24-000548

Wynn-Thomas v. Nebraska Department of Correctional Services

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 22, 2024, notice of appeal was not filed within 30 days of the district court's June 14, 2024, order of dismissal. Appellant's motion to alter or amend was untimely and so did not toll the appeal time. See Neb. Rev. Stat. §25-1329 (Reissue 2016) (requiring motion to alter or amend judgment be filed no later than 10 days after entry of judgment.). An untimely tolling motion is ineffectual, does not toll the time for perfection of an appeal, and does not extend or suspend the time limit for filing a notice of appeal. See *Fitzgerald v. Fitzgerald*, 286 Neb. 96, 835 N.W.2d 44 (2013). In addition, the district court has properly dismissed appellant's petition filed pursuant to the Administrative Procedure Act because of appellant's failure to cause summons to be served within 30 days of the filing of the petition. The district court lacked subject matter jurisdiction over the matter, as do we. See e.g. *Candyland, LLC v. Nebraska Liquor Control Comm.*, 306 Neb. 169, 944 N.W.2d 740 (2020).

A-24-000549

State v. Christopher L Buettner

Ruling reserved re Late Deposit for BOE
Court is informed that appellant has failed to make deposit of estimated costs for preparing bill of exceptions within seven days following receipt of estimate, but has made deposit one day late. Appellant is granted seven days to file motion with the court stating good cause for failure to timely file deposit. If good cause is not shown, appeal shall proceed as if no bill of exceptions had been requested. See Neb. Ct. R. App. P. Sec. 2-105 (B) (4) (b) and (c).

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S-17-000588

State ex rel. Counsel for Discipline v. Hoch

Trustees 16th Report

Report of Trustee (Trustee's Sixteenth Report) dated July 22, 2024,
approved. Clerk directed to file. Next Status Report due on or before
January 15, 2025.