

Court of Appeals of Nebraska
Office of the Clerk

Minutes: September 5, 2024

Page:

1

A-23-000454

Schnackel v. Schnackel

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 October Proposed Call of the Nebraska Court of Appeals.

A-23-000701

Cooper v. Paul

ROD Petition of Appellant for Further Review

Petition of Appellant for further review denied.

A-24-000149

Brummels v. Brummels

Motion Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to September 25, 2024. Failure to file brief by extended due date will result in Appellee default without further notice from the Court.

A-24-000171

State v. Travis Belina

Motion Appellant to Extend Brief Date

Second or subsequent motion to extend brief date considered. By order of the Court, Appellant's FINAL brief date extended to September 30, 2024. No further extensions will be allowed.

A-24-000265

Magett v. CHI Health Immanuel Medical Center

Mot of Appellant to Examine/Correct BOE

Motion of Appellant for this Court to review and correct bill of exceptions overruled without prejudice to seeking relief pursuant to Neb. Ct. R. App. P. § 2-105(G).

A-24-000282

Kilroy v. Kuldip Singh-Cheema Investment

Motion of Appellee to Extend Brief Date

Motion considered; Appellee's FINAL brief date extended to September 19, 2024.

A-24-000293

In re Interest of Trelee B.

Motion Appellee to Extend Brief Date

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

A-24-000294

In re Interest of Trelee B.

Motion Appellee to Extend Brief Date

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

A-24-000331

Walton v. Concrete Supply, Inc.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: September 5, 2024

Page:

2

Motion of Appellee to Strike

Appellee's motion to strike overruled. Appellants filed their brief within 10 days of being issued notice of default. See Neb. Ct. R. App. P. § 2-110.

A-24-000331

Walton v. Concrete Supply, Inc.

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance overruled. Case to proceed.

A-24-000335

State v. Herbert L Campbell

Motion Appt Vacate or Set Aside Mandate

Motion of Appellant to vacate or set aside mandate overruled.

A-24-000363

State v. Joshua Hammond Jr.

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 sentence imposed was not an abuse of discretion. See State v. Alkazahy, 314 Neb. 406, 990 N.W.2d 740 (2023) (sentence imposed within statutory limits will not be disturbed on appeal in absence of abuse of discretion by trial court).

A-24-000374

State v. Eric C Becher

Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance pursuant to Neb. Ct. R. App. P. § 2-107(B)(2) is denied. Case to proceed. Appellee's brief due on or before September 19, 2024.

A-24-000375

State v. Victor G Perez

ROD Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance is sustained. The sentence imposed following the revocation of the Appellant's probation was not an abuse of discretion. See, Neb. Rev. Stat. § 29-2268(2) (Cum. Supp. 2022): State v. Alkazahy, 314 Neb. 406, 990 N.W.2d 740 (2023) (sentence imposed within statutory limits will not be disturbed on appeal in absence of abuse of discretion by trial court).

A-24-000395

State v. Jill R McCray

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 district court did not abuse its discretion in imposing incarceration rather than probation and the sentence imposed was not an abuse of discretion. See, State v. Alkazahy, 314 Neb. 406, 990 N.W.2d 740 (2023) (sentence imposed within statutory limits will not be disturbed on appeal in absence of abuse of discretion by trial court); State v. Wills, 285 Neb. 260, 826 N.W.2d 581 (2013); (it is within discretion of trial court whether to impose probation or incarceration and appellate court will uphold the court's decision denying probation absent abuse of discretion).

Court of Appeals of Nebraska
Office of the Clerk

Minutes: September 5, 2024

Page:

3

A-24-000405

State v. Joe J Policky

ROD

Motion Appe Summary Dismissal Mootness

Appeal dismissed pursuant to the State's suggestion of mootness. Generally, an appeal of a conviction and sentence is moot when a criminal defendant has completely served his or her sentence. Therefore, this court is prevented from exercising jurisdiction over the appeal. See, State v. Roberts, 304 Neb. 395, 934 N.W.2d 845 (2019); State ex rel. Peterson v. Ebke, 303 Neb. 637, 930 N.W.2d 551 (2019).

A-24-000419

Johansen v. Reed

Motion of Appellee to Extend Brief Date

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

A-24-000454

In re Interest of Kassandra H.

ROD

Stipulation to Dismiss Appeal

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

A-24-000459

State v. Jason C Wieczorek

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-24-000499

Sanford v. Sanford

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to September 19, 2024.

A-24-000499

Sanford v. Sanford

Appellant's Brief date extended

By order of the Court, record preparation date having been extended to September 19, 2024, Appellant's brief date extended to October 21, 2024.

A-24-000524

State v. Jessica J Snyder

Motion to Withdraw Smith for Appellant

Motion of attorney Rodney Smith to withdraw as counsel for Appellant sustained.

A-24-000524

State v. Jessica J Snyder

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to September 17, 2024.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: September 5, 2024

Page:

4

A-24-000524

State v. Jessica J Snyder

Appellant Brief Date Extended

Record preparation date having been extended to September 17, 2024,
Appellant's brief date extended to October 17, 2024.

A-24-000530

State v. James A Wilson

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of
exceptions extended to October 21, 2024.

A-24-000530

State v. James A Wilson

Appellant's Brief date extended

By order of the Court, record preparation date having been extended to
October 21, 2024, Appellant's brief date extended to November 20,
2024.

A-24-000603

State v. Jacob E Dolinar

OSC re Late BOE Payment

Motion sustained; Appellant granted leave to pay for bill of
exceptions out of time. Late payment made on August 25, 2024, accepted
as paid.

A-24-000629

State v. Logan C Hunts Horse

OSC re Amended Request for BOE

Motion of Appellant for leave to request amended praecipe for bill of
exceptions out of time sustained. Appellant's praecipe filed on August
26, 2024, accepted as filed.

A-24-000638

State v. Nicholas F Vanacker

Motion to Withdraw - Tarrell for Appt

Motion of attorney David Tarrell to withdraw as counsel for Appellant
sustained.

A-24-000639

State v. Nicholas F Vanacker

Motion to Withdraw - Tarrell for Appt

Motion of attorney David Tarrell to withdraw as counsel for Appellant
sustained.

A-24-000656

In re Estate of Schurman

Supplemental Transcript Pages 1-13

By order of the Court, case having been docketed incorrectly by the
clerk's office, record preparation date re-established to October 22,
2024.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: September 5, 2024

Page:

5

A-24-000656

In re Estate of Schurman

Appellant s Brief Date Re-Established

Record preparation date having been re-established to October 22,
2024, Appellant's brief date extended to November 21, 2024.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-24-000404

In re Estate of Warner

Order to Show Cause re Late BOE Request

Supreme Court of Nebraska
Office of the Clerk

Minutes: September 5, 2024

Page:

1

S-24-000018

Jones v. Colgrove

Petition Appellant to Bypass COA

Petition of Appellant to bypass Court of Appeals granted.

S-24-000646

In re Application of Bump for Waiver of Admission Requirements

Bar Application

Waiver of admission requirements granted. See order.