

Court of Appeals of Nebraska
Office of the Clerk

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A-22-000878

In re Name Change of Bryan C. and Tyler C.
ROD Petition Appellant for Further Review
Petition of Appellant for further review denied.

A-22-000879

In re Name Change of Bryan C. and Tyler C.
ROD Petition Appellant for Further Review
Petition of Appellant for further review denied.

A-23-000557

Bayliss v. Clason
Mot Appee Withdraw Motion to Ext Brief
Motion sustained. Appellee's motion to withdraw pleading allowed and
brief of Appellee filed on January 9, 2024 accepted as filed.

A-23-000628

State v. Bernard J Spencer
Motion Appellant to Extend Brief Date
Motion of Appellant to extend brief date overruled. Appellant's FINAL
brief due on or before January 16, 2024.

A-23-000634

State v. Oscar A Figueroa
Motion Appellant to Extend Brief Date
Motion considered. By order of the Court, Appellant's FINAL brief
date extended to February 15, 2024. No further extensions will be
allowed.

A-23-000675

State v. Damien D Wells
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 dismissal.

A-23-000717

State v. Curtis H Rollie
Motion Appellant to Extend Brief Date
Motion of Appellant for extension of brief date overruled. Clerk's
office to issue default notice accordingly.

A-23-000726

In re Estate of McCormick
Motion of Appellee to Extend Brief Date
Motion considered. By order of the Court, Appellee's FINAL brief
date extended to February 15, 2024. No further extensions will be
allowed except upon a showing of good cause. Neither the stipulation
of the parties nor the press of other business constitutes good cause.
See Neb. Ct. R. App. P. § 2-106(E) (2).

A-23-000757

Willbrand obo Willbrand-Santos v. Sotolongo
Motion to Withdraw as Appellee Counsel

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Motion sustained; Gregory F. Schrieber allowed to withdraw as counsel for Appellees.

A-23-000783

State v. Jason Barrow

By order of the Court Vacate Order 1/9

Order dismissing appeal on January 9, 2024, is vacated.

A-23-000783

State v. Jason Barrow

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). Appellant's motion to vacate his conviction and sentence pursuant to the postconviction statutes is both time barred and procedurally barred. Specifically, Appellant's conviction became final on January 5, 2017. The present motion was filed on September 21, 2023. The motion is time barred under Neb. Rev. Stat. § 29-3001(4)(a) (Reissue 2016). Appellant does not allege that the remaining subsections apply, nor can we find any basis for application.

Additionally, Appellant's motion is procedurally barred because he is alleging issues that could have been raised in prior motions. See e.g. State v. Lotter, 311 Neb. 878, 976 N.W.2d 721 (2022). Finally, there is no error in the court's denial of appellant's motion to proceed in forma pauperis as his motion to vacate is frivolous.

A-23-000794

State v. Chaz W Bagola

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to January 11, 2024.

A-23-000794

State v. Chaz W Bagola

Appellant's Brief date extended

Record preparation date having been extended to January 11, 2024, Appellant's brief date extended to February 12, 2024.

A-23-000855

State v. Andrea E Moffatt

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 9, 2024. No further extensions will be allowed.

A-23-000864

Welch v. Welch

Motion Appt for Appointment of Counsel

Motion of Appellant for appointment of counsel overruled.

A-23-000896

Murtaugh v. Nebraska Department of Correctional

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to January 10, 2024.

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A-23-000896

Murtaugh v. Nebraska Department of Correctional
Appellant's Brief date extended
Record preparation date having been extended to January 10, 2024,
Appellant's brief date extended to February 9, 2024.

A-23-000901

State v. Gary Moses
Motion Appellant to Extend Brief Date
Motion considered. By order of the Court, Appellant's FINAL brief
date extended to February 8, 2024. No further extensions will be
allowed.

A-23-000917

State v. Tanner L Petersen
Motion Appt Consolidate 23-917, 918
Motion sustained. Cases 23-0917 and 23-0918 consolidated for briefing
and disposition.

A-23-000918

State v. Tanner L Petersen
Motion Appt Consolidate 23-917, 918
Motion sustained. Cases 23-0917 and 23-0918 consolidated for briefing
and disposition.

A-23-000922

State v. Jacob W Pollock
Motion Appellant to Extend Brief Date
Motion considered. By order of the Court, Appellant's FINAL brief
date extended to January 29, 2024. Because default notice has been
previously issued, failure to file Appellant's brief on or before that
due date will subject the appeal to dismissal without further notice
from this Court.

A-23-000945

N'Da v. Hybl
Request to Extend Bill Exceptions
Request for extension granted; time for preparation of bill of
exceptions extended to January 31, 2024.

A-23-000945

N'Da v. Hybl
Appellant's Brief date extended
Record preparation date having been extended to January 31, 2024,
Appellant's brief date extended to March 1, 2024.

A-23-000953

State v. Shaquille M Falcon
Request to Extend Bill Exceptions
Request for extension granted; time for preparation of bill of
exceptions extended to January 29, 2024.

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A-23-000953

State v. Shaquille M Falcon

Appellant's brief date extended

Record preparation date having been extended to January 29, 2024,

Appellant's brief date extended to February 28, 2024.

A-23-000958

State v. Tyler O Robertson

Motion of Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 12, 2024. No further extensions will be

allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).

A-23-000959

State v. Tyler O Robertson

Motion of Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 12, 2024. No further extensions will be

allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).

A-23-000967

State v. Sirtommy J Sutton

Request to Extend Bill Exceptions

Request for extension granted ; time for preparation of bill of exceptions extended to February 14, 2024.

A-23-000967

State v. Sirtommy J Sutton

Appellant's Brief date extended

Record preparation date having been extended to February 14, 2024,

Appellant's brief date extended to March 15, 2024.

A-23-000976

State v. Shawnn E Nahkahyen-Clearsand

OSC re Praeipce for BOE. See order.

Request for leave to file a bill of exceptions out of time sustained.

Bill of exceptions filed on January 8, 2024 accepted as filed.

A-23-000980

State v. Michael A Abboud

Order to Show Cause re No Deposit Made

Motion sustained; Appellant granted leave to pay for bill of exceptions out of time.

A-23-001000

State v. Shawne L Russell

Motion Appt Leave to File Praeipce BOE

Motion sustained; Appellant granted leave to file praecipe for bill of exceptions out of time. Such request must be filed within three days from the date of this order.

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A-23-001029

Millard Gutter Com v. Farm Bureau Proper

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). The district court's order of November 15, 2023, is not a final order as defined by Neb. Rev. Stat. § 25-1902(1) (Cum. Supp. 2022). The order does not (1) affect a substantial right and determine the action and prevent a judgment, (2) affect a substantial right and be made during a special proceeding, (3) affect a substantial right and be made on summary application in an action after a judgment is entered, or (4) deny a motion for summary judgment that was based on the assertion of sovereign immunity or the immunity of a government official.

A-23-001042

State v. Grant L Gregory

Motion Appt Consolidate 23-1042/1043

Motion sustained. Cases 23-1042 and 23-1043 consolidated for briefing and disposition.

A-23-001043

State v. Grant L Gregory

Motion Appt Consolidate 23-1042/1043

Motion sustained. Cases 23-1042 and 23-1043 consolidated for briefing and disposition.

A-23-001049

Heath v. Guilliaume

Motion for leave court request

Request of Appellant for leave to file additional appeal documents out of time is overruled.

A-23-001053

In re Adoption of Adriana L.

Mot file Praeipce BOE Out of Time

Motion of Appellant for leave to file request for bill of exceptions out of time sustained. Request for bill of exceptions filed on January 3, 2024, accepted as filed.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-23-000973

State v. Jonathan L Province

Order to Show Cause re BOE Deposit

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S-23-000738

State v. Rosario Betancourt-Garcia

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to February 7, 2024. No further extensions will be allowed.