

Supreme Court of Nebraska  
Office of the Clerk

Minutes: November 21, 2022

Page:

1

S-21-000497

Parde v. Parde

Stipulation to Continue Oral Argument

Stipulated motion to continue oral argument sustained. Case to be placed on the next proposed call of the Nebraska Supreme Court, to occur on January 31, February 1, 2, and 3, 2023.

S-22-000284

Pine Tree Neighborhood Association v. Moses

Stipulation to Continue Oral Argument

Stipulated motion to continue oral argument sustained. Case to be placed on the next proposed call of the Nebraska Supreme Court, to occur on January 31, February 1, 2, and 3, 2023.

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: November 21, 2022

Page:

1

A-21-000923

Kucirek v. Kucirek

Motion Appellee for Attorney Fees

Appellee's motion for attorney fees is granted, in part, in the amount of \$7,875.

A-21-000984

State v. Temarco S Pope Jr

Motion Appt Extend Brief in Support PFR

Motion of appellant for extension of their brief in support of a petition for further review is overruled.

A-22-000361

State v. Jerad J Yost

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to December 21, 2022. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(E)(3).

A-22-000471

Paxton v. Paxton

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to December 28, 2022. 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-22-000509

State v. Frederick C White Jr

ROD Motion Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentence imposed was not an abuse of discretion. See, State v. Abligo, 312 Neb. 74, 978 N.W.2d 42 (2022) (appellate court will not disturb sentence imposed within statutory limits absent abuse of discretion by trial court); State v. Thomas, 311 Neb. 989, 977 N.W.2d 258 (2022) (sentencing court is not required to articulate on the record that it has considered each sentencing factor or to make specific findings as to facts that bear on each of those factors).

A-22-000557

Charter West Bank v. Riddle

Motion Appellee for Summary Affirmance

Motion of Appellee for summary affirmance overruled. Appellee's FINAL brief date extended to December 5, 2022.

A-22-000575

State v. Nicholas B Harder

ROD Motion 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

Court of Appeals of Nebraska  
Office of the Clerk

Page: 2

Minutes: November 21, 2022

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. Blake, 310 Neb. 769, 969 N.W.2d 399 (2022).

A-22-000582

State v. Kenneth C Hinman

ROD

Motion Appellee for Summary Affirmance

Appellee's motion for summary affirmance is granted. See Neb. Ct. R. App. P. § 2-107(B)(2). The Nebraska Postconviction Act contains a 1-year time limit for filing a verified motion for postconviction relief, which runs from one of four triggering events or August 27, 2011, whichever is later. See Neb. Rev. Stat. § 29-3001(4)(a) (Reissue 2016). The triggering event here is: "The date the judgment of conviction became final by the conclusion of a direct appeal or the expiration of the time for filing a direct appeal." See State v. Hill, 310 Neb. 647, 968 N.W.2d 96 (2021). Appellant's direct appeal concluded upon the issuance of this court's mandate in case No. A-12-741 on January 29, 2013. Appellant's July 4, 2022, motion for postconviction relief was filed outside the 1-year limitation period and appellant failed to allege any event in his brief that would have extended his time for filing the postconviction motion.

A-22-000620

State v. Ryan S Lewis

ROD

Motion 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. Blake, 310 Neb. 769, 969 N.W.2d 399 (2022).

A-22-000622

Northwest Crossings LLC v. Bruce Lavalleur PC

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to December 28, 2022. 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-22-000649

State v. Cornelius L Weaver

Appellant's Replacement Brief Due

Appellant's brief filed November 18, 2022, does not comply with Neb. Ct. R. App. P. § 2-103(C)(2) regarding page numbering of the brief. Appellant's replacement brief complying with the above-referenced rule is due on or before December 6, 2022.

A-22-000660

State v. Jeffrey Catches

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.

Court of Appeals of Nebraska  
Office of the Clerk

Minutes: November 21, 2022

Page: 1

A-22-000377

BCL Properties, Inc. v. Boyle

By order of Court re Bill of Exceptions

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-22-000814

State v. Veonta L Hopper

By order of Court re Record Prep Date

By order of the Court, request for bill of exceptions having been filed on November 21, 2022, record preparation date extended to December 12, 2022.

A-22-000814

State v. Veonta L Hopper

Appellant's Brief Date Extended

By order of the Court, record preparation date having been extended to December 12, 2022, Appellant's brief date extended to January 11, 2023.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-22-000840

Griffith v. LG Chem, Ltd.

Show Cause re: Jurisdiction. See order.