

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 4, 2021

Page:

1

A-20-000732

State v. Chris A. Hicks

Mot Appt Reinstate Pet Further Review

Motion of Appellant to reinstate Petition for Further Review denied.

A-20-000738

Griepenstroh v. Clark

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 Review Docket of the Nebraska Court of Appeals.

A-20-000821

Opheim v. Opheim

By order of the Court re Oral Argument

Appellant's motion for oral argument filed on July 15, 2021 overruled.

A-20-000821

Opheim v. Opheim

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 Review Docket of the Nebraska Court of Appeals.

A-20-000899

Clement v. Saunders

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 Review Docket of the Nebraska Court of Appeals.

A-20-000927

Hodgen v. Hodgen

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 Review Docket of the Nebraska Court of Appeals.

A-20-000934

State v. Kwamayne D Jackson

By order of Court re Ct. of Appeals Call

By order of the Court, this matter is now scheduled for oral argument on Tuesday, October 12, 2021, at the 1:00 p.m. session, as the last case of the day.

A-21-000105

Bailey v. Bailey

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 Review Docket of the Nebraska Court of Appeals.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 4, 2021

Page:

2

A-21-000196

In re Interest of Starlynn F.

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 Review Docket of the Nebraska Court of Appeals.

A-21-000332

In re Interest of Diego A.

By order of the Court re Consolidation

By order of the Court, cases A-21-0332 and A-21-0333 consolidated for scheduling for submission and further disposition.

A-21-000333

In re Interest of Marissa D.

By order of the Court re Consolidation

By order of the Court, cases A-21-0332 and A-21-0333 consolidated for scheduling for submission and further disposition.

A-21-000361

State v. Nicholas J Garcia

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to November 3, 2021. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(F)(1).

A-21-000397

State v. Carlos R Reyes

ROD Motion Appellee for Summary Affirmance

Appellee's motion for summary affirmance granted. See Neb. Ct. R. App. P. § 2-107(B)(2). The district court took the appropriate factors into consideration when sentencing Appellant. The court adequately stated its reasoning for the sentence of incarceration in open court, on the record, as required by Neb. Rev. Stat. § 29-2204.02(2)(c) (Reissue 2016). See State v. Baxter, 295 Neb. 496, 888 N.W.2d 726 (2017). Sentence imposed did not constitute an abuse of discretion. An appellate court will not disturb a sentence imposed within the statutory limits absent an abuse of discretion by the trial court. State v. Archie, 305 Neb. 835, 943 N.W.2d 252 (2020).

A-21-000440

State v. Dawn Meyer

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to November 3, 2021. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(F)(1).

A-21-000487

State v. Xavier R Wheeler

ROD Motion Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. See Neb. Ct. R.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 4, 2021

Page: 3

App. P. § 2-107(B)(2); State v. Iddings, 304 Neb. 759, 936 N.W.2d 747 (2020) (sentence imposed within statutory limits will not be disturbed on appeal absent abuse of discretion by trial court).

A-21-000488

State v. Xavier R Wheeler

ROD

Motion Appellee for Summary Affirmance

Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2); State v. Iddings, 304 Neb. 759, 936 N.W.2d 747 (2020) (sentence imposed within statutory limits will not be disturbed on appeal absent abuse of discretion by trial court).

A-21-000492

Dixon v. Dixon

Motion Appellant to Extend Brief Date

Motion considered. By order of the Court, Appellant's FINAL brief date extended to November 3, 2021. 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(F)(2).

A-21-000493

State v. Paul Castonguay

Motion Appellant for Rehearing

Motion for rehearing on petition for further review denied pursuant to Neb. Ct. R. App. P. 2-113.

A-21-000496

Wilkinson Development Inc v. Ford & Ford Investments

Mot Appe Wilkinson to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to November 12, 2021. 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(F)(2).

A-21-000502

State v. Rezzaire E Martin

Motion Appellee to Extend Brief Date

Motion considered. By order of the Court, Appellee's FINAL brief date extended to November 3, 2021. No further extensions will be allowed except upon a showing of exceptional cause. See Neb. Ct. R. App. P. § 2-106(F)(1).

A-21-000590

State of Nebraska v. Richard McLaughlin

Replacement Brief Due 10-19-21

Brief of Appellant filed October 4, 2021, does not comply with Neb. Ct. R. App. P. § 2-109 (D)(1)(d)(g)(h) regarding the statement of the case which includes nature of the case, issues tried, how issues were decided, and scope of review; statement of facts which includes the annotations to the record; and summary of argument. Appellant's replacement brief due on or before October 19, 2021.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: October 4, 2021

Page:

4

A-21-000621

State v. Kevin R Thompson

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-21-000653

Barrow v. State of Nebraska

ROD Mot. of Appellee for Summary Affirmance

Appellees' motion for summary affirmance is granted. The 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. Rehbein v. Clarke, 257 Neb. 406, 598 N.W.2d 39 (1999). Where the court has jurisdiction of the parties and the subject matter, its judgment is not subject to collateral attack. Gonzalez v. Gage, 290 Neb. 671, 861 N.W.2d 457 (2015).

A-21-000744

State v. Kara K Lee

ROD Misc Submission to Court - Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(2). While notice of appeal was timely filed, poverty affidavit and application to proceed in forma pauperis was not filed within 30 days following final order. Appeal is untimely filed. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2020).

A-21-000762

Johnson v. Cabrera

ROD Misc Submission to Court - Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(2). Docket fee not paid within 30 days of final order. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2020).

Supreme Court of Nebraska
Office of the Clerk

Minutes: October 4, 2021

Page:

1

S-20-000925

Ruwe v. Ruwe

By order of Court re Supreme Court Call

By order of the Court, this matter is now scheduled for oral argument on Thursday, November 4, 2021, as the last case of the day.

S-21-000419

State v. Jorge A Galindo

Mot Appt Co-Counsel Richters to Withdraw

Motion of co-counsel Richters to withdraw overruled without prejudice as motion fails to indicate copy of motion provided to co-counsel, Adam Sipple.

S-21-000515

State v. Jeff Boppre

Mot Admiss Pro Hac Vice Thompson

Motion for admission pro hac vice for Tara Thompson sustained.

S-21-000515

State v. Jeff Boppre

Mot Admiss Pro Hac Vice Butler

Motion for admission pro hac vice for Andrea Butler sustained.

S-21-000515

State v. Jeff Boppre

Mot Admiss Pro Hac Vice Tatum

Motion for admission pro hac vice for Sara Shaw Tatum sustained.

S-21-000515

State v. Jeff Boppre

Mot Admiss Pro Hac Vice Potkin

Motion for admission pro hac vice for Vanessa Potkin sustained.

S-21-000515

State v. Jeff Boppre

Mot Admiss Pro Hac Vice Frerichs

Motion for admission pro hac vice for Thomas P. Frerichs sustained.

S-21-000575

Harris v. State of Nebraska

Motion Petitioner Vacate 9/8 Final Order

Motion of Petitioner to vacate September 8, 2021 final order denied.