

Court of Appeals of Nebraska
Office of the Clerk

Minutes: December 12, 2022

Page:

1

A-21-000984

State v. Temarco S Pope Jr

By order of the Court Mandate Recalled

By order of the Court, mandate issued December 2, 2022, is recalled.

A-22-000084

State v. Isaac D Koch

Petition Appellant to Stay Mandate

Appellant's motion to stay mandate overruled. See, Neb. Ct. R. App. P. § 2-114(A)(2); State v. Abram, 284 Neb. 55, 815 N.W.2d 897 (2012) (mere filing of petition for certiorari does not automatically stay proceedings in lower court); State v. Blake, 310 Neb. 769, 969 N.W.2d 399 (2022) (voluntary guilty plea or plea of no contest generally waives all defenses to criminal charge).

A-22-000356

In re Interest of Arissa V. and Izabella V.

ROD Submitted to Court without Oral Argument

Affirmed. Riedmann, Judge. See memorandum opinion.

A-22-000378

State v. Kim K Liech

ROD Petition of Appellant for Further Review

Appellant's petition for further review denied.

A-22-000428

Richardson v. Omni Behavioral Health

Appellee's Replacement Brief Due

Appellee's brief filed December 9, 2022, does not comply with Neb. Ct. R. App. P. §§ 2-103(A)(3) regarding margins and spacing, 2-103(A)(4) regarding underscored type, and 2-103(C)(2) regarding page numbering. Appellee's replacement brief complying with the above-referenced rules is due on or before December 27, 2022.

A-22-000513

State v. Eulalio C Deleon III

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-22-000549

Gallardo-Hernandez v. Martinez-Dorantes

Appellant's Replacement Brief Due

Appellant's brief filed December 12, 2022, does not comply with Neb. Ct. R. App. P. §§ 2-103 regarding general formatting and 2-109(C) regarding general preparation of briefs. Appellant's replacement brief complying with the above-referenced rules is due on or before December 27, 2022.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: December 12, 2022

Page:

2

A-22-000567

State v. Devonte M King
Petition to Bypass Court of Appeals
Appellant's petition to bypass the Court of Appeals is denied.

A-22-000595

State v. Trenton A Ottens
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-22-000629

Weathers v. Frakes
Motion Appellee for Summary Affirmance
Case having been dismissed; motion of Appellee for summary affirmance
overruled as moot.

A-22-000629

Weathers v. Frakes
ROD Motion Appellant to Dismiss Appeal
Motion of Appellant to dismiss appeal sustained; appeal dismissed;
mandate to issue accordingly.

A-22-000660

State v. Jeffrey Catches
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. Blake, 310 Neb. 769, 969 N.W.2d 399 (2022).

A-22-000742

White v. Douglas County
Motion Appellant for Rehearing & Brief
Appellant Douglas County, Nebraska's motion for rehearing overruled.
See Mann v. Mann, 312 Neb. 275, 978 N.W.2d 606 (2022) (in cases where
§ 25-1315(1) is implicated, and no more specific statute governs the
appeal, an order resolving fewer than all claims against all parties
is not final and appealable if it lacks proper § 25-1315 certification
even if the order otherwise satisfies one of the final order
categories in § 25-1902(1)).

A-22-000768

Muhammad v. Frakes
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.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: December 12, 2022

Page:

3

A-22-000777

O'Connell v. Jacinta Land Holdings 7 LLC

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-22-000833

State v. Dyllan J Hettinger

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-22-000840

Griffith v. LG Chem, Ltd.

Show Cause re: Jurisdiction. See order.

Cause having been shown, case to proceed.

A-22-000868

Graves v. Graves

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's motion to reconsider, filed within 10 days of the October 26, 2022, order of dismissal and asking the court to reconsider its decision, was effectively a motion to alter or amend judgment that tolled the the appeal time. See, Neb. Rev. Stat. §§ 25-1329 (Reissue 2016) and 25-1912(3) (Cum. Supp. 2020); Clarke v. First Nat. Bank of Omaha, 296 Neb. 632, 895 N.W.2d 284 (2017). Appellant's notice of appeal is therefore of no effect. See § 25-1912(3), which also provides that a new notice of appeal can be filed after the ruling on the motion with no additional fees required.

Supreme Court of Nebraska
Office of the Clerk

Minutes: December 12, 2022

Page:

1

S-20-000849

State v. Christine E Vanderford
Motion Appellant for Rehearing
Motion of Appellant for rehearing overruled.

S-22-000115

In re Estate of Scaletta
Motion Appellant for Rehearing & Brief
Motion of Appellant for rehearing overruled.

S-22-000272

NP Dodge Management Company v. Holcomb
Motion Appt Expand O/A & Supp Briefing
Motion of Appellant for supplemental briefing is sustained. Appellant is granted leave to file a brief responding to arguments raised by the Attorney General. Such brief shall contain no more than 5,600 words and shall be filed by January 4, 2023. Motion of Appellant to expand oral argument is sustained; each side allowed 15 minutes for oral argument.