

Court of Appeals of Nebraska
Office of the Clerk

Minutes: July 16, 2026

Page:

1

A-25-000522

Credit Bureau Services v. Saint Thomas Group Inc.

ROD Petition of Appellant for Further Review
 Petition of Appellant for further review denied.

A-25-000522

Credit Bureau Services v. Saint Thomas Group Inc.

Mot Appt to Correct or Supplement Record
Motion of Appellant to correct or supplement record overruled as moot.

A-25-000635

State v. Marquez A Tolan

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 September Proposed Call of the Nebraska Court of Appeals.

A-26-000083

State v. Anthony L Campana

ROD Mot. of Appellee for Summary Affirmance
 Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentences imposed did not constitute an abuse of discretion. See State v. Jones, 318 Neb. 840, 19 N.W.3d 499 (2025) (absent abuse of discretion by trial court, appellate court will not disturb sentence imposed within statutory limits).

A-26-000113

Badeer v. Badeer

Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance overruled. Case to proceed.

A-26-000163

Elhabbal v. Elhabbal

Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance, or in the alternative summary dismissal, overruled. See Neb. Ct. R. App. P. § 2-107(B)(2).

A-26-000191

State v. Christian T Jensen

ROD Mot. of Appellee for Summary Affirmance
 Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentences imposed did not constitute an abuse of discretion. See, State v. Jones, 318 Neb. 840, 19 N.W.3d 499 (2025) (absent abuse of discretion by trial court, appellate court will not disturb sentence imposed within statutory limits); State v. Greer, 309 Neb. 667, 962 N.W.2d 217 (2021) (sentencing court is not required to articulate on record that it has considered each sentencing factor nor make specific findings as to facts pertaining to factors or weight given them); State v. Geller, 318 Neb. 441, 16 N.W.3d 365 (2025) (trial court has discretion to impose consecutive rather than concurrent sentences for separate crimes). Appellant's assignment of error alleging ineffective assistance of trial counsel is insufficiently pled and therefore not reviewed. See State v. Rupp, 320

Court of Appeals of Nebraska
Office of the Clerk

Minutes: July 16, 2026

Page: 2

Neb. 502, 28 N.W.3d 74 (2025) (names or specific description of witnesses counsel allegedly should have called required in assigned error to obtain appellate review).

A-26-000198

Campbell v. Evnen

ROD

Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). Appellant's postconviction claims were previously adjudicated in the appropriate forum. This court previously affirmed that appellant's motion for postconviction relief was time barred under Neb. Rev. Stat. §293001(4) (Reissue 2016). See Campbell v. Nebraska, A-24-335. The Nebraska Uniform Declaratory Judgments Act, Neb. Rev. Stat. §§ 25-21,149 to 25-21,164 (Reissue 2016), is not a vehicle for collateral attacks on prior judgments. See Phelps County v. City of Holdrege, 133 Neb. 139, 274 N.W. 483 (1937) (declaratory action is not vehicle to adjudicate issues already decided); see, also, State v. Hill, 310 Neb. 647, 968 N.W.2d 96 (2021) (Nebraska Postconviction Act is "sole remedy" for collateral attacks of conviction); State v. Redemer, 188 Neb. 653, 198 N.W.2d 325 (1972) (final judgment under Post Conviction Act "is res judicata").

A-26-000202

State v. Raymond C Howell

ROD

Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance is sustained. See Neb. Rev. Ct. R. App. P. § 2-107(B)(2). Appellant's assignment of error is not alleged with sufficient specificity. See, State v. Kruger, 320 Neb. 361, 27 N.W.3d 398 (2025) (assignments of error on direct appeal regarding ineffective assistance of trial counsel must specifically allege conduct that is claimed to constitute deficient performance); State v. Drake, 311 Neb. 219, 971 N.W.2d 759 (2022) (appellate court will not scour remainder of brief in search of such specificity).

A-26-000206

State v. Jesse R Stinson

ROD

Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentence imposed did not constitute an abuse of discretion. See State v. Jones, 318 Neb. 840, 19 N.W.3d 499 (2025) (absent abuse of discretion by trial court, appellate court will not disturb sentence imposed within statutory limits). A sentencing court is not required to articulate on the record that it has considered each sentencing factor nor to make specific findings as to the facts pertaining to the factors or the weight given them. See State v. Greer, 309 Neb. 667, 962 N.W.2d 217 (2021).

A-26-000264

State v. Jeffrey W Baxter

ROD

Mot. of Appellee for Summary Affirmance
Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). Sentences imposed did not constitute an abuse of discretion. See, State v. Jones, 318 Neb. 840, 19 N.W.3d 499 (2025) (absent abuse of discretion by trial court, appellate court will not

Court of Appeals of Nebraska
Office of the Clerk

Minutes: July 16, 2026

Page: 3

disturb sentence imposed within statutory limits); State v. Senteney, 307 Neb. 702, 950 N.W.2d 585 (2020) (whether probation or incarceration is ordered is choice within discretion of trial court, whose judgment denying probation will be upheld in absence of abuse of discretion).

A-26-000281

State v. John G Newhouse

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. Rejai, 320 Neb. 599, 29 N.W.3d 225 (2026) (sentence imposed within statutory limits will not be disturbed on appeal in absence of abuse of discretion by trial court); State v. Hagens, 320 Neb. 65, 26 N.W.3d 174 (2025) (it is not proper function of appellate court to conduct de novo review of record to determine what sentence it would impose); State v. Rezac, 318 Neb. 352, 15 N.W.3d 705 (2025) (defendant has no absolute right to reduced sentence because he or she saves the State expense of going to trial).

A-26-000290

Goodwin v. Health and Human Services

ROD By order of the Court re Dismissal
By order of the Court, appeal dismissed for failure to file briefs pursuant to Neb. Ct. R. App. P. § 2-110(A); mandate to issue accordingly.

A-26-000291

Goodwin v. Health and Human Services

ROD By order of the Court re Dismissal
By order of the Court, appeal dismissed for failure to file briefs pursuant to Neb. Ct. R. App. P. § 2-110(A); mandate to issue accordingly.

A-26-000318

State v. Alejandra N Shirley

Motion of Appellee to Extend Brief Date
Motion considered; Appellee's brief date extended to 14 days after the court's ruling on Appellee's motion for summary affirmance.

A-26-000319

State v. Alejandra N Shirley

Motion of Appellee to Extend Brief Date
Motion considered; Appellee's brief date extended to 14 days after the court's ruling on Appellee's motion for summary affirmance.

A-26-000367

Bayson v. Southeast Community College

Appellant's Replacement Brief Due
On July 8, 2026 a replacement brief was ordered identifying the deficient portions of Appellant's brief that had been filed on July 1. On July 15, 2026, Appellant filed two portions of his Appellant brief ordered to be replaced. Neb. Ct. R. App. P. 2-109(F) states in part "If a court orders a party to submit a replacement brief, the original

Court of Appeals of Nebraska
Office of the Clerk

Minutes: July 16, 2026

Page: 4

brief shall be stricken upon entry of the replacement brief order. If the replacement brief order identifies a failure to comply with specific requirements of these rules, then the ordered party shall correct only the rule deficiencies outlined in the order and make no other changes." (Emphasis supplied). The rule contemplates that a complete brief be filed as a replacement, with the only corrections being to the errors identified in the order. Therefore, Appellant's document filed July 15, 2026 is stricken and Appellant is ordered to file a full replacement brief that contains the corrections and limitations set forth in this court's order of July 8, 2026. Replacement brief of Appellant is due on or before July 29, 2026.

A-26-000409

Andersen v. Metropolitan Utilities District of Omaha

Motion of Appellant for Rehearing

Appellant's motion for rehearing overruled. The fundamental objective of statutory interpretation is to ascertain and carry out the Legislature's intent. See *State v. Jedlicka*, 305 Neb. 52, 938 N.W.2d 854 (2020). The legislative history of 2019 Neb. Laws, L.B. 179, § 1, confirms that its enactment was to maintain the status quo of the collateral order doctrine as it relates to sovereign immunity. See *Floor Debate L.B. 179*, 106th Leg., 1st Sess. 3 (April 24, 2019). The collateral order doctrine requires that the order (1) conclusively determine the disputed question, (2) resolve an important issue completely separate from the merits of the action, and (3) be effectively unreviewable on appeal from a final judgment. See *E.D. v. Bellevue Pub. Sch. Dist.*, 299 Neb. 621, 909 N.W.2d 652 (2018). The order denying appellant's motion for summary judgment as untimely fails to meet these requirements. See also *Clark v. Sargent Irr. Dist.*, 311 Neb. 123, 971 N.W.2d 298 (2022) (stating motion for summary judgment must do more than merely reference sovereign immunity and requiring nature and substance of motion to actually present claim of sovereign immunity despite statutory language merely requiring motion be "based on assertion of sovereign immunity").

A-26-000454

Koch v. City of Sargent, Nebraska

Misc Submission to Court Re Jurisdiction

Matter reviewed for jurisdiction. Appeal to proceed with jurisdiction issue preserved. Parties are directed to address in their briefs whether the May 8, 2026, district court order is a final order from which an appeal can be taken. See Neb. Rev. Stat. § 25-1902 (Cum. Supp. 2024).

A-26-000470

Jill of All Trades, LLC v. Schleidt

Misc Submission to Court re Jurisdiction

Matter reviewed for jurisdiction. Appeal to proceed with jurisdiction issue preserved. Parties are directed to address in their briefs whether the May 27, 2026, district court order is a final order from which an appeal can be taken. See *D&M Roofing & Siding v. Distribution, Inc.*, 316 Neb. 952, 7 N.W.3d 868 (2024) (only when court enters order of dismissal that proceedings brought by one party against another under particular case number end).

Court of Appeals of Nebraska
Office of the Clerk

Minutes: July 16, 2026

Page:

5

A-26-000516

Schurman v. Wilkins

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). The modification order was entered on May 27, 2026, followed by a motion to reconsider on June 5, 2026. No decision on said motion is contained in the record. When a motion terminating the 30-day appeal period is filed, a notice of appeal filed before the court announces its decision upon the terminating motion has no effect and an appellate court acquires no jurisdiction. See, Neb. Rev. Stat. § 25-1912(3)(Cum. Supp. 2024); State v. Bellamy, 264 Neb. 784, 652 N.W.2d 86 (2002).

A-26-000517

State v. Robert L Castellon Jr.

Neb. Ct. R. App. P. § 2-105(C)(5) Notice

Pursuant to Neb. Ct. R. App. P. § 2-105(C)(5), notice is hereby provided that the appellate court has not received the bill of exceptions by the due date, certification of no record by the clerk or court reporting personnel, or a request by court reporting personnel for an extension of time to prepare the bill of exceptions. Bill of exceptions preparation date was July 14, 2026.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-26-000531

State v. Bhan K.

Order to Show Cause re Late BOE Deposit