

Court of Appeals of Nebraska  
Office of the Clerk

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A-24-000342

McCartney v. Zurcher

By Order of Court re Post-Mandate Filing

By order of the Court, appellate court lacking jurisdiction to consider motions post-mandate, the motion to withdraw as counsel of record for appellees filed by James L. Zimmerman is hereby stricken.

A-25-000086

Ramos v. Gonzalez

Motion of Appellant for Rehearing

Request of Appellant to reconsider ruling on Appellant's petition for further review as being untimely filed is denied. See Neb. Ct. R.

App. P. § 2-113(A).

A-25-000548

In re Estate of Mankhey

Motion Appt to Extend Reply Brief Date

Motion of Appellant to extend reply brief date sustained, in part; Appellant's reply brief date extended to February 17, 2026. No further extensions will be allowed.

A-25-000579

State v. Elliot J Johannsen

Motion Appt Extend Replacement Brf Date

Motion of Appellant to extend replacement brief date sustained.

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(4), Appellant's replacement brief date extended to March 3, 2026. No further extensions will be allowed. Failure to file on or before said date will result in dismissal of appeal without further notice from the court. Further default notice and additional time to file brief pursuant to Neb. Ct. R. App. P. § 2-110(A) shall not apply.

A-25-000596

Haacke v. Haacke

Motion of Appellee to Extend Brief Date

Motion of Appellee to extend brief date sustained. Appellee's brief date extended pursuant to Neb. Ct. R. App. P. § 2-106(E)(3). Brief of Appellee filed on February 11, 2026, accepted as timely.

A-25-000636

State v. Brendan M Welch

ROD APPT Default Notice

By order of the Court, appeal dismissed for failure to file briefs; mandate to issue accordingly.

A-25-000636

State v. Brendan M Welch

Motion Appt to File by Email/Fax

Motion of Appellant to file brief by email or fax and waiver of copy fees overruled.

A-25-000636

State v. Brendan M Welch

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Motion to Waive Copy Costs/Legal Expense

Motion of Appellant for waiver of fees/copy costs/legal expenses overruled.

A-25-000636

State v. Brendan M Welch

Motion Appt Ext Brf Date/Aff in Support

Motion of Appellant for extension of brief date overruled.

A-25-000676

Meredith v. Meredith

Motion Appe to Extend Brief Date

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

A-25-000721

State v. Megan N Shunick

Mot. of Appellee for Summary Affirmance

Motion of Appellee for summary affirmance overruled. Appellee's FINAL brief date extended to February 26, 2026.

A-25-000744

State v. Jesse Butler

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. 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-25-000756

State v. Jesse J Wilson

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to February 17, 2026.

A-25-000756

State v. Jesse J Wilson

Appellant's Brief Date Extended

Record preparation date having been extended to February 17, 2026, Appellant's brief date extended to March 19, 2026.

A-25-000780

State v. Joseph C Castle

Motion to Withdraw Nelson for Appellant

Motion to withdraw sustained; S. Gregory Nelson allowed to withdraw as counsel for Appellant.

A-25-000780

State v. Joseph C Castle

Motion of Appellant to Extend Brief Date

Motion of Appellant for brief date extension sustained. Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date extended to February 17, 2026.

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A-25-000801

State v. Adam M Phillips

ROD Motion Appellant to Dismiss Appeal  
Response having been waived by Appellee, motion of Appellant to  
dismiss appeal sustained pursuant to Neb. Ct. R. App. P. § 2-108(F).  
Mandate to issue accordingly forthwith.

A-25-000807

State obo Azaylia S v. Belitz

Ruling Reserved Waiver Right to File Brf  
Waiver of participation by Appellee counsel Michele J. Romero having  
been received is under consideration. Counsel is provided three days  
to supplement the filing to seek withdrawal in accordance with Neb.  
Ct. R. App. P. § 2-106(F).

A-25-000932

State obo Azaylia S. v. Lori B.

Ruling Reserved Waiver Right to File Brf  
Waiver of participation by Appellee counsel Michele J. Romero having  
been received is under consideration. Counsel is provided three days  
to supplement the filing to seek withdrawal in accordance with Neb.  
Ct. R. App. P. § 2-106(F).

A-25-000841

State v. Christopher M Payne

Motion of Appellant to Extend Brief Date  
Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date  
extended to March 13, 2026.

A-25-000861

Mines v. Prante-Ballue

Motion of Appe to Extend Brief Date  
Motion of Appellant to extend brief date considered. By order of the  
Court, Appellant's brief date extended to March 4, 2026. Failure to  
file brief on or before extended due date will result in dismissal of  
appeal without further notice from the court. Further default notice  
and additional time to file brief pursuant to Neb. Ct. R. App. P. §  
2-110(A) shall not apply.

A-25-000861

Mines v. Prante-Ballue

Motion to Withdraw Gorden for Appellee  
Motion to withdraw sustained; Vanessa J. Gorden and GordenLaw, LLC  
allowed to withdraw as counsel for Appellee.

A-25-000871

Rhodes v. Rhodes

Request to Extend Bill Exceptions  
Request for extension granted; time for preparation of bill of  
exceptions extended to February 17, 2026.

A-25-000871

Rhodes v. Rhodes

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Appellant's Brief Date Extended

Record preparation date having been extended to February 17, 2026,  
Appellant's brief date extended to March 19, 2026.

A-25-000902

Murphy v. Murphy

Praecipe for Supp Bill of Exceptions

Pursuant to this court's orders of January 21, 2026, Appellant failed to provide good cause for the untimely payment of the estimated cost of the bill of exceptions and the appeal was ordered to proceed as if no bill of exceptions was requested. As such, when considered with prior rulings governing impact on the bill of exceptions, Appellant's attempt to make late request for bill of exceptions, without leave of court, is denied. Matter will proceed without a bill of exceptions.

A-25-000957

State v. Dammon T Haynes

Motion to Withdraw Cavanaugh for Appt

Motion to withdraw sustained; Leslie Cavanaugh allowed to withdraw as counsel for Appellant.

A-25-000957

State v. Dammon T Haynes

Motion Appellant to Extend Brief Date

Replacement brief order was issued in case number 25-956, not in case number 25-957. To date, no brief has been filed in case 25-957 and a default notice has been issued. Court will treat this request as a motion to extend brief date in case 25-957, which is currently in default. Upon due consideration, Appellant's brief date extended to February 27, 2026. Failure to file brief on or before said date subjects case to dismissal without further notice from the court. Further default notice and additional time to file brief pursuant to Neb. Ct. R. App. P. § 2-110(A) shall not apply. This order has no impact on case 25-956, which is still subject to the pending replacement order.

A-25-000963

Posey v. Cao

Motion to Withdraw Bianchi for Appe

Motion to withdraw sustained; A. Michael Bianchi allowed to withdraw as counsel for Appellee.

A-25-000966

State v. Lashawna M Saunsoci

By Order of Court re Replacement BOE

Tendered bill of exceptions considered. Upon review, the bill of exceptions transferred from the trial court does not comply with Neb. Ct. R. App. P. § 2-105.02. See deficiency listing. Said bill of exceptions is declined and ordered removed from the trial court's register of actions. Court reporting personnel directed to file a replacement bill of exceptions compliant with Nebraska Court Rules of Appellate Practices within ten days of the issuance of this order.

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A-25-000983

State v. Elliott A Rohrs

Motion Appt to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to March 16, 2026.

A-26-000060

Weathers v. Gable

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to April 8, 2026.

A-26-000061

Npimnee v. Piccolo

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant did not timely file a notice of appeal and poverty affidavit within 30 days of the district court's denial of his application to proceed in forma pauperis with his actions in that court. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2024).

A-26-000061

Npimnee v. Piccolo

Motion Appellant to Extend Brief Date

Appeal having been dismissed, Appellant's motion to extend brief date overruled as moot.

A-26-000062

Npimnee v. Lancaster County Clerk

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). Appellant did not timely file a notice of appeal and poverty affidavit within 30 days of the district court's denial of his application to proceed in forma pauperis with his actions in that court. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2024).

A-26-000062

Npimnee v. Lancaster County Clerk

Motion to Extend Brief Date

Appeal having been dismissed, Appellant's motion to extend brief date overruled as moot.

A-26-000065

Robinson v. Gable

Motion Appt to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to April 8, 2026.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-25-000955

State v. Caleb A Phillips

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Order to Show Cause re Late BOE Request

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S-24-000829

State v. Walter M Alexander

ROD Petition of Appellant for Further Review

Petition of Appellant for further review granted; case to appear on the next proposed call of the Nebraska Supreme Court. Further briefing pursuant to Neb. Ct. R. App. P. § 2-102(H) left to the discretion of the parties.

FEB 12 2026

## IN THE NEBRASKA COURT OF APPEALS

NEBRASKA SUPREME COURT  
COURT APPEALSState of Nebraska,  
Appellee,

No. A-25-0955

v.

Caleb A. Phillips,  
Appellant.

## ORDER TO SHOW CAUSE

Appellant, Caleb A. Phillips, timely appealed from his conviction and sentence in the Lancaster County District Court. On December 16, 2025, Appellant timely filed a notice of appeal. However, he did not file a request for the preparation of the bill of exceptions at that time. On January 30, 2026, Appellant filed a request for the preparation of the bill of exceptions without leave of this court.

Pursuant to Neb. Ct. R. App. P. § 2-105(B)(2)(a):

Request by Appellant. Appellant shall file a request to prepare a bill of exceptions in the office of the clerk of the court from which the appeal is taken at the same time the notice of appeal is filed. Failure to file such request at the same time the notice of appeal is filed shall be deemed as a waiver of appellant of the right to request a bill of exceptions, unless pursuant to subsection (f) below the appellate court grants appellant leave to request a bill of exceptions out of time.

And, pursuant to Neb. Ct. R. App. P. § 2-105(B)(2)(f), late requests for the preparation of the bill of exceptions may not be filed "without leave of the appellate court for good cause shown, which cause shall not be within a party's reasonable control." Appellant has not requested leave of this court to file a late request for the preparation of the bill of exceptions and has not alleged good cause for this failure.

Appellant, having failed to request, and receive, leave of this court to file an untimely request for a bill of exceptions is ordered to show cause, within 7 days of this order, why the appeal should not proceed as if no request for a bill of exceptions or supplemental bill of exceptions had been requested.


Dated this 12<sup>th</sup> day of February, 2026.

BY THE COURT:



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Lawrence E. Welch, Judge

# BILL OF EXCEPTIONS DEFICIENCY LISTING

**FILED**

**FEB 12 2026**

**TRIAL COURT CASE #: CR25-755**  
**APPELLATE CASE #: 25-0966**

**TRIAL COURT JUDGE: Molly B Keane**  
**REPLACEMENT ORDER DATE: 2/12/26**

NEBRASKA SUPREME COURT  
COURT APPEALS

SECTION	NEEDS CORRECTION	Nebraska Court Rule / JUSTICE Requirement	COMMENTS
<b>TITLE PAGE</b> <ul style="list-style-type: none"> <li>Case Caption</li> <li>Case Number</li> <li>Volume Contents</li> <li>Presiding Judge</li> <li>Parties Present</li> <li>Hearing dates</li> </ul>	<input type="checkbox"/>		
ARE VOLUME NUMBERS CONSECUTIVE?	<input type="checkbox"/>	JUSTICE coding requires volume numbers to match the Register of Actions	
<b>INDEXES</b> <ul style="list-style-type: none"> <li>Accuracy</li> </ul>	<input type="checkbox"/>	§ 2-105.01(D)(1)	
<b>WITNESS INDEX COLUMNS</b> <ul style="list-style-type: none"> <li>Direct, cross, redirect, &amp; recross</li> </ul>	<input type="checkbox"/>	§ 2-105.01(D)(1)(a)	
<b>MOTIONS INDEX COLUMNS</b> <ul style="list-style-type: none"> <li>Where made, ruled on</li> </ul>	<input type="checkbox"/>	§ 2-105.01(D)(1)(b)	
<b>EXHIBIT INDEX COLUMNS</b> <ul style="list-style-type: none"> <li>Marked, offered, ruled on, and volume found</li> </ul>	<input type="checkbox"/>	§ 2-105.01(D)(1)(c)	
<b>BOOKMARKS</b> <ul style="list-style-type: none"> <li>Testimony Volume</li> <li>Documentary Exhibit Volume</li> </ul>	<input type="checkbox"/>	§ 2-105.01(D)(2)	
SEPARATE EXHIBIT VOLUMES	<input type="checkbox"/>	§ 2-105.02(A)	
<b>EXHIBITS MARKED AND NUMBERED</b> <ul style="list-style-type: none"> <li>Each exhibit must have its own page numbering</li> </ul>	<input checked="" type="checkbox"/>	§ 2-105.02(B)	The following exhibits need consecutive numbers from exhibit sticker to last page: 7, 8, 9
<b>DOCUMENTARY EXHIBIT VOLUMES</b> <ul style="list-style-type: none"> <li>All exhibits that are not audio or video</li> </ul>	<input type="checkbox"/>	§ 2-105.02(C)	
PHYSICAL MEDIA EXHIBIT VOLUME FILED IN TRIAL COURT?	<input type="checkbox"/>		
<b>MEDIA EXHIBIT VOLUME</b> <ul style="list-style-type: none"> <li>One volume for all media</li> </ul>	<input type="checkbox"/>	§ 2-105.02(D)(6)	



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