

Supreme Court of Nebraska
Office of the Clerk

Minutes: February 25, 2026

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S-25-000310

State v. Keiandre T Kellogg

Motion Appt OA via Phone & 10 extra min.

Motion to appear telephonically overruled without prejudice. Appellant is granted leave to file a motion to appear via Zoom. Motion for extra oral argument time overruled.

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A-25-000361

State v. Mark M Porter Jr

Motion Appt to Extend Reply Brief Date

Motion sustained; Appellant's reply brief date extended to February 23, 2026.

A-25-000596

Haacke v. Haacke

Motion Appt to Extend Reply Brief Date

Motion sustained; Appellant's reply brief date extended to March 9, 2026. No further extensions will be allowed.

A-25-000746

State v. Franwil R Menendez Castillo

Motion Appe to View Sealed BOE Volume

Motion of Appellee to view sealed exhibit sustained; Appellee counsel to make arrangements with the Clerk's Office to schedule viewing.

A-25-000785

Strickland-Petri v. Flaum

By order of the Court

Documents filed by Appellant on February 25, 2026, stricken as appeal has been dismissed for failure to timely file a replacement brief.

A-25-000808

State v. Ariel Garcia Pelico

Motion of Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E) (3), Appellee's brief date extended to March 23, 2026. No further extensions will be allowed.

A-25-000853

State v. Tahashaye T Canty-Neely

Motion Appt to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E) (3), Appellant's brief date extended to March 18, 2026.

A-25-000886

State v. Steven F Danon

Motion Appellant to Vacate NOA & Refile

Motion of Appellant to vacate prior order dismissing appeal for lack of jurisdiction is overruled. Mandate to issue forthwith.

A-25-000893

State v. Jesse J Widick

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 30 2026.

A-25-000908

In re Interest of Mia H.

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E) (3), Appellant's brief date extended to March 20, 2026.

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A-25-000909

In re Interest of Ezra H.

Motion Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date extended to March 20, 2026.

A-25-000911

Gaskin v. Gaskin

By order of the 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. §§ 2-105.01 and 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 Practice within ten days of the issuance of this order.

A-25-000912

In re Interest of Selena P.

Motion Appt to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellant's brief date extended to March 23, 2026.

A-25-000958

State v. Kenreese Dial

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 30, 2026.

A-26-000015

State v. Shelby Irish

By order of the 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 Practice within ten days of the issuance of this order.

A-26-000018

In re Interest of Bella M.

Request to Extend Bill Exceptions

Request for extension granted; time for preparation of bill of exceptions extended to April 13, 2026.

A-26-000018

In re Interest of Bella M.

Appellant's Brief Date Extended

Record preparation date having been extended to April 13, 2026, Appellant's brief date extended to May 13, 2026.

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A-26-000059

Montgomery v. Bataillon

Motion of Appellee to Seal Exhibit 23

Motion of Appellee to seal Exhibit 23 overruled without prejudice to seeking relief in the trial court pursuant to Neb. Ct. R. App. P. § 2-105(G).

A-26-000097

Cyza v. Cyza

Order to Show Cause re Late Req for BOE

Motion for leave to request bill of exceptions out-of-time is sustained and Appellant is provided 10 days from the date of this order to file praecipe for bill of exceptions. No further extensions to request bill of exceptions out-of-time will be allowed.

A-26-000122

State v. Gabrielle M Williams

Motion Appt Leave to file Amended NOA

Motion of Appellant to file an amended notice of appeal denied as client's signature is not required to timely perfect the appeal.

A-26-000123

State v. Gabrielle M Williams

Motion Appt Leave to file Amended NOA

Motion of Appellant to file an amended notice of appeal denied as client's signature is not required to timely perfect the appeal.

A-26-000124

State v. Gabrielle M Williams

Motion Appt Leave to file Amended NOA

Motion of Appellant to file an amended notice of appeal denied as client's signature is not required to timely perfect the appeal.

A-26-000125

State v. Gabrielle M Williams

Motion Appt Leave to file Amended NOA

Motion of Appellant to file an amended notice of appeal denied as client's signature is not required to timely perfect the appeal.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-25-000855

State v. Bernard J Spencer

Order to Show Cause re: Late BOE Request

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S-25-000310

State v. Keiandre T Kellogg

Motion Appt OA via Phone & 10 extra min.

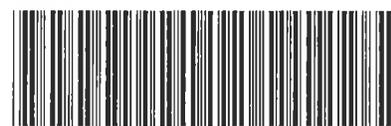
Motion to appear telephonically overruled without prejudice. Appellant is granted leave to file a motion to appear via Zoom. Motion for extra oral argument time overruled.

BILL OF EXCEPTIONS DEFICIENCY LISTING

TRIAL COURT CASE #: CR23-133
APPELLATE CASE #: A-26-15

TRIAL COURT JUDGE: Chawnta M Durham
REPLACEMENT ORDER DATE: 2/25/26

SECTION	NEEDS CORRECTION	Nebraska Court Rule / JUSTICE Requirement	COMMENTS
TITLE PAGE <ul style="list-style-type: none"> • Case Caption • Case Number • Volume Contents • Presiding Judge • Parties Present • Hearing dates 	<input checked="" type="checkbox"/>		Vol 2 states exhibits 1-6 included. Need to add Exhibit 7. Court reporter needs to submit a certificate of no record for hearing dates 4/20/23, 6/6/23, 10/23/24, and 2/6/25.
/ARE VOLUME NUMBERS CONSECUTIVE?	<input type="checkbox"/>	JUSTICE coding requires volume numbers to match the Register of Actions	
INDEXES <ul style="list-style-type: none"> • Accuracy 	<input type="checkbox"/>	§ 2-105.01(D)(1)	
WITNESS INDEX COLUMNS <ul style="list-style-type: none"> • Direct, cross, redirect, & recross 	<input type="checkbox"/>	§ 2-105.01(D)(1)(a)	
MOTIONS INDEX COLUMNS <ul style="list-style-type: none"> • Where made, ruled on 	<input type="checkbox"/>	§ 2-105.01(D)(1)(b)	
EXHIBIT INDEX COLUMNS <ul style="list-style-type: none"> • Marked, offered, ruled on, and volume found 	<input type="checkbox"/>	§ 2-105.01(D)(1)(c)	
BOOKMARKS <ul style="list-style-type: none"> • Testimony Volume • Documentary Exhibit Volume 	<input type="checkbox"/>	§ 2-105.01(D)(2)	
SEPARATE EXHIBIT VOLUMES	<input type="checkbox"/>	§ 2-105.02(A)	
EXHIBITS MARKED AND NUMBERED <ul style="list-style-type: none"> • Each exhibit must have its own page numbering 	<input checked="" type="checkbox"/>	§ 2-105.02(B)	Exhibit 7 is not page numbered
DOCUMENTARY EXHIBIT VOLUMES <ul style="list-style-type: none"> • All exhibits that are not audio or video 	<input type="checkbox"/>	§ 2-105.02(C)	
PHYSICAL MEDIA EXHIBIT VOLUME FILED IN TRIAL COURT?	<input type="checkbox"/>		
MEDIA EXHIBIT VOLUME <ul style="list-style-type: none"> • One volume for all media 	<input type="checkbox"/>	§ 2-105.02(D)(6)	



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BILL OF EXCEPTIONS DEFICIENCY LISTING

TRIAL COURT CASE #: CI11-4151 APPELLATE CASE #: A-25-911	TRIAL COURT JUDGE: Derek Vaughn REPLACEMENT ORDER DATE: 2/25/26
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SECTION	NEEDS CORRECTION	Nebraska Court Rule / JUSTICE Requirement	COMMENTS
TITLE PAGE <ul style="list-style-type: none"> • Case Caption • Case Number • Volume Contents • Presiding Judge • Parties Present • Hearing dates 	<input checked="" type="checkbox"/>		Vol 1 - Hearing date Aug 12, 2025 is listed on title page, but unable to find transcription of that hearing date. Vol 5 – Title page does not identify Exhibits 191-195 contained in volume
ARE VOLUME NUMBERS CONSECUTIVE?	<input type="checkbox"/>	JUSTICE coding requires volume numbers to match the Register of Actions	
INDEXES <ul style="list-style-type: none"> • Accuracy 	<input type="checkbox"/>	§ 2-105.01(D)(1)	
WITNESS INDEX COLUMNS <ul style="list-style-type: none"> • Direct, cross, redirect, & recross 	<input type="checkbox"/>	§ 2-105.01(D)(1)(a)	
MOTIONS INDEX COLUMNS <ul style="list-style-type: none"> • Where made, ruled on 	<input type="checkbox"/>	§ 2-105.01(D)(1)(b)	
EXHIBIT INDEX COLUMNS <ul style="list-style-type: none"> • Marked, offered, ruled on, and volume found 	<input type="checkbox"/>	§ 2-105.01(D)(1)(c)	
BOOKMARKS <ul style="list-style-type: none"> • Testimony Volume • Documentary Exhibit Volume 	<input checked="" type="checkbox"/>	§ 2-105.01(D)(2)	See comments below.
		Volume 1 Bookmark for hearing date July 12, 2025 is bookmarked as July 21, 2025 Volumes 2, 3, 4, and 5 needs bookmarks for each exhibit.	
SEPARATE EXHIBIT VOLUMES	<input type="checkbox"/>	§ 2-105.02(A)	
EXHIBITS MARKED AND NUMBERED <ul style="list-style-type: none"> • Each exhibit must have its own page numbering 	<input checked="" type="checkbox"/>	§ 2-105.02(B)	Exhibit 166 page numbering needs to start on page with exhibit sticker
DOCUMENTARY EXHIBIT VOLUMES <ul style="list-style-type: none"> • All exhibits that are not audio or video 	<input type="checkbox"/>	§ 2-105.02(C)	
PHYSICAL MEDIA EXHIBIT VOLUME FILED IN TRIAL COURT?	<input type="checkbox"/>		
MEDIA EXHIBIT VOLUME <ul style="list-style-type: none"> • One volume for all media 	<input type="checkbox"/>	§ 2-105.02(D)(6)	



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IN THE NEBRASKA COURT OF APPEALS

State of Nebraska,)
Appellee,)
)
v.)
)
Bernard J. Spencer,)
Appellant.)

No. A-25-0855

ORDER TO SHOW CAUSE

Appellant, timely appealed from the Douglas County District Court's order denying his motion for postconviction relief. On November 14, 2025, Appellant timely filed a notice of appeal. However, Appellant did not file a request for the preparation of the bill of exceptions at that time. On December 1, 2025, and February 12, 2026, Appellant filed requests for the preparation of the bill of exceptions.

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 or alleged good cause for the failure to file the request for the bill of exceptions previously.

Appellant, having failed to receive leave of this court or allege good cause for this failure is ordered to show cause, within 7 days of this order, why the appeal should not proceed as if no request has been made.

Dated this 25th day of February, 2026.

FILED

FEB 25 2026

BY THE COURT:



Lawrence E. Welch, Judge

NEBRASKA SUPREME COURT
COURT APPEALS



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