

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page:

1

A-25-000309

Jeffers v. Jeffers

ROD Submission to Court

Affirmed. Riedmann, Chief Judge. (P)

A-25-000416

Bruce v. Ahrendt

ROD Submitted to Court without Oral Argument

Affirmed. Moore, Judge. See Memorandum Web Opinion.

A-25-000463

State v. Gooden L Townsell III

ROD Submitted to Court without Oral Argument

Affirmed. Freeman, Judge. See Memorandum Web Opinion.

A-25-000485

State v. Jamal D Carr

ROD Submission to Ct. re Plea

Affirmed as modified. Pirtle, Judge. See Memorandum Web Opinion.

A-25-000486

State v. Jamal D Carr

ROD Submission to Ct. re Plea

Affirmed as modified. Pirtle, Judge. See Memorandum Web Opinion.

A-25-000540

In re Interest of Phoenix B. et al.

ROD Submitted to Court without Oral Argument

Affirmed. Bishop, Judge. See Memorandum Web Opinion.

A-25-000541

In re Interest of Phoenix B. et al.

ROD Submitted to Court without Oral Argument

Affirmed. Bishop, Judge. See Memorandum Web Opinion.

A-25-000542

In re Interest of Phoenix B. et al.

ROD Submitted to Court without Oral Argument

Affirmed. Bishop, Judge. See Memorandum Web Opinion.

A-25-000568

State v. Vincent R Nagel

ROD Submitted to Court without Oral Argument

Affirmed. Riedmann, Chief Judge. See Memorandum Web Opinion.

A-25-000569

State v. Vincent R Nagel

ROD Submitted to Court without Oral Argument

Affirmed. Riedmann, Chief Judge. See Memorandum Web Opinion.

A-25-000658

State v. David E Kinnan

ROD Submission to Ct., re: Plea

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page:

2

Affirmed. Welch, Judge. See Memorandum Web Opinion.

A-25-000732

State v. Susan K Allright

ROD Submission to Ct. re Plea

Affirmed. Bishop, Judge. See Memorandum Web Opinion.

A-25-000991

In re Interest of Jermiyas R.

ROD Mot Appt Dismiss & Request for Vacatur

Appellant's motion to dismiss the appeal as moot is granted pursuant to Neb. Ct. R. App. P. § 2-108. Appellant's request for vacatur is denied.

A-25-000992

In re Interest of Jermiyas R.

ROD Motion to Dismiss & Request for Vacatur

Appellant's motion to dismiss the appeal as moot is granted pursuant to Neb. Ct. R. App. P. § 2-108. Appellant's request for vacatur is denied.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page: 1

A-25-000246

Artisan Pools, Inc. v. Siemer

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 May Review Docket of the Nebraska Court of Appeals.

A-25-000322

State v. Mykez Moore

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 June Proposed Call of the Nebraska Court of Appeals.

A-25-000373

Avery v. Whittle

Motion of Appee for Attorney Fees

Motion of Appellee for attorney fees overruled.

A-25-000877

State of Nebraska v. 1 Cono Contracting LLC and Mauro Rubio

Motion of Appellee to Extend Brief Date

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

A-26-000048

In re Interest of Savannah K.

Mot. Appe Paxton for Summary Affirmance

Motion of Appellee for summary affirmance overruled. Case to proceed.

A-26-000098

In re Trust of Maloley

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). The county court's February 9, 2026, order is not final and appealable because the trustee's December 19, 2025, motion has a remaining claim for relief not yet resolved, namely, the appointment of a successor trustee. Further, the February 9 order does not end a separate and discrete phase of the proceedings. See Neb. Rev. Stat. § 25-1315(1) (Reissue 2016) (any order which adjudicates fewer than all claims and rights and liabilities of all parties shall not terminate the action as to any of the claims or parties; final judgment to fewer than all claims or parties may be directed only upon express determination that there is no just reason for delay and upon express direction for entry of judgment). See, also, Paxton v. Paxton, 314 Neb. 197, 989 N.W.2d 420 (2023) (substantial right not affected when that right can be effectively vindicated in appeal from final judgment); In re Estate of Severson, 310 Neb. 982, 970 N.W.2d 94 (2022) (in context of multifaceted special proceedings that are designed to administer affairs of person, order that ends discrete phase of proceedings affects substantial right because it finally resolves issues raised in that phase; consideration regarding finality of orders in probate cases is whether order ended discrete phase of

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026
proceedings).

Page: 2

A-26-000144

Npimnee v. Post

Notice for Summary Reversal

Appellant's Notice of Summary Reversal received. As properly noted by Appellant, a party may not move for summary reversal; therefore, no action taken.

A-26-000149

State v. Jesus Leyva, Jr.

Motion of Appellant to Extend Brief Date

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

A-26-000153

Hamilton County Board of Equalization v. Karr

ROD

Misc Submission to Court re Jurisdiction

Petition for Judicial Review filed by Hamilton County Board of Equalization dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). The Petition for Judicial Review was filed pursuant to Neb. Rev. Stat. § 77-5019 (Reissue 2018) following a decision of a single commissioner of the Tax Equalization and Review Commission. An order entered by a single commissioner "may not be appealed pursuant to section 77-5019 or any other provision of law." See Neb. Rev. Stat. § 77-5015.02(6) (Cum. Supp. 2024). Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1).

A-26-000154

Tyler v. Vett

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's notice of appeal filed on February 27, 2026, was not filed within 30 days of the district court's order of dismissal entered January 27, 2026. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2024) (notice of appeal must be filed within 30 days after entry of judgment, decree, or final order).

A-26-000201

State v. Jesus J Flores

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). Appellant has not filed a proper poverty affidavit in lieu of the statutory docket fee. A proper poverty affidavit serves as a substitute for the docket fee otherwise required upon appeal. See generally, Neb. Rev. Stat. § 25-2301.01 et seq. (Reissue 2016). The 'affidavit' described in § 25-2301.01 requires the hallmarks of an affidavit such as the signature of the affiant and a certificate of an authorized officer. State v. Haase, 247 Neb. 817, 530 N.W.2d 617 (1995).

A-26-000207

In re Estate of Metcalf

Order to Show Cause re Jurisdiction

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page:

3

Cause having been shown, case to proceed.

A-26-000254

State v. Jiovany R Castillo

ROD

Motion of 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.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page:

1

A-25-000246

Artisan Pools, Inc. v. Siemer

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 May Review Docket of the Nebraska Court of Appeals.

A-25-000309

Jeffers v. Jeffers

ROD Submission to Court

Affirmed. Riedmann, Chief Judge. (P)

A-25-000322

State v. Mykez Moore

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 June Proposed Call of the Nebraska Court of Appeals.

A-25-000373

Avery v. Whittle

Motion of Appellee for Attorney Fees

Motion of Appellee for attorney fees overruled.

A-25-000416

Bruce v. Ahrendt

ROD Submitted to Court without Oral Argument

Affirmed. Moore, Judge. See Memorandum Web Opinion.

A-25-000463

State v. Gooden L Townsell III

ROD Submitted to Court without Oral Argument

Affirmed. Freeman, Judge. See Memorandum Web Opinion.

A-25-000485

State v. Jamal D Carr

ROD Submission to Ct. re Plea

Affirmed as modified. Pirtle, Judge. See Memorandum Web Opinion.

A-25-000486

State v. Jamal D Carr

ROD Submission to Ct. re Plea

Affirmed as modified. Pirtle, Judge. See Memorandum Web Opinion.

A-25-000540

In re Interest of Phoenix B. et al.

ROD Submitted to Court without Oral Argument

Affirmed. Bishop, Judge. See Memorandum Web Opinion.

A-25-000541

In re Interest of Phoenix B. et al.

ROD Submitted to Court without Oral Argument

Affirmed. Bishop, Judge. See Memorandum Web Opinion.

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page:

2

A-25-000542

In re Interest of Phoenix B. et al.

ROD Submitted to Court without Oral Argument
Affirmed. Bishop, Judge. See Memorandum Web Opinion.

A-25-000568

State v. Vincent R Nagel

ROD Submitted to Court without Oral Argument
Affirmed. Riedmann, Chief Judge. See Memorandum Web Opinion.

A-25-000569

State v. Vincent R Nagel

ROD Submitted to Court without Oral Argument
Affirmed. Riedmann, Chief Judge. See Memorandum Web Opinion.

A-25-000658

State v. David E Kinnan

ROD Submission to Ct., re: Plea
Affirmed. Welch, Judge. See Memorandum Web Opinion.

A-25-000732

State v. Susan K Allright

ROD Submission to Ct. re Plea
Affirmed. Bishop, Judge. See Memorandum Web Opinion.

A-25-000877

State of Nebraska v. 1 Cono Contracting LLC and Mauro Rubio

Motion of Appellee to Extend Brief Date

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

A-25-000991

In re Interest of Jermyias R.

ROD Mot Appt Dismiss & Request for Vacatur
Appellant's motion to dismiss the appeal as moot is granted pursuant
to Neb. Ct. R. App. P. § 2-108. Appellant's request for vacatur is
denied.

A-25-000992

In re Interest of Jermyias R.

ROD Motion to Dismiss & Request for Vacatur
Appellant's motion to dismiss the appeal as moot is granted pursuant
to Neb. Ct. R. App. P. § 2-108. Appellant's request for vacatur is
denied.

A-26-000048

In re Interest of Savannah K.

Mot. Appe Paxton for Summary Affirmance

Motion of Appellee for summary affirmance overruled. Case to proceed.

A-26-000098

In re Trust of Maloley

ROD Misc Submission to Court re Jurisdiction

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page: 3

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). The county court's February 9, 2026, order is not final and appealable because the trustee's December 19, 2025, motion has a remaining claim for relief not yet resolved, namely, the appointment of a successor trustee. Further, the February 9 order does not end a separate and discrete phase of the proceedings. See Neb. Rev. Stat. § 25-1315(1) (Reissue 2016) (any order which adjudicates fewer than all claims and rights and liabilities of all parties shall not terminate the action as to any of the claims or parties; final judgment to fewer than all claims or parties may be directed only upon express determination that there is no just reason for delay and upon express direction for entry of judgment). See, also, Paxton v. Paxton, 314 Neb. 197, 989 N.W.2d 420 (2023) (substantial right not affected when that right can be effectively vindicated in appeal from final judgment); In re Estate of Severson, 310 Neb. 982, 970 N.W.2d 94 (2022) (in context of multifaceted special proceedings that are designed to administer affairs of person, order that ends discrete phase of proceedings affects substantial right because it finally resolves issues raised in that phase; consideration regarding finality of orders in probate cases is whether order ended discrete phase of proceedings).

A-26-000144

Npimnee v. Post

Notice for Summary Reversal

Appellant's Notice of Summary Reversal received. As properly noted by Appellant, a party may not move for summary reversal; therefore, no action taken.

A-26-000149

State v. Jesus Leyva, Jr.

Motion of Appellant to Extend Brief Date

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

A-26-000153

Hamilton County Board of Equalization v. Karr

ROD Misc Submission to Court re Jurisdiction

Petition for Judicial Review filed by Hamilton County Board of Equalization dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). The Petition for Judicial Review was filed pursuant to Neb. Rev. Stat. § 77-5019 (Reissue 2018) following a decision of a single commissioner of the Tax Equalization and Review Commission. An order entered by a single commissioner "may not be appealed pursuant to section 77-5019 or any other provision of law." See Neb. Rev. Stat. § 77-5015.02(6) (Cum. Supp. 2024). Appeal dismissed. See Neb. Ct. R. App. P. § 2-107(A)(1).

A-26-000154

Tyler v. Vett

ROD Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App. P. § 2-107(A)(1). Appellant's notice of appeal filed on February 27, 2026, was not filed within 30 days of the district court's order of

Court of Appeals of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page: 4

dismissal entered January 27, 2026. See Neb. Rev. Stat. § 25-1912(1)
(Cum. Supp. 2024) (notice of appeal must be filed within 30 days
after entry of judgment, decree, or final order).

A-26-000201

State v. Jesus J Flores

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction pursuant to Neb. Ct. R. App.
P. § 2-107(A)(1). Appellant has not filed a proper poverty affidavit
in lieu of the statutory docket fee. A proper poverty affidavit serves
as a substitute for the docket fee otherwise required upon appeal.
See generally, Neb. Rev. Stat. § 25-2301.01 et seq. (Reissue 2016).
The 'affidavit' described in § 25-2301.01 requires the hallmarks of an
affidavit such as the signature of the affiant and a certificate of an
authorized officer. State v. Haase, 247 Neb. 817, 530 N.W.2d 617
(1995).

A-26-000207

In re Estate of Metcalf

Order to Show Cause re Jurisdiction

Cause having been shown, case to proceed.

A-26-000254

State v. Jiovany R Castillo

ROD

Motion of 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.

Supreme Court of Nebraska
Office of the Clerk

Minutes: April 14, 2026

Page:

1

S-25-000461

11819 Miracle Hills Drive v. Ali

Case ordered moved to Sup. Ct. docket

By order of the Nebraska Supreme Court, case moved from the Court of Appeals docket to the Supreme Court docket.

S-25-000548

In re Estate of Mankhey

Case ordered moved to Sup. Ct. docket

By order of the Nebraska Supreme Court, case moved from the Court of Appeals docket to the Supreme Court docket.