

Court of Appeals of Nebraska
Office of the Clerk

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A-25-000421

State v. Marcus A Settles

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-25-000448

McReynolds v. McReynolds

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-25-000926

State v. Dasean Titsworth-Hunt

ROD Mot. of Appellee for Summary Affirmance

Appellee's motion for summary affirmance granted. 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). We modify the sentencing order to provide that Titsworth-Hunt is entitled to 448 days' credit for time served against the aggregate of all terms imposed. See State v. Nelson, 318 Neb. 484, 16 N.W.3d 883 (2025).

A-26-000014

In re Interest of Josiah E.

Motion of State to Extend Brief Date

Motion sustained; Appellee State's brief due 30 days following filing of Appellee/Cross-Appellant's brief in response to Appellant's brief.

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S-24-000663

Cyboron v. Merrick County

ROD

Submission to Court

Reversed and remanded for further proceedings. Stacy, Justice.

Miller-Lerman, Justice, not participating in the decision. Bergevin, Justice, not participating.

S-24-000960

Cramer v. Union Pacific Railroad Company

ROD

Submission to Court

Affirmed. Freudenberg, Justice. Cassel, Justice, concurring.

S-25-000310

State v. Keiandre T Kellogg

Motion Appt to Appear via Video/Zoom

Motion of Appellant to present oral argument via web-conferencing sustained. The Clerk's office will provide further instructions to Appellant regarding web-conferencing. Appellant's motion to expand oral argument time is overruled.

S-25-000668

State v. Ross S Lorello III

Motion of Appellee to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(2), Appellee's brief date extended to May 22, 2026.

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A-25-000283

Jones v. Sleper

Motion of Appellee for Rehearing

Motion of Appellee for rehearing overruled.

A-25-000598

State v. Edward C Blanton Jr.

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-25-000975

Kapanadze v. Thacker

Motion Appt to Supplement/Correct Record

Motion of Appellant to supplement or correct the record overruled, in part. The Court sustains that portion of Appellant's motion related to hearing in the district court. Pursuant to Neb. Ct. R. App. P. § 2-105(G)(2), the trial courts retain limited jurisdiction during the pendency of an appeal when the relief sought is related to the trial court record. Accordingly, the trial court is directed to set the matter for hearing within 14 days of this order to resolve all issues related to a complete trial court record. Clerk of the trial court shall forward to the appellate court any orders arising from said hearing immediately after entry of said orders.

A-26-000049

Sundelin v. Grasmick

Motion Appellant Leave to file Supp BOE

Motion for leave to request supplemental bill of exceptions sustained. Appellant shall file praecipe in the trial court within three days of this order.

A-26-000122

State v. Gabrielle M Williams

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 27, 2026.

A-26-000123

State v. Gabrielle M Williams

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 27, 2026.

A-26-000124

State v. Gabrielle M Williams

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 27, 2026.

A-26-000125

State v. Gabrielle M Williams

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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 27, 2026.

A-26-000141

Myers v. Albin

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. § 2-105.01. 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-26-000215

Npimnee v. Shiffermiller

Motion of Appellant to Extend Brief Date

Appeal previously dismissed pursuant to Neb. Ct. R. App. P.

§ 2-107(A)(1) on April 13, 2026. Motion of Appellant to extend brief date overruled as moot.

A-26-000217

Npimnee v. Florom

Motion of Appellant to Extend Brief Date

Appeal previously dismissed pursuant to Neb. Ct. R. App. P.

§ 2-107(A)(1) on April 13, 2026. Motion of Appellant to extend brief date overruled as moot.

A-26-000218

Npimnee v. Sohriakoff

Motion of Appellant to Extend Brief Date

Appeal previously dismissed pursuant to Neb. Ct. R. App. P.

§ 2-107(A)(1) on April 13, 2026. Motion of Appellant to extend brief date overruled as moot.

A-26-000219

Npimnee v. Sanchez

Motion of Appellant to Extend Brief Date

Appeal previously dismissed pursuant to Neb. Ct. R. App. P.

§ 2-107(A)(1) on April 13, 2026. Motion of Appellant to extend brief date overruled as moot.

A-26-000223

State v. Edward L Herring

Motion to Withdraw Shapiro for Appellant

Motion of counsel for Appellant to withdraw, having been made in compliance with Neb. Ct. R. App. P. § 2-106(F), is sustained. Glenn A. Shapiro allowed to withdraw as counsel for Appellant.

A-26-000224

In re Interest of Charlie R.

By Order of Court re Replacement BOE

Tendered bill of exceptions considered. Upon review, the bill of

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exceptions transferred from the trial court does not comply with Neb. Ct. R. App. P. § 2-105.01. 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-26-000227

State v. Jeffrey C Fauble

Ruling Reserved re Motion to Withdraw

Motion to withdraw filed by counsel for Appellant, Michael J. Fitzpatrick, taken under advisement pending compliance with Neb. Ct. R. App. P. § 2-106(F), certifying that a copy of such motion has been sent to the client's last-known address, which address shall be included in the motion. Compliance shall be provided to the Court within seven days of this notice.

A-26-000263

State v. Tiffany L Frye

Praecipe for Bill of Exceptions

Amended praecipe for bill of exceptions filed in the trial court on April 17, 2026, appears to be correcting a scrivener's error. Bill of exceptions preparation allowed to proceed pursuant to the amended praecipe.

A-26-000277

State v. Randal K Gamble

Motion Withdraw Kosmicki for Appellant

Motion of counsel for Appellant to withdraw, having been made in compliance with Neb. Ct. R. App. P. § 2-106(F), is sustained. Matthew K. Kosmicki allowed to withdraw as counsel for Appellant.

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-26-000274

State v. Nichole J Jabar

Order to Show Cause re Jurisdiction

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S-25-000013

State v. Daniel S Nickels

Motion of Appellee to Extend Brief Date

Motion sustained. Brief of Appellee filed January 27, 2026, accepted as filed.

S-25-000900

State v. Anthony A Mattison

Motion of Appellee to Extend Brief Date

Motion of Appellee for brief date extension overruled as moot. Brief timely and accepted as filed.

BILL OF EXCEPTIONS DEFICIENCY LISTING

TRIAL COURT CASE #: C125-70	TRIAL COURT JUDGE: Mark A Johnson
APPELLATE CASE #: 26-141	REPLACEMENT ORDER DATE: 4/23/26

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 type="checkbox"/>		
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)	See comments below
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)	See comments below
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)	See comments below Exhibits need consecutive page numbering Pages numbers of Exhibit 1 are 1,2,3,4,5,1,2,6,7,8
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)	



FILED

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NEBRASKA SUPREME COURT
COURT APPEALS**BILL OF EXCEPTIONS DEFICIENCY LISTING**TRIAL COURT CASE #: JV24-311
APPELLATE CASE #: 26-224TRIAL COURT JUDGE: Jonathon D Crosby
REPLACEMENT ORDER DATE: 4/23/26

SECTION	NEEDS CORRECTION	Nebraska Court Rule / JUSTICE Requirement	COMMENTS
TITLE PAGE • Case Caption • Presiding Judge • Case Number • Parties Present • Volume • Hearing dates • Contents	<input type="checkbox"/>		
ARE VOLUME NUMBERS CONSECUTIVE?	<input type="checkbox"/>	JUSTICE coding requires volume numbers to match the Register of Actions	
INDEXES • Accuracy	<input type="checkbox"/>	§ 2-105.01(D)(1)	See comments below
WITNESS INDEX COLUMNS • Direct, cross, redirect, & recross	<input type="checkbox"/>	§ 2-105.01(D)(1)(a)	
MOTIONS INDEX COLUMNS • Where made, ruled on	<input type="checkbox"/>	§ 2-105.01(D)(1)(b)	
EXHIBIT INDEX COLUMNS • Marked, offered, ruled on, and volume found	<input type="checkbox"/>	§ 2-105.01(D)(1)(c)	
BOOKMARKS • Testimony Volume • Documentary Exhibit Volume	<input checked="" type="checkbox"/>	§ 2-105.01(D)(2)	See comments below There are no bookmarks in volume 2
SEPARATE EXHIBIT VOLUMES	<input type="checkbox"/>	§ 2-105.02(A)	
EXHIBITS MARKED AND NUMBERED • Each exhibit must have its own page numbering	<input type="checkbox"/>	§ 2-105.02(B)	See comments below
DOCUMENTARY EXHIBIT VOLUMES • 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 • One volume for all media	<input type="checkbox"/>	§ 2-105.02(D)(6)	



000107128NSC

IN THE NEBRASKA COURT OF APPEALS

State of Nebraska,)
)
Appellee,)
)
v.)
)
Nichole J. Witmer, also known)
as Nichole J. Jabar,)
)
Appellant.

No. A-26-274.

ORDER TO SHOW CAUSE

This matter is before us for purposes of jurisdictional review. Nichole J. Jabar appeals from the March 25, 2026, order of the district court of Lancaster County that revoked her probation. The notice of appeal was filed on April 10, 2026, by Debra R. Scarlett on behalf of the appellant. There is no indication, however, that Scarlett is an attorney duly licensed to practice law in the State of Nebraska.

A legal proceeding in which a party is represented by a person not admitted to practice law is a nullity and is subject to dismissal.; See Neb. Rev. Stat. § 7-101 (Reissue 2022); *Kelly v. Saint Francis Medical Center*, 295 Neb. 650, 889 N.W.2d 613 (2017); *Steinhausen v. HomeServices of Neb.*, 289 Neb. 927, 857 N.W.2d 816 (2015).

Appellant is given 10 days to show cause why her appeal should not be dismissed. Failure to respond could be cause for the appeal to be dismissed for lack of jurisdiction under Neb. Ct. R. App. P. § 2-107(A)(1).

Dated this 23rd day of April, 2026.

BY THE COURT:



Frankie J. Moore, Judge

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NEBRASKA SUPREME COURT
COURT APPEALS



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