

Court of Appeals of Nebraska
Office of the Clerk

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A-25-000213

State v. Fredrick C Crouse

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-25-000242

Mitchell v. Mitchell

Motion for Immediate Issuance of Mandate

Motion of Appellant to issue mandate forthwith overruled. See Neb. Ct. R. App. P. § 2-114(A)(1).

A-25-000655

In re Interest of D'myah W.

Motion of Appellant to Expand Word Limit

Motion sustained; Appellant's brief word limit expanded to 17,228 words.

A-25-000659

Miao v. Holcomb

Motion Appt to Appear via Video Conf

Motion of Appellant to appear via video-conferencing overruled as moot.

A-25-000659

Miao v. Holcomb

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-25-000714

Npimnee v. Short

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-25-000756

State v. Jesse J Wilson

Request Appellant for Clarification

Appellant's request for clarification overruled without prejudice to seeking clarity in the trial court.

A-25-000831

Alhatel v. Smithfield Foods Inc.

Motion Appt Extend time file Reply Brief

Motion of Appellant to extend time to file reply brief overruled as reply brief was timely filed on April 20, 2026.

A-25-000841

State v. Christopher M Payne

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Motion of Appellant to Extend Brief Date

Motion of Appellant to extend time to file brief overruled as Appellant's brief filed on April 20, 2026, was timely filed within the default notice deadline.

A-25-000844

State v. Jose A Dominguez

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. Hagens, 320 Neb. 65, 26 N.W.3d 174 (2025) (sentence imposed within statutory limits will not be disturbed on appeal in absence of abuse of discretion by trial court; appropriateness of a sentence is necessarily subjective judgment that includes sentencing judge's observations of defendant's demeanor and attitude and all the facts and circumstances surrounding defendant's life).

A-25-000934

State v. Anthony A Mattison

Motion of Appellee to Extend Brief Date

Motion of Appellee to extend time to file brief overruled as Appellee's brief filed on April 20, 2026, was timely.

A-25-000952

State v. Marcus F Jones

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). District court did not abuse its discretion in denying his motion to continue sentencing. See, State v. Dawn, 320 Neb. 342, 27 N.W.3d 9 (2025) (decision whether to grant continuance in criminal case is within discretion of trial court and will not be disturbed on appeal absent abuse of discretion); State v. Baxter, 295 Neb. 496, 888 N.W.2d 726 (2017) (court does not abuse its discretion in denying continuance unless it clearly appears that party seeking continuance suffered prejudice because of that denial).

A-25-000956

State v. Dammon T Haynes

Mot. of Appellee for Summary Affirmance

Motion of Appellee for summary affirmance overruled. Appellee's brief due on or before May 6, 2026.

A-25-000957

State v. Dammon T Haynes

Mot. of Appellee for Summary Affirmance

Motion of Appellee for summary affirmance overruled. Appellee's brief due on or before May 6, 2026.

A-25-000956

State v. Dammon T Haynes

Motion of Appellee to Consolidate

By order of the Court, cases 25-0956 and 25-0957 consolidated for further briefing and disposition.

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A-25-000957

State v. Dammon T Haynes

Motion of Appellee to Consolidate

By order of the Court, cases 25-0956 and 25-0957 consolidated for further briefing and disposition.

A-26-000013

Parrish v. Parrish

Mot. Appt Stay Enforcement Pending Appeal

Appellant's motion to stay enforcement overruled without prejudice to seeking relief in the trial court.

A-26-000029

State v. David L Mileage

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); 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); State v. Baxter, 295 Neb. 496, 888 N.W.2d 726 (2017) (appellate court will not disturb trial court's choice to order probation or incarceration absent abuse of discretion).

A-26-000085

State v. Oscar Padilla-Castro

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. Hagens, 320 Neb. 65, 26 N.W.3d 174 (2025) (sentence imposed within statutory limits will not be disturbed on appeal in absence of abuse of discretion by trial court); 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).

A-26-000102

Ontiveros v. Jeffreys

Motion of Appellant to Extend Brief Date

Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date extended to May 27, 2026.

A-26-000111

Wiley v. Innovative Homes & Design Inc

Request to Extend Bill Exceptions

Request of court reporting personnel for extension to prepare the bill of exceptions granted; time for preparation of bill of exceptions extended to May 21, 2026. Trial court clerk to notify court reporting personnel of the extension.

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A-26-000111

Wiley v. Innovative Homes & Design Inc
Appellant's Brief Date Extended
Record preparation date having been extended to May 21, 2026,
Appellant's brief date extended to June 22, 2026.

A-26-000113

Badeer v. Badeer
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.

A-26-000117

Gregory v. Department of Correctional Services
Motion of Appellant to Extend Brief Date
Pursuant to Neb. Ct. R. App. P. § 2-106(E)(3), Appellant's brief date
extended to May 29, 2026.

A-26-000163

Elhabbal v. Elhabbal
2nd Supplemental Transcript (STRICKEN)
Second supplemental transcript filed on April 22, 2026, stricken as
improper expansion of the appellate record. Documents submitted were
not contemplated by the trial court at the time in forma pauperis was
denied. See Ottaco Acceptance, Inc. v. Huntzinger, 268 Neb. 258, 262,
682 N.W.2d 232, 236 (2004) (An appellate court may not review evidence
unless it has been preserved in the bill of exceptions).

A-26-000182

State v. James E Milton
Request to Extend Bill Exceptions
Request for extension granted, in part; time for preparation of bill
of exceptions extended to June 15, 2026.

A-26-000182

State v. James E Milton
Appellant's Brief Date Extended
Record preparation date having been extended to June 15, 2026,
Appellant's brief date extended to July 15, 2026.

A-26-000251

Carter v. Department of Correctional Services
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 file a proper poverty affidavit
within 30 days of the district court's February 27, 2026, order of
dismissal. See Neb. Rev. Stat. § 25-1912(1) (Cum. Supp. 2024). See,
also, State v. Uhing, 301 Neb. 768, 919 N.W.2d 909 (2018); Heckman v.
Marchio, 296 Neb. 458, 894 N.W.2d 296 (2017) (when Legislature fixes
time for taking appeal, courts have no power to extend time directly

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or indirectly).

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A-26-000252

Masek v. Pinnacle Bancorp Inc.

ROD

Misc Submission to Court re Jurisdiction

Appeal dismissed for lack of jurisdiction. See Neb. Ct. R. App. P. § 2-107(A)(1). The district court's orders of February 1 and March 11, 2026, resolved the claims raised in Appellant's complaint as well as Barry Masek's request for attorney fees; however, there was no resolution of the counterclaim and third-party claim filed by Pinnacle Bancorp, Inc. In cases that present multiple claims for relief or involve multiple parties, § 25-1315(1) [Reissue 2016] permits a trial court to certify an otherwise interlocutory order as a final, appealable judgment under the limited circumstances set forth in the statute. Absent the entry of a final judgment under § 25-1315(1), orders adjudicating fewer than all claims against all parties are not final and are subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties. Continental Indem. Co. v. Starr Indem. & Liab. Co., 320 Neb. 574, 28 N.W.3d 843 (2025). Upon resolution of the remaining claims in this case, there must be a "judgment rendered," required by Neb. Rev. Stat. § 25-1911 (Reissue 2016), as a final determination of the rights of the parties in an action, which is set forth by the court in a single, signed written document stating all of the relief granted or denied in an action. Id. See also D&M Roofing & Siding v. Distribution, Inc., 316 Neb. 952, 7 N.W.3d 868 (2024).

ORDERS TO SHOW CAUSE & AMENDED OPINIONS

A-25-000486

State v. Jamal D Carr
Amended Opinion

A-25-000485

State v. Jamal D Carr
Amended Opinion

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S-25-000188

State v. Edward Robinson Jr.

By order of Court re Appoint of Butler

By order of the Court, the Honorable Andrew C. Butler, District Court Judge for the 9th Judicial District, is appointed to serve as a Nebraska Supreme Court Justice for the case of State v. Robinson, Case No. S-25-0188, currently scheduled for oral argument on the June 2026 Supreme Court Call. See order.

S-25-000188

State v. Edward Robinson Jr.

By order of Court Appoint of McManaman

By order of the Court, the Honorable Kevin McManaman, District Court Judge for the 3rd Judicial District, is appointed to serve as a Nebraska Supreme Court Justice for the case of State v. Robinson, Case No. S-25-0188, currently scheduled for oral argument on the June 2026 Supreme Court Call. See order.

S-25-000310

State v. Keiandre T Kellogg

By order of the Court re Oral Arguments

On February 25, 2026, this court overruled the motion of Appellant to appear telephonically for oral argument, but did grant Appellant leave to file a motion to appear via Zoom. To date, no such motion has been filed. Accordingly, no appearance by Appellant will be expected unless a motion is filed prior to arguments scheduled for April 28, 2026.

S-25-000543

State v. Anthony L Burries

By order of Court re Appoint of Butler

By order of the Court, the Honorable Andrew C. Butler, District Court Judge for the 9th Judicial District, is appointed to serve as a Nebraska Supreme Court Justice for the case of State v. Burries, Case No. S-25-0543, currently scheduled for oral argument on the June 2026 Supreme Court Call. See order.

S-25-000543

State v. Anthony L Burries

By order of Court Appoint of McManaman

By order of the Court, the Honorable Kevin McManaman, District Court Judge for the 3rd Judicial District, is appointed to serve as a Nebraska Supreme Court Justice for the case of State v. Burries, Case No. S-25-0543, currently scheduled for oral argument on the June 2026 Supreme Court Call. See order.

S-25-000743

In re Estate of Todd

Misc. Submission to Court: Case Movement

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

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S-25-000808

State v. Ariel Garcia Pelico

Petition Appellant to Bypass COA

Petition of Appellant to bypass review by the Court of Appeals
granted.

S-26-000280

State ex rel. Smith v. Stratman

ROD Petition for Writ of Mandamus

Application for leave to commence an original action denied.

S-26-000285

State ex rel. Stark v. Strong

ROD Petition for Writ of Mandamus

Application for leave to commence an original action denied.

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

In re Appointment)

)

ORDER

of Judge.)

)

IT IS HEREBY ORDERED that the Honorable Andrew C. Butler, District Court Judge for the 9th Judicial District, is appointed to serve as a Supreme Court Justice for the cases of *State v. Burries*, Case No. S-25-0543, and *State v. Robinson*, Case No. S-25-0188, currently scheduled for oral argument on the June 2026 Supreme Court Call.

Such appointment shall continue until such time as all issues brought before the Supreme Court in the above-captioned cases are decided.

Dated this 22nd day of April 2026.

BY THE COURT:



Chief Justice Jeffrey J. Funke

FILED

APR 22 2026

NEBRASKA SUPREME COURT
COURT APPEALS



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IN THE SUPREME COURT OF THE STATE OF NEBRASKA

In re Appointment)
)
of Judge.) ORDER

IT IS HEREBY ORDERED that the Honorable Kevin McManaman, District Court Judge for the 3rd Judicial District, is appointed to serve as a Supreme Court Justice for the cases of *State v. Burries*, Case No. S-25-0543, and *State v. Robinson*, Case No. S-25-0188, currently scheduled for oral argument on the June 2026 Supreme Court Call.

Such appointment shall continue until such time as all issues brought before the Supreme Court in the above-captioned cases are decided.

Dated this 22nd day of April 2026.

BY THE COURT:



Chief Justice Jeffrey J. Funke

FILED
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NEBRASKA SUPREME COURT
COURT APPEALS



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