

NEBRASKA SUPREME COURT

State v. Jones

320 Neb. 766 (2026) · No. S-25-125 · Decided January 30, 2026

SUMMARY

The Nebraska Supreme Court held that the State was required to pursue an exception proceeding under Neb. Rev. Stat. § 29-2315.01 to obtain review of a district court order granting a defendant absolute discharge on statutory speedy-trial grounds. Because the State filed an ordinary appeal and did not strictly comply with the statutory exception-proceeding requirements, the court affirmed the Nebraska Court of Appeals’ dismissal. The court declined to overrule precedent treating such orders as arising in criminal cases.

CASE DETAILS

COURT	Nebraska Supreme Court
WRITING FOR THE COURT	Papik, J.; Funke, C.J.; Cassel, J.; Stacy, J.; Freudenberg, J.
JURISDICTION	Nebraska Supreme Court
DECIDED	January 30, 2026
DOCKET	S-25-125
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State petitioned for further review of the Nebraska Court of Appeals' dismissal of its ordinary appeal from a district court order granting Jones absolute discharge on statutory speedy-trial grounds.
STANDARD OF REVIEW	A jurisdictional question that does not involve a factual dispute is reviewed as a matter of law, independently of the lower court's decision.
PRECEDENTIAL VALUE	Published Nebraska Supreme Court opinion; precedential.
PARTIES	State of Nebraska v. Trevor M. Jones

TOPICS

- appellate jurisdiction
- criminal procedure
- speedy trial
- appellate procedure
- statutory interpretation

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure
- speedy trial
- appellate jurisdiction
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the State could obtain ordinary appellate review under Neb. Rev. Stat. § 25-1912 of a criminal district court order granting absolute discharge on statutory speedy-trial grounds, or whether it was required to pursue an exception proceeding under § 29-2315.01.
2. Whether the Court of Appeals erred by granting Jones' motion for summary dismissal before the State's time to respond had expired.

HOLDINGS

1. An order granting a criminal defendant absolute discharge on statutory speedy-trial grounds is entered in a criminal case and must be challenged by the State through an exception proceeding under Neb. Rev. Stat. § 29-2315.01, not by an ordinary appeal under § 25-1912. Because the State failed to comply with the jurisdictional prerequisites of § 29-2315.01, the appellate courts lacked jurisdiction to review the order.
2. The Court of Appeals acted prematurely by granting the motion for summary dismissal before the State's response period expired, but the error did not warrant relief because the State subsequently had a full opportunity to present its jurisdictional arguments and could not show prejudice.

KEY QUOTATIONS

“A jurisdictional question that does not involve a factual dispute is determined by an appellate court as a matter of law, which requires the appellate court to reach a conclusion independent of the lower court’s decision.” (at 770)

“A failure to strictly comply with the jurisdictional prerequisites of § 29-2315.01 prevents the State from obtaining any review of a trial court’s final order in a criminal case.” (at 771)

“We thus conclude that the State could not challenge the order granting absolute discharge via an ordinary appeal and that the Court of Appeals did not err in dismissing the State’s appeal based on the State’s failure to complete the steps necessary to initiate an exception proceeding under § 29-2315.01.” (at 783)

“Because the State failed to comply with § 29-2315.01 in a case in which it was required to do so to obtain review, the appellate courts lack the power to decide the State’s challenge.” (at 784)

FACTUAL BACKGROUND

The State charged Trevor M. Jones in November 2023 with theft by deception involving \$5,000 or more. Approximately one year later, Jones moved for absolute discharge, asserting that the State had failed to bring him to trial within the period required by Nebraska's speedy-trial statute. The district court found a speedy-trial violation and granted the motion. The State attempted to obtain review by filing an ordinary notice of appeal but did not comply with the statutory procedures for an exception proceeding.

PROCEDURAL HISTORY

Jones was charged with theft by deception and obtained absolute discharge after the district court found that the State violated Nebraska's statutory speedy-trial requirements. The State filed an ordinary appeal under Neb. Rev.

Stat. § 25-1912 rather than initiating an exception proceeding under § 29-2315.01. The Nebraska Court of Appeals dismissed the appeal for lack of jurisdiction and denied rehearing. The Nebraska Supreme Court granted further review and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. A.D., 305 Neb. 154, 939 N.W.2d 484 (2020)
- State v. Baird, 238 Neb. 724, 472 N.W.2d 203 (1991)
- State v. Johnson, 259 Neb. 942, 613 N.W.2d 459 (2000)
- State v. Merrill, 273 Neb. 583, 731 N.W.2d 570 (2007)
- State v. Jacques, 253 Neb. 247, 570 N.W.2d 331 (1997)
- State v. Bixby, 311 Neb. 110, 971 N.W.2d 120 (2022)
- State v. Harris, 307 Neb. 237, 948 N.W.2d 736 (2020)
- State v. Pratt, 273 Neb. 817, 733 N.W.2d 868 (2007)
- State v. Space, 312 Neb. 456, 980 N.W.2d 1 (2022)
- State v. Washington, 269 Neb. 728, 695 N.W.2d 438 (2005)
- State v. Knudtson, 262 Neb. 917, 636 N.W.2d 379 (2001)
- State v. Florea, 20 Neb. App. 185, 820 N.W.2d 649 (2012)
- Cano v. Walker, 297 Neb. 580, 901 N.W.2d 251 (2017)
- Tegra Corp. v. Boeshart, 311 Neb. 783, 976 N.W.2d 165 (2022)
- Heckman v. Marchio, 296 Neb. 458, 894 N.W.2d 296 (2017)
- Payne v. Tennessee, 501 U.S. 808, 827, 111 S. Ct. 2597, 115 L. Ed. 2d 720 (1991)
- Dobbs v. Jackson Women's Health Organization, 597 U.S. 215, 268, 292, 142 S. Ct. 2228, 213 L. Ed. 2d 545 (2022)
- Bogue v. Gillis, 311 Neb. 445, 973 N.W.2d 338 (2022)
- Porter v. Porter, 309 Neb. 167, 959 N.W.2d 235 (2021)
- State on behalf of Kaaden S. v. Jeffery T., 303 Neb. 933, 932 N.W.2d 692 (2019)
- McEwen v. Nebraska State College Sys., 303 Neb. 552, 931 N.W.2d 120 (2019)
- Davis v. State, 297 Neb. 955, 902 N.W.2d 165 (2017)
- Ramos v. Louisiana, 590 U.S. 83, 120-121, 140 S. Ct. 1390, 206 L. Ed. 2d 583 (2020) (Kavanaugh, J., concurring in part)
- Hubbard v. United States, 514 U.S. 695, 716, 115 S. Ct. 1754, 131 L. Ed. 2d 779 (1995) (Scalia, J., concurring in part and concurring in judgment)

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