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CONCLUSION

The court improperly credited all 498 days of Wills' time served to his 1-year sentence. A court cannot credit more time to a sentence than the length of the sentence. On remand, the court should credit only enough time served to satisfy the sentence in case No. S-11-1026, after reducing the sentence for good time. The court should then credit any applicable remaining time to Wills' sentences in case No. S-12-415. We also conclude that the record supports the court's sentencing order in case No. S-12-415, and so the court did not abuse its discretion. We affirm the court's decision in that regard.

AFFIRMED IN PART, AND IN PART REVERSED AND REMANDED.

CASSEL, J., not participating.

STATE OF NEBRASKA EX REL. COUNSEL FOR DISCIPLINE OF THE NEBRASKA SUPREME COURT, RELATOR, V. LARRY L. BRAUER, RESPONDENT.

827 N.W.2d 464

Filed February 22, 2013. No. S-11-1061.

Original action. Judgment of disbarment.

HEAVICAN, C.J., WRIGHT, CONNOLLY, STEPHAN, MCCORMACK, MILLER-LERMAN, and CASSEL, JJ.

PER CURIAM.

INTRODUCTION

This case is before the court on the voluntary surrender of license filed by respondent, Larry L. Brauer, on January 10, 2013. The court accepts respondent's voluntary surrender of his license and enters an order of disbarment.

STATEMENT OF FACTS

Respondent was admitted to the practice of law in the State of Nebraska on April 5, 1979. Formal charges were filed against respondent on December 7, 2011, generally alleging that respondent neglected matters and failed to respond to the

Counsel for Discipline. On September 11, 2012, the report of the referee was filed in which the referee recommended that respondent be suspended for a minimum of 1½ years and that upon reinstatement, he be supervised for 2 years by a licensed attorney. On November 13, the Counsel for Discipline of the Nebraska Supreme Court filed a motion for judgment on the pleadings.

On January 10, 2013, respondent filed a voluntary surrender in which he stated that he does not challenge or contest the truth of the allegations being made against him. He further stated that he freely, knowingly, and voluntarily waived his right to notice, appearance, or hearing prior to the entry of an order of disbarment and consented to the entry of an immediate order of disbarment.

ANALYSIS

Neb. Ct. R. § 3-315 of the disciplinary rules provides in pertinent part:

> (A) Once a Grievance, a Complaint, or a Formal Charge has been filed, suggested, or indicated against a member, the member may voluntarily surrender his or her license.
>
> (1) The voluntary surrender of license shall state in writing that the member knowingly admits or knowingly does not challenge or contest the truth of the suggested or indicated Grievance, Complaint, or Formal Charge and waives all proceedings against him or her in connection therewith.

Pursuant to § 3-315 of the disciplinary rules, we find that respondent has voluntarily surrendered his license to practice law and knowingly does not challenge or contest the truth of the allegations made against him. Further, respondent has waived all proceedings against him in connection therewith. We further find that respondent has consented to the entry of an order of disbarment.

CONCLUSION

Upon due consideration of the court file in this matter, the court finds that respondent has stated that he freely,

knowingly, and voluntarily admits that he does not contest the allegations being made against him. The court accepts respondent's voluntary surrender of his license to practice law, finds that respondent should be disbarred, and hereby orders him disbarred from the practice of law in the State of Nebraska, effective immediately. Respondent shall forthwith comply with all terms of Neb. Ct. R. § 3-316 of the disciplinary rules, and upon failure to do so, he shall be subject to punishment for contempt of this court. Accordingly, respondent is directed to pay costs and expenses in accordance with Neb. Rev. Stat. §§ 7-114 and 7-115 (Reissue 2012) and Neb. Ct. R. §§ 3-310(P) and 3-323 of the disciplinary rules within 60 days after an order imposing costs and expenses, if any, is entered by the court.

JUDGMENT OF DISBARMENT.

ODILON VISOSO, ALSO KNOWN AS ADAM RODRIGUEZ, APPELLANT, V. CARGILL MEAT SOLUTIONS, APPELLEE.

826 N.W.2d 845

Filed February 22, 2013. No. S-12-038.

1. **Workers' Compensation: Appeal and Error.** A judgment, order, or award of the Workers' Compensation Court may be modified, reversed, or set aside only upon the grounds that (1) the compensation court acted without or in excess of its powers; (2) the judgment, order, or award was procured by fraud; (3) there is not sufficient competent evidence in the record to warrant the making of the order, judgment, or award; or (4) the findings of fact by the compensation court do not support the order or award.
2. ____: ____. With respect to questions of law in workers' compensation cases, an appellate court is obligated to make its own determination.
3. ____: ____. On appellate review of a workers' compensation award, the trial judge's factual findings have the effect of a jury verdict and will not be disturbed unless clearly wrong.
4. **Workers' Compensation: Proof.** In a proceeding to modify a prior workers' compensation award, the employer has the burden of establishing a decrease of incapacity and the employee has the burden of establishing an increase.
5. **Workers' Compensation.** Temporary disability benefits should be paid only to the time when it becomes apparent that the employee will get no better or no worse because of the injury.