


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PHOENIX CORWEN DUNN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85006-COA

FILED

JAN 13 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Phoenix Corwen Dunn appeals from a judgment of conviction, entered pursuant to a guilty plea, of battery constituting domestic violence (strangulation). Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Dunn argues that the district court erroneously imposed his sentence without first considering his motion to withdraw guilty plea. The record indicates that on June 2, 2022, Dunn mailed both a handwritten motion to withdraw guilty plea to the clerk of the district court and a letter requesting the court disregard the motion and not file it. The district court received these documents on June 6, 2022, and did not file them.¹

As Dunn specifically requested that the district court disregard and not file the motion to withdraw guilty plea, this court need not further examine the merits of Dunn's argument. *See LaChance v. State*, 130 Nev. 263, 276, 321 P.3d 919, 928 (2014) (recognizing "a defendant will not be heard to complain on appeal of errors which he himself induced or provoked


¹The documents were later attached as exhibits to a pleading filed after Dunn was sentenced.

the court . . . to commit” (internal quotation marks omitted)). Moreover, we note that the district court properly declined to file the handwritten motion because Dunn was represented by counsel. See EDCR 3.70 (stating “all motions . . . delivered to the clerk of the court by a defendant who has counsel of record will not be filed”); see also EDCR 7.40(a) (“When a party has appeared by counsel, the party cannot thereafter appear on the party’s own behalf in the case without the consent of the court.”). Therefore, Dunn fails to demonstrate he is entitled to relief on this claim, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk