


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEWART EVANS HANDTE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88528-COA

FILED

JUN 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Stewart Evans Handte appeals from a judgment of conviction, entered pursuant to a plea of nolo contendere, of burglary. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

Handte contends the district court abused its discretion in denying his motions to remove counsel and to dismiss or appoint an advocate pursuant to the Americans with Disabilities Act.

Handte's pro se documents were stricken as fugitive documents because they were filed when he was represented by counsel, and thus only permitted to proceed through counsel. See N.R.Cr.P. 3(1) (providing that a defendant who is represented by counsel, "cannot appear on their own behalf in the case without the consent of the court."). Handte submitted the pro se motions the day before his sentencing hearing and while he was represented by counsel. The motions were cursory. The motion seeking a disability advocate did not identify Handte's alleged disability or explain how an advocate would assist him in the criminal proceedings and the motion to remove counsel did not describe Handte's conflict with counsel. In declining to consider the merits of the motions, the district court acknowledged that issues regarding Handte's representation had been

addressed in several hearings before he entered his plea,¹ that the timing of the motions suggested an attempt to disrupt the proceedings, and that Handte had been cautioned he was not allowed to file pro se pleadings while represented by counsel. We conclude the district court did not abuse its discretion in rejecting the submissions. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Barry L. Breslow, District Judge
Law Office of Jeannie Hua
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹The appendix on appeal does not contain transcripts of the hearings addressing Handte's prior motions regarding his representation; accordingly, we presume the missing portions of the record support the district court's observation that circumstances relative to Handte's representation had been previously addressed. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). Additionally, the only evidence of a new irreconcilable conflict with counsel was based on a letter counsel sent to Handte that was not described in or attached to the motion.