

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM FRANKLIN BURDEN, III,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44783

**FILED**

NOV 17 2005

ORDER OF AFFIRMANCE


JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
*J. Richard*  
CHIEF DEPUTY CLERK

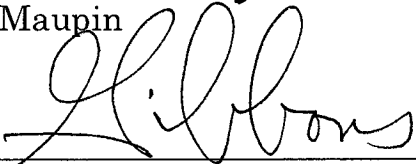
This is an appeal from an order of the district court denying appellant's motion to withdraw his guilty plea. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge. Appellant was originally convicted, pursuant to a guilty plea, of one count of manufacture or compounding of a controlled substance, and one count of trafficking in a controlled substance. The district court sentenced appellant to serve 2 consecutive prison terms of 72 to 180 months.

Appellant contends that the district court erred by denying his motion to withdraw his plea, which was filed after sentencing. Specifically, appellant argues that he should be allowed to withdraw his plea because the State has failed to return his Rolex watch, as provided in the plea agreement. NRS 176.165 provides, in part, that a defendant may be permitted to withdraw his guilty plea after sentencing "[t]o correct manifest injustice." We conclude that appellant has not demonstrated

that there has been a manifest injustice, and that the district court did not, therefore, err by denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge  
JoNell Thomas  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>1</sup>On October 3, 2005, appellant filed a motion to strike unsupported factual assertions from the fast track response. Cause appearing, the motion is granted. In resolving this appeal on the merits, this court has not considered any matters that were not properly part of the record made and considered below.