

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THOMAS RICHARD LUNDAHL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75602-COA

FILED

NOV 16 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Thomas Richard Lundahl appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 5, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Lundahl's sole claim on appeal is the district court erred by imposing a sentence greater than the sentence the parties' stipulated to in their written plea agreement. He concedes "this argument is new and different" from the arguments presented in his habeas petition. We decline to address his claim because it was not raised in his habeas petition and considered by the district court in the first instance. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by*


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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

*Means v. State*, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004). Accordingly,  
we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

cc: Hon. Tierra Danielle Jones, District Judge  
Thomas Richard Lundahl  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk