

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EDGAR RAGLAND,	§
	§
Petitioner Below-	§ No. 499, 2006
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ C.A. No. 06M-07-007
Respondent Below-	§
Appellee.	§

Submitted: March 5, 2007
Decided: March 26, 2007

Before **HOLLAND, BERGER,** and **JACOBS,** Justices.

ORDER

This 26th day of March 2007, upon consideration of the appellant's opening, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Edgar Ragland, filed this appeal from the Superior Court's dismissal of his petition for return of property. The State has filed a motion to affirm the judgment below on the ground that it is manifest on the face of Ragland's opening brief that the appeal is without merit. We agree and affirm.

(2) The record reflects that Ragland was arrested in August 2004 and charged with possession of marijuana. Officers seized over \$1100 from

Ragland's person at the time of his arrest. In November 2004, the money was ordered forfeited. Ragland, who had been a fugitive from September 10, 2004 to June 6, 2006, filed a petition for return of property in July 2006. The Superior Court concluded that the petition was untimely and dismissed it. This appeal followed.

(3) In his opening brief on appeal, Ragland contends that the State failed to provide him with proper notice of the forfeiture proceedings. Ragland also appears to contend that the untimely filing of his forfeiture petition should have been excused because he was a fugitive for two years and the charges for which he was resisting prosecution ultimately were dismissed on the day of trial, July 19, 2006.

(4) After careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below should be affirmed. We find no error in the Superior Court's conclusion that the State complied with the notice requirements of 16 Del. C. § 4784 and Superior Court Civil Rule 71.3(c). Having been given proper notice of the forfeiture proceedings, Ragland had forty-five days to file his petition. He failed to do so. The Superior Court's dismissal of Ragland's untimely petition was appropriate.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice