

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT F. DORN,	§
	§
Defendant Below-	§ No. 275, 2004
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID 93K02608DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 30, 2004  
Decided: January 19, 2005

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 19th day of January 2005, upon consideration of the appellant’s opening brief, the State’s motion to affirm, and the record below: it appears to the Court that:

(1) The appellant, Robert Dorn, filed this appeal from a bench ruling of the Superior Court, which denied Dorn’s petition for return of property seized during the course of a violation of probation (VOP) proceeding. The State has filed a motion to affirm the Superior Court’s judgment on the ground that it is manifest on the face of Dorn’s opening brief that his appeal is without merit. We agree and affirm.

(2) This Court recently held that a defendant's petition for return of property must be filed within one year from the date of sentencing, in accordance with 10 Del. C. § 8115.\* In this case, Dorn was sentenced on the violation of probation charge in January 2003. He filed his petition for return of property in May 2004. His petition, therefore, was not filed within the one-year limitations period. Accordingly, we find no error in the Superior Court's denial of his petition.

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

BY THE COURT:

/s/Henry duPont Ridgely  
Justice

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\* *Crawford v. State*, 859 A.2d 624, 628 (Del. 2004).

Oc: Clerk (orig. +3)  
Xc: Hon. James T. Vaughn  
John Williams, Esq.  
Robert F. Dorn  
Justices (8)  
D. Collins  
P. Naylor  
File