

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTHONY WHITE,	§	
	§	No. 237, 2006
Appellant Below,	§	
Appellant,	§	Court Below--Superior Court
	§	of the State of Delaware, in
v.	§	and for Sussex County
	§	
STATE OF DELAWARE,	§	
DELAWARE VIOLENT CRIMES	§	
COMPENSATION BOARD,	§	
	§	
Appellee Below,	§	C.A. No. 06A-03-002
Appellee.	§	

Submitted: November 17, 2006

Decided: February 20, 2007

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

**ORDER**

This 20<sup>th</sup> day of February 2007, upon consideration of the briefs of the parties and the Superior Court record, it appears to the Court that:

(1) The appellant, Anthony White, was the victim of a random shooting in Delaware. White filed several claims with the Violent Crimes Compensation Board to indemnify him for monetary losses that he incurred as a result of the shooting.<sup>1</sup>

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<sup>1</sup>See generally Del. Code Ann. tit. 11, ch. 90 (2001) (governing statutory process to compensate crime victims).

(2) White submitted his first claim in 2005. The Violent Crimes Compensation Board (VCCB) granted White's claim for documented medical expenses, but denied his claim for lost earnings ("the 2005 award").

(3) Dissatisfied with the amount of the 2005 award, White requested a hearing before the VCCB.<sup>2</sup> After the hearing, the VCCB issued a decision that affirmed the 2005 award but granted White an additional thirty days to submit documentation of his lost earnings. When White did not submit the documentation, the VCCB issued a final decision affirming the 2005 award.<sup>3</sup>

(4) The VCCB reopened White's case twice in 2006 to consider additional claims.<sup>4</sup> The VCCB issued awards to White on February 8 and 28, 2006 ("the 2006 awards"). White did not request a hearing on either of the 2006 awards.

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<sup>2</sup>Del. Code Ann. tit. 11, § 9008(b).

<sup>3</sup>*Id.*

<sup>4</sup>Del. Code Ann. tit. 11, § 9005(7).

(5) On March 10, 2006, White filed his notice of appeal in the Superior Court from the VCCB's 2006 awards and the 2005 award as affirmed. By order dated May 2, 2006, the Superior Court summarily dismissed White's appeal.<sup>5</sup>

(6) In this appeal, White argues that the Superior Court's summary dismissal of his appeal was an abuse of the Court's discretion. White argues that the Superior Court should have allowed him to submit a brief arguing the merit of his underlying claims before the VCCB.

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<sup>5</sup>*White v. Violent Crimes Comp. Bd.*, 2006 WL 1174190 (Del. Super).

(7) After carefully considering the parties' positions, we have concluded that this appeal should be affirmed on the basis of the Superior Court's well-reasoned decision dated May 2, 2006. The record reflects that White did not exhaust his administrative remedies as to the 2006 awards<sup>6</sup> and failed to file his notice of appeal within thirty days of the decision affirming the 2005 award.<sup>7</sup> White's failure to comply with the governing statutory requirements deprived the Superior Court of jurisdiction to consider the merit of White's appeal.<sup>8</sup>

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>6</sup>Del. Code Ann., tit. 11 § 9008(a).

<sup>7</sup>Del. Code Ann., tit. 11 § 9005(3).

<sup>8</sup>*Preston v. Bd. of Adjustment*, 772 A.2d 787 (Del. 2001) (citing *Riggs v. Riggs*, 539 A.2d 163, 164 (Del. 1988); *Fisher v. Biggs*, 284 A.2d 117, 118 (Del. 1971)).