

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KENNETH McGINNISS,	§
	§
Appellant Below-	§ No. 292, 2007
Appellant,	§
	§
v.	§
	§ Court Below—Superior Court
STATE OF DELAWARE	§ of the State of Delaware,
VIOLENT CRIMES	§ in and for New Castle County
COMPENSATION BOARD,	§ C.A. No. 07A-04-004
	§
Appellee Below-	§
Appellee.	§

Submitted: July 2, 2007
Decided: September 7, 2007

Before **STEELE**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

ORDER

This 7th day of September 2007, after careful consideration of appellant’s opening brief, the State’s motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Kenneth McGinnis, filed this appeal from the Superior Court’s dismissal of his appeal from a decision of the Violent Crimes Compensation Board denying his petition for compensation. The State of Delaware has filed a motion to affirm the Superior Court’s judgment on the ground that it is manifest on the face of McGinnis’ opening brief that the appeal is without merit. We agree and affirm.

(2) The record reflects that, on June 24, 2005, a fire broke out in an antiques store in New Castle, Delaware. The store had been burglarized. McGinniss occupied the apartment above the store. McGinniss telephoned 911 and fled the building. The contents of his apartment were not damaged. McGinniss later was arrested in May 2006 on suspicion of arson and burglary related to the June 2005 incident. He was acquitted of the charges following a Superior Court jury trial in November 2006. Thereafter, he filed a petition with the Violent Crimes Compensation Board seeking lost wages resulting from his arrest and incarceration on the arson and burglary charges. He also sought reimbursement for moving and relocation expenses he incurred following the June 2005 fire.

(3) The Board denied McGinniss' petition on the ground that it did not have jurisdiction to award compensation to McGinniss on his claims. The Superior Court affirmed that decision. We find the Board's decision to be manifestly correct. The Board has statutory authority to award compensation in "any instance in which a person sustains personal injury or is killed by any crime" as defined in the statute.¹ The term "personal injury" is defined in the statute to mean "bodily harm; or mental, emotional, or

¹ 11 Del. C. § 9005 (Supp. 2006).

psychological harm; or...pregnancy resulting from the crime.”² McGinniss’ claims clearly did not establish a personal injury for which the Board had authority to award compensation.

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

BY THE COURT:

/s/ Randy J. Holland
Justice

² *Id.* § 9002(7).