

SUPREME COURT OF VIRGINIA

Ferguson v. Commonwealth

Ferguson v. Commonwealth · No. 250302 · Decided April 23, 2026

SUMMARY

The Supreme Court of Virginia affirmed the Court of Appeals’ judgment upholding Jason Joseph Ferguson’s misdemeanor conviction for abuse or neglect of a vulnerable adult under Code § 18.2-369. The Court held that the evidence was sufficient for a rational factfinder to conclude that the victim’s near-fatal drug overdose impaired her to the degree required for classification as a vulnerable adult, while declining to decide whether temporary intoxication alone satisfies the statute.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Per curiam; Chief Justice Powell; Justice Kelsey; Justice McCullough; Justice Chafin; Justice Russell; Justice Mann; Senior Justice Millette
JURISDICTION	Supreme Court of Virginia
DECIDED	April 23, 2026
DOCKET	250302
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ferguson appealed to the Supreme Court of Virginia from the published decision of the Court of Appeals of Virginia affirming his convictions. The Supreme Court awarded an appeal limited to the challenge concerning whether the victim qualified as a vulnerable adult under Code § 18.2-369(C).
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed in the light most favorable to the Commonwealth to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. The trial court’s judgment is presumed correct and will not be disturbed unless plainly wrong or without evidence to support it. Questions of statutory interpretation are reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Jason Joseph Ferguson v. Commonwealth of Virginia

TOPICS

statutory interpretation

standard of review

criminal procedure

appellate procedure

evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate law

statutory interpretation

evidence sufficiency

QUESTIONS PRESENTED

1. Whether the evidence was sufficient for a rational trier of fact to find that Thompson was a vulnerable adult under Code § 18.2-369(C) when her impairment resulted from a near-fatal drug overdose rather than a chronic illness or disability.
2. Whether Code § 18.2-369(C) contains a temporal limitation requiring the qualifying impairment to be chronic or enduring.
3. Whether the rule of lenity or other canons of construction required a narrower interpretation of Code § 18.2-369(C).

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to conclude that the magnitude of Thompson's near-fatal overdose impaired her to the extent required by Code § 18.2-369(C), making her a vulnerable adult under the statute.
2. The Court did not decide whether temporary intoxication per se renders an adult vulnerable under Code § 18.2-369(C); it held only that the evidence in this case was sufficient because the condition was a near-fatal overdose of sufficient magnitude.
3. The rule of lenity did not apply because Code § 18.2-369(C) unambiguously encompassed the nature of Thompson's impairment in this case.

KEY QUOTATIONS

“A rational trier of fact could conclude that Thompson’s impairment was not, in fact, caused by mere temporary intoxication, but rather, by a near-fatal overdose—a condition encompassed by the plain language of the statute.” (at 8)

“We hold only that the evidence in this case was sufficient for a rational trier of fact to conclude that the magnitude of Thompson’s condition rendered her a “vulnerable adult” under the plain language of Code § 18.2-369(C).” (at 10)

FACTUAL BACKGROUND

On November 9, 2022, Fergeson was found with Lindsey Thompson, his girlfriend, who was unconscious, pale, blue-lipped, and barely breathing after ingesting a large amount of fentanyl and other controlled substances. Fergeson discouraged bystanders from calling 9-1-1 or providing CPR and falsely reported that Thompson was breathing normally. Emergency responders found that Thompson's breathing eventually stopped; she required mechanically assisted breathing, Narcan, and an intravenous Narcan drip before surviving the near-fatal overdose.

PROCEDURAL HISTORY

Ferguson was convicted after a bench trial of misdemeanor abuse or neglect of a vulnerable adult and attempted interference with a 9-1-1 call. The trial court reduced the vulnerable-adult offense from a felony to a misdemeanor because it found no serious bodily injury and sentenced him to twelve months' incarceration on each count. The Court of Appeals of Virginia affirmed both convictions in a published opinion. The Supreme Court of Virginia granted an appeal limited to the vulnerable-adult issue and affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Garrick, 303 Va. 176, 182 (2024)
- Jefferson v. Commonwealth, 298 Va. 1, 10 (2019)
- Sullivan v. Commonwealth, 280 Va. 672, 676 (2010)
- Brown v. Commonwealth, 278 Va. 523, 527 (2009)
- Pijor v. Commonwealth, 294 Va. 502, 512 (2017)
- Baker v. Commonwealth, 284 Va. 572, 576 (2012)
- Botkin v. Commonwealth, 296 Va. 309, 314 (2018)
- Brown v. Commonwealth, 284 Va. 538, 542 (2012)
- Alger v. Commonwealth, 267 Va. 255, 259 (2004)
- GEICO Advantage Ins. Co. v. Miles, 301 Va. 448, 455 (2022)
- City of Va. Beach v. Bd. of Supervisors, 246 Va. 233, 236 (1993)
- Commonwealth v. White, 293 Va. 411, 419 (2017)
- Commonwealth v. Swann, 290 Va. 194, 196 (2015)
- Holsapple v. Commonwealth, 266 Va. 593, 598 (2003)
- Ferguson v. Commonwealth, 84 Va. App. 80, 85-96 (2025)