

SUPREME COURT OF VIRGINIA

Jane Doe v. Joseph Robert Green, Jr.

Doe v. Green · No. 240794 · Decided November 26, 2025

SUMMARY

The Supreme Court of Virginia affirmed the dismissal of Jane Doe’s claims for injuries arising from a sexual relationship with Joseph Robert Green, Jr., holding that the claims were barred by the applicable statute of limitations. The Court held that Doe waived her argument for retroactive application of the 2021 amendment to Virginia Code § 8.01-249(6) and that the 1995 constitutional amendment authorized, but did not require, retroactive application. Applying the 2005 accrual statute, the Court concluded from Doe’s pleadings that she knew of her mental injury and its causal connection to the relationship before reaching majority.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice Cleo E. Powell; Chief Justice Goodwyn; Justice Powell; Justice Kelsey; Justice McCullough; Justice Chafin; Justice Russell; Senior Justice Mims
JURISDICTION	Supreme Court of Virginia
DECIDED	November 26, 2025
DOCKET	240794
DISPOSITION	affirmed
PROCEDURAL POSTURE	Doe appealed the Court of Appeals of Virginia's affirmance of the Circuit Court of Fairfax County's dismissal of her complaint with prejudice after sustaining Green's plea in bar based on the statute of limitations.
STANDARD OF REVIEW	The retroactive application of a statute and the decision on a plea in bar based on the statute of limitations are reviewed de novo. Where no evidence is presented on the plea in bar, the reviewing court is limited to the facts alleged in the complaint, and the defendant bears the burden of proving that the limitations period had expired.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Virginia; precedential.
PARTIES	Jane Doe v. Joseph Robert Green, Jr.

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QUESTIONS PRESENTED

1. Whether the 2021 amendment to Virginia Code § 8.01-249(6) applied retroactively to Doe's claims.
2. Whether Doe waived reliance on Virginia Code § 8.01-1 by failing to raise that argument in the circuit court or in her opening brief in the Court of Appeals.
3. Whether, under the 2005 accrual statute, Doe knew of an injury and its causal connection to the sexual relationship before reaching the age of majority, causing the limitations period to begin when she turned eighteen.

HOLDINGS

1. Doe waived her argument that Code § 8.01-1 independently required retroactive application of the 2021 Accrual Statute because she did not raise that argument in the circuit court or in her opening brief in the Court of Appeals.
2. The 2021 version of Code § 8.01-249(6) does not apply retroactively because it contains no express legislative manifestation of retroactive intent, and the 1995 amendment to Article IV, § 14 of the Constitution of Virginia merely authorized the General Assembly to provide for retroactivity; it did not require retroactivity.
3. Doe's claims accrued when she reached eighteen because the allegations in her complaint established that, before reaching majority, she knew both that the relationship was improper and that it negatively affected her mental health.

KEY QUOTATIONS

“The general rule is that statutes are to be construed to operate prospectively only unless a contrary intention is manifest and plain.” (at 6)

“Nothing in the 1995 amendment can be interpreted as requiring the retroactive application of accrual statutes pertaining to sexual abuse.” (at 9)

“Accordingly, the Court of Appeals did not err in determining that Doe knew of her injury and its causal connection to the alleged sexual abuse before she reached the age of majority.” (at 13)

FACTUAL BACKGROUND

Doe alleged that Green began a sexual relationship with her in 2005 when she was fourteen and that the relationship continued until 2006. She alleged that, while still a minor, she experienced worry, anxiety, anger, and other mental-health effects because she understood the relationship was improper. Doe filed suit in 2021

after a psychologist diagnosed her with PTSD, asserting assault, battery, negligence per se, and intentional infliction of emotional distress.

PROCEDURAL HISTORY

Doe filed claims arising from a sexual relationship with Green that began when she was fourteen. The circuit court held that the 2005 version of Virginia Code § 8.01-249(6) governed, determined that the limitations period began when Doe reached eighteen, and dismissed the complaint as time barred. The Court of Appeals affirmed, and the Supreme Court of Virginia affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Hannah v. Commonwealth, 303 Va. 106, 121 (2024)
- Town of Culpeper v. Virginia Electric & Power Co., 215 Va. 189, 194 (1974)
- City of Charlottesville v. Payne, 299 Va. 515, 528-29 (2021)
- Palmer v. Atlantic Coast Pipeline, LLC, 293 Va. 573, 580 (2017)
- John Crane, Inc. v. Hardick, 283 Va. 358, 376 (2012)
- Palmer v. R. A. Yancey Lumber Corp., 294 Va. 140, 158 n.13 (2017)
- Kopalchick v. Catholic Diocese of Richmond, 274 Va. 332, 338 (2007)
- Commonwealth v. Swann, 290 Va. 194, 196 (2015)
- Van Dam v. Gay, 280 Va. 457, 460 (2010)
- Locke v. Johns-Manville Corp., 221 Va. 951, 957 (1981)
- McHenry v. Adams, 248 Va. 238, 243 (1994)
- Potts v. Mathieson Alkali Works, 165 Va. 196, 207 (1935)
- Doe v. Green, 81 Va. App. 556 (2024)