

SUPREME COURT OF VIRGINIA

Cuffee v. Commonwealth

Cuffee · No. Record No. 241104 · Decided April 16, 2026

SUMMARY

The Supreme Court of Virginia affirmed Antonio Tobias Cuffee's conviction for possession of fentanyl with intent to distribute, third or subsequent offense. The Court held that circumstantial evidence, including Cuffee's experience as a drug dealer, possession of multiple controlled substances, and evidence concerning the local drug market, supported the jury's finding that he knew a heroin mixture contained fentanyl. The Court also explained the application of Virginia's reasonable-hypothesis-of-innocence principle.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice Wesley G. Russell, Jr.; Chief Justice Powell; Justice Kelsey; Justice McCullough; Justice Chafin; Justice Russell; Justice Mann; Senior Justice Mims
JURISDICTION	Supreme Court of Virginia
DECIDED	April 16, 2026
DOCKET	Record No. 241104
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cuffee appealed to the Supreme Court of Virginia from the Court of Appeals of Virginia's decision affirming his conviction for possession of fentanyl with intent to distribute, third or subsequent offense. The Supreme Court granted the petition and reviewed the sufficiency of the evidence concerning Cuffee's knowledge that the substance he possessed contained fentanyl.
STANDARD OF REVIEW	For a sufficiency challenge, the appellate court determines whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. The evidence is viewed in the light most favorable to the Commonwealth, the prevailing party below, and the Commonwealth receives the benefit of all reasonable inferences. The circuit court's decision may not be disturbed unless plainly wrong or without evidence to support it.

PRECEDENTIAL VALUE

Published and precedential opinion of the Supreme Court of Virginia.

PARTIES

Antonio Tobias Cuffee v. Commonwealth of Virginia

TOPICS

criminal procedure

appellate procedure

standard of review

evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate litigation

controlled substances

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove beyond a reasonable doubt that Cuffee knew the heroin mixture he possessed contained fentanyl.
2. How Virginia's reasonable-hypothesis-of-innocence principle applies when a defendant argues that he may have purchased a controlled-substance mixture from another dealer without knowing all of its contents.

HOLDINGS

1. The evidence was sufficient for a rational jury to find beyond a reasonable doubt that Cuffee knew the heroin mixture in his possession contained fentanyl. His status as an experienced drug dealer, his possession of multiple controlled substances packaged for distribution, and expert testimony concerning the market for heroin-fentanyl mixtures supported a reasonable inference that he knew what he was carrying for sale.
2. The reasonable-hypothesis-of-innocence principle does not require acquittal merely because a theoretical innocent explanation exists. It requires acquittal when the evidence leaves guilt and innocence equally likely or when the factfinder arbitrarily rejects a reasonable hypothesis of innocence; a reasonable rejection by the factfinder is binding on appeal unless plainly wrong.

KEY QUOTATIONS

“the Commonwealth must produce evidence sufficient to allow a rational factfinder to conclude beyond a reasonable doubt that the defendant intentionally and consciously possessed the contraband with knowledge of its nature and character.” (at 8)

“It is unquestionably true that the referenced evidence amply supported the conclusion that Cuffee intended to distribute most of the controlled substances he possessed. It also is true, however, that these textbook indicia of distribution, coupled with Cuffee’s prior convictions, allowed the jury to conclude that Cuffee is not an amateur entering into the drug trade on a lark, but rather, is a drug dealer by profession.” (at 11)

“The reasonable hypothesis formulation “does not leave the jury at liberty to guess, and where a fact is equally susceptible of two interpretations, one of which is consistent with the innocence of the accused, they cannot arbitrarily adopt that interpretation which incriminates him.”” (at 12-13)

FACTUAL BACKGROUND

Police detained Cuffee after observing conduct consistent with a drug transaction and evasive behavior near a bar parking lot in Chesapeake. During the arrest, officers recovered a drawstring bag from Cuffee's jacket pocket containing cocaine, BMDP, alprazolam, and a 3.34-gram mixture of heroin and fentanyl, along with cash, multiple cell phones, and keys to the vehicle he had been driving. An expert testified that the quantity, packaging, assortment of drugs, cash, firearm, cell phones, and absence of ingestion devices indicated that Cuffee was an experienced drug dealer, and that heroin-fentanyl mixtures had become a popular, higher-priced product in the relevant market.

PROCEDURAL HISTORY

Cuffee was convicted by a jury in the circuit court of ten offenses, including possession of fentanyl with intent to distribute, and received a sentence of 90 years and 12 months of incarceration, with 45 years suspended. The Court of Appeals of Virginia affirmed the fentanyl conviction in a divided unpublished decision. The Supreme Court of Virginia granted Cuffee's petition and affirmed the judgment of the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Garrick, 303 Va. 176, 182-84 (2024)
- Commonwealth v. Barney, 302 Va. 84, 97-98 (2023)
- Pijor v. Commonwealth, 294 Va. 502, 512 (2017)
- Commonwealth v. Wilkerson, 304 Va. 92, 100 (2025)
- Commonwealth v. Perkins, 295 Va. 323, 332 (2018)
- Wynnycky v. Kozel, 71 Va. App. 177, 203 (2019)
- Commonwealth v. Moseley, 293 Va. 455, 463 (2017)
- Commonwealth v. Hudson, 265 Va. 505, 512-13 (2003)
- Toler v. Commonwealth, 188 Va. 774, 780 (1949)
- Vasquez v. Commonwealth, 291 Va. 232, 249-50 (2016)
- Burton v. Commonwealth, 108 Va. 892, 899 (1908)
- Wright v. Commonwealth, 292 Va. 386, 399 (2016)
- Lucas v. Commonwealth, 75 Va. App. 334, 348 (2022)
- Emerson v. Commonwealth, 43 Va. App. 263, 277 (2004)
- Fary v. Commonwealth, 77 Va. App. 331 (2023) (en banc), aff'd, 303 Va. 1 (2024)
- Miles v. Commonwealth, 205 Va. 462, 467 (1964)
- Cuffee v. Commonwealth, Record No. 0093-23-1, 2024 Va. App. LEXIS 620, at *2, *24, *39-40 (Oct. 29, 2024) (unpublished)

