

Certified True Copy

By J. Fowler  
Virginia Board of Nursing



## COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367-4400  
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August 30, 2016

DUPLICATE COPY  
VIA FIRST CLASS MAIL

DATE 8/30/16

**RECEIVED**

AUG 30 2016

**VA BD OF NURSING**

Kenyatta Powell, L.P.N.  
1042 Beulah Road  
Nathalie, VA 24577

RE: License Number: 0002-057080  
Case Number: 175569

Dear Ms. Powell:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice as a as a licensed practical nurse in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered August 29, 2016. You are hereby advised that you may not practice as a licensed practical nurse or hold yourself out as a licensed practical nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at [www.dhp.virginia.gov/nursing](http://www.dhp.virginia.gov/nursing).

If you have any questions about this matter, you can contact me at (804) 367-4474 or [anne.joseph@dhp.virginia.gov](mailto:anne.joseph@dhp.virginia.gov).

Sincerely,

Handwritten signature of Anne Joseph in black ink.

Anne Joseph, Deputy Director  
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing  
Enclosures

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: KENYATTA POWELL, L.P.N.**  
**License Number: 0002-057080**  
**Case Number: 175569**

**ORDER OF MANDATORY SUSPENSION**

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that Kenyatta Powell, L.P.N. was convicted of a felony offense, to wit: three counts of possession with intent to distribute marijuana. A certified copy of the Conviction and Sentencing Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Kenyatta Powell, L.P.N. to practice as a licensed practical nurse in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Kenyatta Powell, L.P.N. will be recorded as suspended and no longer current and valid. Should Kenyatta Powell, L.P.N. seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Ms. Powell's multistate licensure privilege, if any, to practice practical nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.




\_\_\_\_\_  
David E. Brown, D.C., Director  
Virginia Department of Health Professions

ENTERED:

8/29/16  
\_\_\_\_\_

**CERTIFICATION OF DUPLICATE RECORDS**

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Conviction and Sentencing Order entered June 27, 2016, regarding Kenyatta Powell, L.P.N., is a true copy of the records received from the Circuit Court of Halifax County, Virginia.

  
\_\_\_\_\_  
David E. Brown, D.C.

Date: 8/29/16



## CONVICTION AND SENTENCING ORDER

VIRGINIA: IN THE CIRCUIT COURT OF HALIFAX COUNTY  
FEDERAL INFORMATION  
PROCESSING STANDARDS CODE: 083

Hearing Date: June 16, 2016  
Judge: Kimberley S. White

COMMONWEALTH OF VIRGINIA

V.

KENYATTA POWELL, DEFENDANT

This date came again the Attorney for the Commonwealth, David S. Pittman, and Kenyatta Powell, who stands indicted for felonies to-wit: (1) On or about January 6, 2016, did unlawfully and feloniously sell, give, distribute, or possess with the intent to sell, give, or distribute more than one-half ounce but not more than five pounds of marijuana, in violation of § 18.2-248.1 of the Code of Virginia (1950) as amended (CR1600043-00), (2) On or about January 6, 2016, did unlawfully and feloniously conspire with another to sell, give, distribute, or possess with the intent to sell, give, or distribute more than one-half ounce but not more than five pounds of marijuana, in violation of § 18.2-256 and § 18.2-248.1 of the Code of Virginia (1950) as amended (CR1600043-01), (1) On or about December 15, 2015, did unlawfully and feloniously sell, give, distribute, or possess with the intent to sell, give, or distribute more than one-half ounce but not more than five pounds of marijuana, in violation of § 18.2-248.1 of the Code of Virginia (1950) as amended (CR16000121-00), (2) On or about January 20, 2016, did unlawfully and feloniously sell, give, distribute, or possess with the intent to sell, give, or distribute more than one-half ounce but not more than five pounds of marijuana, in violation of § 18.2-248.1 of the Code of Virginia (1950) as amended (CR16000121-01), (3) On or about January 20, 2016, did unlawfully and feloniously conspire with another to sell, give, distribute, or possess with the intent to sell, give, or distribute more than one-half ounce but not more than five pounds of marijuana, in violation of § 18.2-256 and § 18.2-248.1 of the Code of Virginia (1950) as amended (CR16000121-02), and came also her attorney, James Berkley Priest.

Whereupon the defendant waived the reading of Count #1 (CR16-043-00) and Counts #1 and #2 (Case #: CR16-121-00 and -01) in the Indictments and after private consultation with and after being advised by her counsel, plead GUILTY to Count #1 (CR16-043-00) and Counts #1 and #2 (Case #: CR16-121-00 and -01) in the Indictments, which pleas were tendered by the defendant in person and the Court, having made inquiry and being of the opinion that the defendant fully understood the nature and effect of her pleas and of the penalties that may be imposed upon her conviction, and of the waiver of trial by jury and of appeal, and finding that the pleas were knowingly, voluntarily and intelligently made, proceeded to try the case without the intervention of a jury as provided by law, and the Court having a summary of the evidence presented by

the attorney for the Commonwealth, and having been advised by the defendant, her counsel, and the attorney for the Commonwealth that there has been a plea agreement in this case and such agreement in writing having been presented to the Court, and now filed herein, the Court accepts said agreement and the pleas of guilty of the defendant and finds the defendant guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR: (F/M)	OFFENSE DATE	VA. CODE SECTION
CR16-043-00	PWID: Marijuana, > ½ OZ – (F) < 5 LBS	01/06/2016	18.2-248.1
CR16-121-00	PWID: Marijuana, > ½ OZ – (F) < 5 LBS	12/15/2015	18.2-248.1
CR16-121-01	PWID: Marijuana, > ½ OZ – (F) < 5 LBS	01/20/2016	18.2-248.1

The Attorney for the Commonwealth moved for the entry of a *nolle prosequi* of Count #2 (CR16-043-01) and Count #3 (CR16-121-02) in the Indictments, to which motion the defendant consented. The Court, for good cause shown, entered the *nolle prosequi*.

The defendant, Attorney for the Defendant, Attorney for the Commonwealth, and the Court waived a presentence report.

Pursuant to the provisions of Code § 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration with the Virginia Department of Corrections for the term of five (5) years on the each of the three (3) PWID: Marijuana, > ½ OZ – < 5 LBS convictions (CR16-043-00, CR16-121-00, and CR16-121-01). The total sentence imposed is fifteen (15) years.

The Court **SUSPENDS** all but sixty (60) days imposed on Count #1 (CR16-043-00) of the fifteen (15) year PWID: Marijuana, > ½ OZ – < 5 LBS sentences (CR16-043-00, CR16-121-00, and CR16-121-01), for a total suspension of fourteen (14) years and ten (10) months, upon the following conditions:

**Good Behavior:** The defendant shall be of good behavior for fifteen (15) years commencing this date.

**Supervised probation:** The defendant is placed on probation to commence on her release from incarceration, under the supervision of a Probation Officer for two (2) years, or unless sooner released by the court or by the Probation Officer. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer. The defendant shall abstain from the use of marijuana and other illegal drugs and shall be subject to random urine screens or other drug tests.

**Credit for time served:** The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code § 53.1-187.

**Operator's License:** Mandatory Suspension of six (6) months on each of the three (3) drug convictions (CR16-043-00, CR16-121-00, and CR16-121-01), for a total suspension of eighteen (18) months.

**Restitution:** The defendant shall make restitution to be paid first to the Virginia State Police BCI Fund in the amount of \$1,240.00, of which \$640.00 of such restitution shall be a joint and several obligation with the co-defendant, Eddwardo J. Ferguson, which payments shall be made through the Clerk's Office and monitored by the probation department.

**DNA:** In addition, the Defendant is Ordered to allow the withdrawal of a blood sample or other substance for DNA (deoxyribonucleic acid) analysis to be sent to the Bureau of Forensic Science within 15 days after withdrawal pursuant to Va. Code Section 19.2-310.2 and 19.2-310.3, unless a sample has been previously been taken.

**Work Release:** The defendant is ordered to serve her sentence on work release.

**Costs:** The Commonwealth of Virginia is to recover against the said defendant its costs by it about its prosecution in this behalf expended. The defendant shall have her Court costs paid in full within two (2) years from this date.

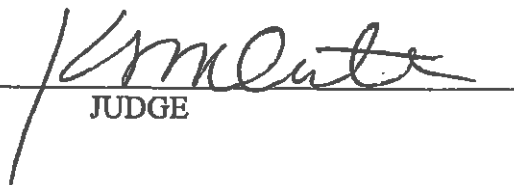
The Court certifies that at all times during the trial of this case, the defendant was personally present with her attorney.

And the defendant is allowed to depart and is ordered to report to jail at 6 PM on June 24, 2016.

6/27/16  
DATE

ENTER:

JUDGE



COMMONWEALTH OF VA V. KENYATTA POWELL CR1600043-00 thru -01 &  
CR16000121-00 thru -02

DEFENDANT'S IDENTIFICATION:

ALIAS: NONE

SSN: '

DOB:

SEX: Female

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 15 Years

TOTAL SENTENCE SUSPENDED: 14 Years 10 Months (60 Days to serve; report to  
jail at 6 PM on June 24, 2016)

Halifax County Circuit Court, VA

Cathy M. Cosby, Clerk

A copy teste:

*Amy S. Saxon*  
Clerk  
Dep. Clerk