

Certified True Copy

By: *David E. Brown*
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

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TEL (804) 367-4400
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October 1, 2015

Jonathan Lee Berry
2454 Spruce Avenue
Buena Vista, VA 24416

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: License No.: 0001-202496
License No.: 0002-049594

DATE 10-1-15

Dear Mr. Berry:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice professional nursing in the Commonwealth of Virginia and your license to practice practical nursing in the Commonwealth of Virginia have been mandatorily suspended by the enclosed Order entered October 1, 2015. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your licenses to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your licenses, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your licenses shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your licenses, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

RECEIVED

OCT 02 2015

VA BD OF NURSING

Sincerely,

David E. Brown

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

cc: R. Andrew Davis, Esquire
Enclosures

Case # 169462

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: JONATHAN LEE BERRY, R.N., L.P.N.
License No.: 0001-202496
License No.: 0002-049594

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that Jonathan Lee Berry, R.N., L.P.N., was convicted of felony charges in the Circuit Court for the City of Buena Vista, Virginia, to wit:

1. One (1) Count of Child Pornography: Reproduce; and
2. One (1) Count of Child Pornography: Possess.

A certified copy of the Conviction and Sentencing Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Jonathan Lee Berry, R.N., to practice professional nursing in the Commonwealth of Virginia be, and hereby is, suspended, and the privilege of Mr. Berry to renew his license to practice practical nursing in the Commonwealth of Virginia be, and hereby is suspended.

Upon entry of this Order, the licenses of Jonathan Lee Berry, R.N., L.P.N., will be recorded as suspended and no longer current. Should Mr. Berry seek reinstatement of his licenses pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his licenses prior to issuance of his licenses to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, 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 and copying upon request.



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

ENTERED: 10/1/15



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

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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 September 15, 2015, regarding Jonathan Lee Berry, R.N., L.P.N., is a true copy of the records received from the Circuit Court for the City of Buena Vista, Virginia.



David E. Brown, D.C.

Date: 10/1/15

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF BUENA VISTA

Hearing Date: September 9, 2015
Judge: Honorable Michael S. Irvine

COMMONWEALTH OF VIRGINIA

v.

FIPS CODE: 530

JONATHAN LEE BERRY, Defendant

CONVICTION AND SENTENCING ORDER

<u>CASE NUMBER</u>	<u>OFFENSE DESCRIPTION AND INDICATOR (F/M)</u>	<u>OFFENSE DATE</u>	<u>VA CODE SECTION</u>	<u>VCC CODE</u>
CR15000077-00	CHILD PORNOGRAPHY: REPRODUCE (F)	07/02/2014	18.2-374.1:1	OBS-3680-F9
CR15000078-00	CHILD PORNOGRAPHY: POSSESS (F)	07/02/2014	18.2-374.1:1	OBS-3731-F6

This day came the defendant, who appeared in person with his attorney, R. Andrew Davis. The Commonwealth was represented by Christopher Russell.

Thereupon the defendant was arraigned as charged in the indictments and, after private consultation with his attorney, pleaded *guilty* to the charges. The Court was advised that there was a plea agreement in this case and such agreement in writing was presented to the Court and made a part of the record in this matter. After hearing the evidence of the Attorney for the Commonwealth, the Court accepted said agreement and the plea of guilty of the defendant tendered in person and found the defendant *guilty* of one count of reproducing child pornography and one count of possessing child pornography.

The defendant, with the concurrence of the attorney for the Commonwealth and the Court, waived his right to a pre-sentence report.

Before pronouncing 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. Nothing having been offered, it was the opinion of the Court that the defendant should be sentenced.

The Court SENTENCED the defendant as follows:

Incarceration with the Virginia Department of Corrections for a period of five (5) years on each charge, to run consecutively.

The Court SUSPENDED all five (5) years of the possession of child pornography sentence upon the following terms and conditions:

Probation. The defendant was placed on probation for a period of ten (10) years commencing upon his release from incarceration. The defendant was ordered to comply with all the rules and requirements set by the probation officer. As specific conditions of probation, the defendant was ordered (1) to undergo a sex offender evaluation and submit to any treatment recommended by his probation officer; (2) to have no unsupervised contact with anyone under the age of eighteen (18) years, which supervision must be approved by the probation officer; and (3) not use, possess or have access to any electronic computer equipment, including a cell phone.

Sex Offender Registration. The defendant shall be subject to the requirements of the Virginia Sex Offender and Crimes Against Minors Registry Act.

Costs. The defendant was ordered to pay all costs associated with this proceeding.


Good Behavior. The defendant was ordered to keep the peace, be of good behavior, obey all laws and remain drug free.

Fingerprinting and DNA Analysis. The defendant is ordered to submit to fingerprinting and obtaining data for the preparation of a report to the Central Criminal Records Exchange, as set forth in §19.2-390 of the *1950 Code of Virginia*, as amended. The defendant shall also permit a sample of blood, saliva or tissue be taken for DNA analysis to be sent to the Division of Forensic Science within fifteen days after taking the sample, as set forth in §§19.2-310.2 and 19.2-310.3.

The Court certified that at all times during the disposition of this matter the defendant was personally present and was capably represented by law.

Thereupon the defendant was remanded into custody.

ENTERED:



Michael S. Irvine, Judge

DATE: 9-15-12

DEFENDANT IDENTIFICATION:


SSN: _____ DOB: 10/04/1963 SEX: MALE RACE: WHITE

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 10 YEARS
TOTAL SENTENCE SUSPENDED: 5 YEARS
TOTAL SENTENCE TO SERVE: 5 YEARS

TRUE COPY OF A RECORD
ON FILE IN THIS OFFICE

TESTE:
CHRISTOPHER W. COLEMAN, CLERK

BY:  DE
CITY OF BUENA VISTA CIRCUIT COURT