



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
FAX (804) 527- 4475

March 19, 2014

Phillip Scott Armentrout
5301 Fort Avenue, Apt. 22
Lynchburg, VA 24502

and

1222 Dandridge Drive
Lynchburg, VA 24501-2229

RE: Certificate No.: 1401-139798

Dear Mr. Armentrout:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your certificate to practice as a certified nurse aide in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered March 19, 2014. 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 suspended, shall be guilty of a felony. Please return your certificate to Jay 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 certificate, 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 certificate 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 certificate, contact Jay Douglas, Executive Director, at the above address or (804) 367-4639.

Sincerely,

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

cc: Michael B. Massey, Esquire
Enclosures
Case # 153437

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: PHILLIP SCOTT ARMENTROUT, C.N.A.
Certificate No.: 1401-139798

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 Phillip Scott Armentrout, C.N.A., pled guilty to, and was found to be guilty of felony charges in the Circuit Court for the City of Lynchburg, Virginia, to wit:

1. One (1) Count of Possession of Child Pornography; and
2. One (1) Count of Possession of Child Pornography, 2nd or Subsequent Offense.

A certified copy of the Court 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 privilege of Phillip Scott Armentrout, C.N.A., to renew his certification to practice as a certified nurse aide in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the certificate of Phillip Scott Armentrout, C.N.A., will be recorded as suspended. Should Mr. Armentrout seek reinstatement of his certificate 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 certificate prior to issuance of his certificate 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: 3/19/14



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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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 Court Order dated March 4, 2014, regarding Phillip Scott Armentrout, C.N.A., are true copies of the records received from the Circuit Court of the City of Lynchburg, Virginia.

A handwritten signature in cursive script, appearing to read "D. Brown", written over a horizontal line.

David E. Brown, D.C.

Date: 3/19/14

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

Present, the Honorable F. Patrick Yeatts, Judge

March 4, 2014

COMMONWEALTH OF VIRGINIA

v.

ORDER

Felony No. CR13025116-00-03 – Possession of Child Pornography; Possession of Child Pornography, 2nd or Subsequent Offense, 3 Counts

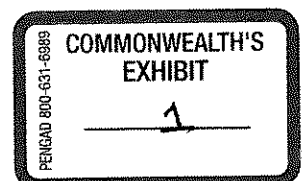
Phillip Scott Armentrout, DOB 10/08/1979

Defendant.

This day came the Commonwealth, represented by Jeffrey Bennett, and Phillip Scott Armentrout, who stands indicted for felonies, to-wit: possession of child pornography and possession of child pornography, 2nd or subsequent offense, 3 counts. The defendant appeared in proper person, and by counsel, Michael Massey, who was previously employed.

Thereupon, the Commonwealth's Attorney, with the consent of the Court, says that he will not further prosecute the defendant upon the charges of possession of child pornography, 2nd or subsequent offense, 2 counts (CR13025116-02-03). It is therefore considered by the Court that the defendant be discharged from custody on the charges of possession of child pornography, 2nd or subsequent offense, 2 counts (CR13025116-02-03).

Whereupon, the defendant was arraigned and after private consultation with and being advised by said counsel, pleaded guilty to the indictment, which plea was 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 said plea and of the penalties that may be imposed upon conviction and of waiver of trial by jury and of appeal, proceeded to hear and determine the case without the intervention of a jury as provided by law. The Court having



heard the Commonwealth's proffer, which was accepted by the defendant, and having heard the argument of counsel, doth find the defendant guilty of possession of child pornography and possession of child pornography, 2nd or subsequent offense, as charged in the indictment.

The Court, before fixing punishment or imposing sentence, doth direct the Probation Officer of this Court to thoroughly investigate and report to the Court as provided by law, and sentencing is set for May 28, 2014 at 1:30 o'clock p.m., to which time this case is continued. The Court doth order that the defendant submit to a substance abuse screening and follow-up pursuant to Section 18.2-251.01 as deemed appropriate by the Probation Officer.

The Commonwealth agrees that the defendant shall not be indicted or charged in Lynchburg for additional violations of 18.2-374.1:1 (A) or 18.2-374.1:1 (B) for his possession of additional images of child pornography found related to the same offenses for which he is pleading guilty (items seized on or about August 14, 2013, in Lynchburg to include one iPhone 4S, one Dell laptop computer S/N 01 0788349890528, one computer tower ID #SC3000-217322-30, one Sony Playstation 3 S/N CG822361723-CECH2501A, one 256MB Memorex Travel Drive, one 16GB Sandisk Cruzer Glide, and one 16GB Lexar flash drive). As a further condition of this agreement, the defendant shall forfeit all items seized in relation to this case (all listed above) to the Lynchburg Police Department's Digital Evidence Recovery Unit to be used or destroyed at their discretion.

As a further condition of this plea agreement, the defendant specifically agrees he will not ask the Court to defer disposition, take any charges under advisement, withhold any findings of guilt, or to otherwise reduce, amend, dismiss or alter any charges to which he has pled guilty (to include pleas of nolo contendere and Alford pleas) pursuant to this agreement. The defendant specifically waives any right to do so by entering into this agreement. The defendant further

agrees that any such request presented to the Court will render this agreement voidable by the Commonwealth, and any delay or continuance resulting from such a request shall not count against the Commonwealth for constitutional or statutory speedy trial purposes.

The Court certifies that at all times during the trial of this case the defendant was personally present and defense counsel was likewise personally present and capably represented the defendant.

Whereupon, the Commonwealth made a motion to revoke the defendant's bond, for reasons stated on the record, to which the Court having heard the evidence and argument of counsel doth deny said motion and doth allow the defendant to remain on bond with special conditions that the defendant promptly contact the Probation Officer and cooperate with the Probation Officer in the preparation of the presentence report, continue with therapy, not to use any computers, reside at 1222 Dandridge Drive, Lynchburg and is not to leave the Commonwealth of Virginia.

//

CC:CA
PO

A Copy, Teste:
Eugene C. Wingfield, Clerk

By:

K. D. W. Youniss Deputy Clerk

VIRGINIA: In the Circuit Court for the City of Lynchburg

COMMONWEALTH OF VIRGINIA

v.

**Phillip Scott Armentrout ,
Defendant**

**Circuit Court Case No: CR13025116
OCA File #: LYN13-1430**

Disclosure of Plea Agreement

Pursuant to Rule 3A:8 of the Rules of Court, this Court is hereby notified that the defendant's guilty plea is entered pursuant to a plea agreement between the Commonwealth's Attorney, the above defendant and the defendant's attorney. In this agreement, the Commonwealth has agreed to:

(A) Move for a nolle prosequi, dismissal or reduction of pending charges.

Specifically, the Commonwealth and defendant agree to the following disposition of the case:

The defendant is charged by indictment with one (1) felony count of possession of child pornography, first offense, and three (3) counts of possession of child pornography, second or subsequent offense. The defendant agrees to plead guilty to counts 1 and 2 of the indictment (one count of possession of child pornography, and one count of possession of child pornography, second offense). The Commonwealth shall move to nolle prosequi counts 3 and 4 of the indictment. In exchange for his pleas of guilty, the Commonwealth agrees that he shall not be indicted or charged in Lynchburg for additional violations of 18.2-374.1:1(A) or 18.2-374.1:1(B) for his possession of additional images of child pornography found related to the same offenses for which he is pleading guilty (items seized on or about August 14, 2013, in Lynchburg to include one iPhone 4S, one Dell laptop computer S/N 01 0788349890528, one computer tower ID# SC3000-217322-30, one Sony Playstation 3 S/N CG822361723-CECH2501A, one 256MB Memorex Travel Drive, one 16GB Sandisk Cruzer Glide, and one 16GB Lexar flash drive). As a further condition of this agreement, the defendant shall forfeit all items seized in relation to this case (all items listed above, ~~as well as any other items not listed herein but seized pursuant to this same case~~) to the Lynchburg Police Department's Digital Evidence Recovery Unit to be used or destroyed at their discretion. There is no agreement as to sentencing. The defendant shall be sentenced by the Court following a presentence report and argument of counsel.


As a further condition of this plea agreement, the defendant specifically agrees he will not ask the court to defer disposition, take any charges under advisement, withhold any findings of guilt, or to otherwise reduce, amend, dismiss or alter any charges to which he has pled guilty (to include pleas of nolo contendere and Alford pleas) pursuant to this agreement. The defendant specifically waives any right to do so by entering into this agreement. The defendant further agrees that any such request presented to the Court will render this agreement voidable by the Commonwealth, and any delay or continuance resulting from such a request shall not count against the Commonwealth for constitutional or statutory speedy trial purposes.

This offer of agreement expires and shall be considered withdrawn if not signed by the defendant and returned to the Commonwealth's Attorneys Office by close of business on 02/13/2014.

This agreement is expressly subject to acceptance and approval by the Court. Unless and until the agreement is approved by the Court this agreement may be voided and withdrawn by either

the Commonwealth or the defendant. If the agreement is made pursuant to paragraph (B), and if the Court does not accept the recommendation or request, then the defendant shall not have the right to withdraw his or her plea of guilty unless the Commonwealth fails to perform its part of the agreement. If the agreement is made pursuant to paragraph (A) and/or (C) and the court rejects the agreement then neither party shall be bound by the agreement and the defendant may withdraw his or her plea of guilty. The defendant hereby agrees that he has been advised by his attorney of his right to a trial by jury, that he agrees to waive a jury trial and have this matter heard by the Court. and he agrees to any continuance that might result from this agreement not being accepted by the Court.

Unless specifically indicated to the contrary, this agreement shall have no affect on any uncharged criminal conduct or future prosecution in this or any other jurisdiction. It shall in no way apply to any charged or uncharged criminal conduct in any other jurisdiction unless signed by the Commonwealth's Attorney of that jurisdiction. This agreement constitutes all agreements and understandings between the parties, and, unless the contrary is indicated above, the Commonwealth reserves the right to recommend any lawful sentence, including incarceration. By signing this agreement the attorney for the defendant represents to the Court that he or she has explained this agreement to the defendant and that the defendant fully understands its terms.



Jeffrey Bennett
Deputy Commonwealth's Attorney

02/05/2014


Date



Defendant

2/14/14

Date

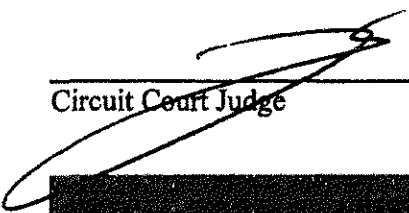


Michael B Massey, Esq.
Attorney for Defendant

2/10/14

Date

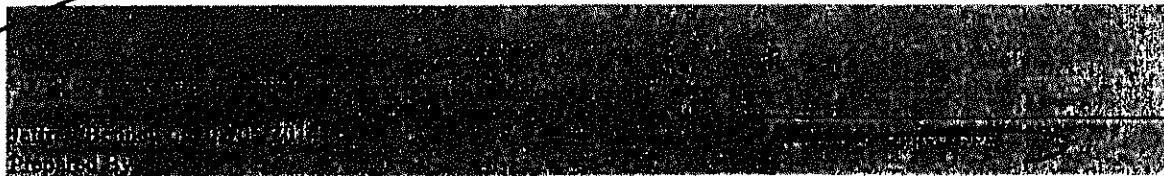
This Plea Agreement is Accepted by this Court.
 Rejected



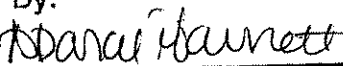
Circuit Court Judge

3/4/14

Date



A Copy, Teste:
Eugene C. Wingfield, Clerk
By:



Deputy Clerk