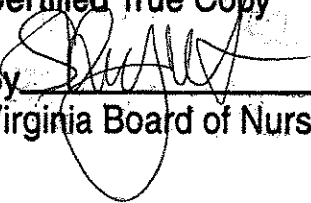


Certified True Copy

By   
Virginia Board of Nursing



RECEIVED

OCT 31 2013

COMMONWEALTH of VIRGINIA ~~MA~~ BD OF NURSING

Dianne L. Reynolds-Cane, M.D.  
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

October 30, 2013

David Hugh Crumley  
664 Dr. Thomas Walker Road  
Ewing, VA 24248

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

RE: License No.: 0002-085292

DATE 10/30/13

Dear Mr. Crumley:

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 nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered October 30, 2013. 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 license 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 license, 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 license 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 license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Arne W. Owens, Chief Deputy Director  
Department of Health Professions

Enclosures  
Case # 143629

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: DAVID HUGH CRUMLEY, L.P.N.  
License No.: 0002-085292**


**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Arne W. Owens, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that David Hugh Crumley, L.P.N., was convicted of felony charges in the Criminal Court for the County of Claiborne, Tennessee, to wit: Two (2) Counts of Vehicular Homicide by Intoxication. A certified copy of the 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 David Hugh Crumley, L.P.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, suspended.

Upon entry of this Order, the license of David Hugh Crumley, L.P.N., will be recorded as suspended and no longer current. Should Mr. Crumley seek reinstatement of his license 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 license prior to issuance of his license 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.



Arne W. Owens, Chief Deputy Director  
Department of Health Professions

ENTERED: 10-30-2013



# COMMONWEALTH of VIRGINIA


Dianne L. Reynolds-Cane, M.D.  
Director

*Department of Health Professions*  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

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## CERTIFICATION OF DUPLICATE RECORDS

I, Arne W. Owens, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Sentencing Order entered September 23, 2013, regarding David Hugh Crumley, L.P.N., is a true copy of the records received from the Criminal Court for the County of Claiborne, Tennessee.

  
Arne W. Owens

Date: 10-30-2013

STATE OF TENNESSEE )

VS. )

DAVID Hugh Cannon  
DEFENDANT )

Indictment No. 2012-CR-1216  
Count No. 1 and 2

**SENTENCING FINDINGS OF FACT FOR OFFENSES COMMITTED  
ON OR AFTER JUNE 7, 2005**

This cause came on to be heard on the sentencing of the defendant on a conviction for the offense of Vehicle Abuse by Intoxication (2 ct). In determining the appropriate sentence for this offense, this Court has considered the evidence presented at the trial and the sentencing hearing, the presentence report, the principles of sentencing and arguments made as to sentencing alternatives, the nature and characteristics of the criminal conduct involved, the evidence and information offered by the parties on the mitigating and enhancement factors, any statistical information provided by the administrative office of the court as to sentencing practices for similar offenses in Tennessee, and any statement the defendant made, if any, on his own behalf about sentencing, and the defendant's potential for rehabilitation or treatment.

FILED  
Caldwell County Criminal Court

**FROM ALL OF WHICH THE COURT FINDS AS FOLLOWS:**

**RANGE OF SENTENCE**

SEP 23 2013

The defendant is found to be:

Billy Ray Cheek, Clerk  
Billy Ray Cheek, DC

         AN ESPECIALLY MITIGATED OFFENDER (Tenn. Code Ann. § 40-35-109)

- (1) The defendant has no prior felony convictions; AND
- (2) The court finds mitigating, but no enhancement factors.

         A RANGE ONE STANDARD OFFENDER (Tenn. Code Ann. § 40-35-105)

         A RANGE TWO MULTIPLE OFFENDER (Tenn. Code Ann. § 40-35-106)

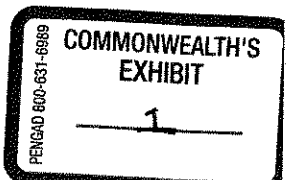
- (1) A minimum of two (2) but not more than four (4) prior felony convictions within the conviction class, a higher class, or within the next two (2) lower felony classes, where applicable; OR
- (2) One (1) Class A prior felony conviction within the conviction class, or one (1) Class A or B felony.

I, Billy Ray Cheek, the defendant's court clerk, hereby certify that the foregoing is a true and correct copy of the sentencing report.

As same appears of record in my office and that I am the official custodian of such record.

Witness my hand and official seal at office this the 22 day of Oct, 2013.

Billy Ray Cheek  
Circuit Court Clerk





- \_\_\_\_\_ (13) At the time the felony was committed, one of the following classifications was applicable to the defendant:
- (A) Released on bail or pretrial release, if the defendant is ultimately convicted of such prior misdemeanor or felony;
  - (B) Released on parole;
  - (C) Released on probation;
  - (D) On work release;
  - (E) On community corrections;
  - (F) On some form of judicially ordered release;
  - (G) On any other type of release into the community under the direct or indirect supervision of any state or local governmental authority or a private entity contracting with the state or a local government;
  - (H) On escape status; or
  - (I) Incarcerated in any penal institution on a misdemeanor or felony charge or a misdemeanor or felony conviction;
- \_\_\_\_\_ (14) The defendant abused a position of public or private trust, or used a professional license in a manner that significantly facilitated the commission or the fulfillment of the offense;
- \_\_\_\_\_ (15) The defendant committed the offense on the grounds or facilities of a pre-kindergarten through grade twelve public or private institution of learning when minors were present;
- \_\_\_\_\_ (16) The defendant was adjudicated to have committed a delinquent act or acts as a juvenile that would constitute a felony if committed by an adult;
- \_\_\_\_\_ (17) The defendant intentionally selected the person against whom the crime was committed or selected the property that was damaged or otherwise affected by the crime in whole or in part because of the actor's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, ancestry, or gender of that person or of the owner or occupant of that property; however, this subsection should not be construed to permit the enhancement of a sexual offense on the basis of gender selection alone;
- \_\_\_\_\_ (18) The offense was an act of terrorism, or was related to an act of terrorism;
- \_\_\_\_\_ (19) If the defendant is convicted of the offense of aggravated assault pursuant to § 39-13-102, the victim of the aggravated assault was a law enforcement officer, firefighter, correctional officer, youth services officer, probation and parole officer, a state registered security officer/guard, an employee of the department of correction or the department of children's services, an emergency medical or rescue worker, emergency medical technician, or paramedic, whether compensated or acting as a volunteer; provided, that the victim was performing an official duty and the defendant knew or should have known that the victim was such an officer or employee;
- \_\_\_\_\_ (20) If the defendant is convicted of the offenses of rape pursuant to § 39-13-503, sexual battery pursuant to § 39-13-505, or rape of a child pursuant to § 39-13-522, the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance;
- \_\_\_\_\_ (21) If the defendant is convicted of the offenses of aggravated rape pursuant to § 39-13-502, rape pursuant to § 39-13-503, rape of a child pursuant to § 39-13-522 or statutory

rape pursuant to § 39-13-506, the defendant knew or should have known that at the time of the offense such defendant was HIV positive; or

\_\_\_\_\_ (22) If the defendant is convicted of the offenses of aggravated arson pursuant to § 39-1-302 or vandalism pursuant to § 39-14-408, the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship and the defendant knew or should have known that it was a place of worship.

\_\_\_\_\_ (23) The defendant is an adult and sells to, or gives or exchanges a controlled substance or other illegal drug with a minor. [for offenses committed on or after 7/1/07]

\_\_\_\_\_ (24) The offense involved the theft of property and, as a result of the manner in which the offense was committed, the victim suffered significant damage to other property belonging to the victim or for which the victim was responsible. [for offenses committed on or after 7/1/08]

### MITIGATING FACTORS (Tenn. Code Ann. § 40-35-114)

The Court finds the following mitigating factors:

\_\_\_\_\_ (1) The defendant's criminal conduct neither caused nor threatened serious bodily injury;

\_\_\_\_\_ (2) The defendant acted under strong provocation;

\_\_\_\_\_ (3) Substantial grounds exist tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense;

\_\_\_\_\_ (4) The defendant played a minor role in the commission of the offense;

\_\_\_\_\_ (5) Before detection, the defendant compensated or made a good faith attempt to compensate the victim of criminal conduct for the damage or injury the victim sustained;

\_\_\_\_\_ (6) The defendant, because of youth or old age, lacked substantial judgment in committing the offense;

\_\_\_\_\_ (7) The defendant was motivated by a desire to provide necessities for the defendant's family or the defendant's self;

\_\_\_\_\_ (8) The defendant was suffering from a mental or physical condition that significantly reduced the defendant's culpability for the offense; however, the voluntary use of intoxicants does not fall within the purview of this factor;

\_\_\_\_\_ (9) The defendant assisted the authorities in uncovering offenses committed by other persons or in detecting or apprehending other persons who had committed the offenses;

\_\_\_\_\_ (10) The defendant assisted the authorities in locating or recovering any property or person involved in the crime;

\_\_\_\_\_ (11) The defendant, although guilty of the crime, committed the offense under such unusual circumstances that it is unlikely that a sustained intent to violate the law motivated the criminal conduct;

\_\_\_\_\_ (12) The defendant acted under duress or under the domination of another person, even though the duress or the domination of another person is not sufficient to constitute a defense to the crime; or

\_\_\_\_\_ (13) Any other factor consistent with the purposes of this chapter: \_\_\_\_\_

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## FINDINGS ON CONSECUTIVE SENTENCING

### **DISCRETIONARY CONSECUTIVE SENTENCING**

This Court finds in ordering consecutive sentencing that:

- ..... The defendant is a professional criminal who has knowingly devoted such defendant's life to criminal acts as a major source of livelihood;
- ..... The defendant is an offender whose record of criminal activity is extensive;
- ..... The defendant is a dangerous mentally abnormal person so declared by a competent psychiatrist who concludes as a result of an investigation prior to sentencing that the defendant's criminal conduct has been characterized by a pattern of repetitive or compulsive behavior with heedless indifference to consequences;
- ..... The defendant is a dangerous offender whose behavior indicates little or no regard for human life, and no hesitation about committing a crime in which the risk to human life is high; and all three of the following factors apply:
  - ..... (a) the circumstances surrounding the commission of the offense are aggravated.
  - ..... (b) confinement for an extended period of time is necessary to protect society from the defendant's unwillingness to lead a productive life and the defendant's resort to criminal activity in furtherance of an anti-societal lifestyle, and
  - ..... (c) the aggregate length of the sentences reasonably relates to the offense of which the defendant stands convicted.
- ..... The defendant is convicted of two (2) or more statutory offenses involving sexual abuse of a minor with consideration of the aggravating circumstances arising from the relationship between the defendant and victim or victims, the time span of defendant's undetected sexual activity, the nature and scope of the sexual acts and the extent of the residual, physical and mental damage to the victim or victims;
- ..... The defendant is sentenced for an offense committed while on probation; or
- ..... The defendant is sentenced for criminal contempt.
- ..... The defendant has additional sentences not yet fully served.

### **MANDATORY CONSECUTIVE SENTENCING**

This Court finds that:

- ..... The defendant committed a felony while on parole or other release program.
- ..... The defendant committed a felony while on bail for a felony for which the defendant was ultimately convicted.
- ..... The defendant committed an escape or a felony committed while on escape.

## PROBATION CONSIDERATIONS

This Court has also considered the following if deciding to grant or deny an alternative sentence to incarceration:

- ✓..... The presentence report, if not waived.
- ✓..... The defendant's physical/mental condition and social history.
- ✓..... The facts and circumstances surrounding the offense, and the nature and circumstances of the criminal conduct involved.



- The prior criminal history of the defendant, or lack thereof.
- The previous actions and character of the defendant.
- Whether or not the defendant might reasonably be expected to be rehabilitated, and the defendant's potential or lack of potential for rehabilitation, including the risk that during the period of probation the defendant will commit another crime
- Whether or not it reasonably appears that the defendant will abide by the terms of probation.
- Whether or not the interests of society in being protected from possible future criminal conduct of the defendant are great.
- Whether or not measures less restrictive than confinement have frequently or recently been applied unsuccessfully to the defendant.
- Whether or not a sentence of full probation would unduly depreciate the seriousness of the offense.
- Whether or not confinement is particularly suited to provide an effective deterrent to others likely to commit similar offenses.
- Whether or not the offense was particularly enormous, gross or heinous.

THE DEFENDANT IS HEREBY SENTENCED TO a term of 8 years in the  
 \_\_\_\_\_ County jail *by agreement on plea*  
 \_\_\_\_\_ Local workhouse

Department of Correction  
 concurrent with one another  
 consecutive to \_\_\_\_\_  
 and a fine of \$ \_\_\_\_\_  
 Alternative sentence, if any: None

The above findings are hereby ordered to be made a part of the record in this cause.

IT IS SO ORDERED this 23 day of Sept, 2013.

*[Signature]*  
 JUDGE