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FILED
MAY 07 2009
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK
S. MARTIN

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) CR. No. 1:09 CR 00169 AWI
11)
12 Plaintiff,) VIOLATIONS: 18 U.S.C.
13) § 2252(a)(2) - Receipt or
14 v.) Distribution of Material
15) Involving the Sexual
16 RAFFIEL NORWOOD,) Exploitation of Minors; 18
17) U.S.C. § 2252(a)(4)(B) -
18 Defendant.) Possession of Material
19) Involving the Sexual
20) Exploitation of Minors; 18
21) U.S.C. § 2253 - Forfeiture

22 I N D I C T M E N T

23 COUNT ONE: [18 U.S.C. § 2252(a)(2) - Receipt or Distribution of
24 Material Involving the Sexual Exploitation of Minors]

25 The Grand Jury charges T H A T:

26 RAFFIEL NORWOOD,

27 defendant herein, beginning on an unknown date no later than
28 approximately May 3, 2008 and continuing through approximately
April 15, 2009, in Kern County, within the State and Eastern
District of California, and elsewhere did knowingly receive, and
distribute any visual depiction that had been mailed, shipped, or
transported in interstate or foreign commerce, or which contained

1 materials that had been so mailed, shipped, or transported, and
2 the producing of the depiction involved a minor engaging in
3 sexually explicit conduct and was of such conduct, specifically:
4 the defendant, using a computer and modem, received or
5 distributed via the internet and interstate commerce, at least
6 one visual depiction, which the defendant then knew, was a visual
7 depiction, the producing of which involved the use of a minor
8 engaged in sexually explicit conduct and was of such conduct as
9 defined in Title 18, United States Code, Section 2256, all in
10 violation of Title 18, United States Code, Section 2252(a)(2).

11

12 COUNT TWO: [18 U.S.C. § 2252(a)(4)(B) - Possession of Material
13 Involving the Sexual Exploitation of Minors]

14

The Grand Jury further charges: T H A T

15

RAFFIEL NORWOOD,

16

defendant herein, on or about April 15, 2009, in Kern County,

17

within the State and Eastern District of California, and

18

elsewhere did knowingly possess one or more matters which

19

contained any visual depiction that had been mailed, shipped, or

20

transported in interstate or foreign commerce, or which was

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produced using materials which had been so mailed, shipped, or

22

transported, the producing of which involved a minor engaging in

23

sexually explicit conduct and the depiction was of such conduct,

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specifically: the defendant possessed on an internal hard disc

25

drive of a computer, one or more compact discs and a thumb drive

26

at least one image file which contained a visual depiction, the

27

producing of which involved the use of a minor engaged in

28

sexually explicit conduct, and was of such conduct, as defined in

1 Title 18, United States Code, Section 2256, and which had
2 traveled in interstate commerce all in violation of Title 18,
3 United States Code, Section 2252(a)(4)(B).

4 COUNT THREE: [18 U.S.C. § 2253 - Forfeiture]

5 The Grand Jury further charges: T H A T

6 RAFFIEL NORWOOD,

7 defendant herein, upon conviction for violating 18 U.S.C. §
8 2252(a)(2) as alleged in Count One, or 18 U.S.C. §
9 2252(a)(4)(B), as alleged in Count Two above, shall forfeit to
10 the United States his interest in any and all matters which
11 contain visual depictions produced, transported, shipped or
12 received in violation thereof; any property constituting or
13 traceable to gross profits or other proceeds the defendant
14 obtained directly or indirectly as a result of the stated
15 violations; and any and all property used or intended to be used
16 in any manner or part to commit and to promote the commission of
17 the aforementioned violations, including but not limited to the
18 following items:

19 Toshiba Laptop Computer, Model: M105-S3041, Serial No.
20 76209672K

21 all in violation of Title 18, United States Code, Section 2253.

22 A TRUE BILL.

23 /s/ Signature on file w/AUSA

24 FOREPERSON

25 LAWRENCE G. BROWN
Acting United States Attorney

26 **Mark E. Cullers**

27 By

27 MARK E. CULLERS
Assistant U.S. Attorney
28 Chief, Fresno Office

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

FILED

MAY 07 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
DEPUTY CLERK

THE UNITED STATES OF AMERICA

vs.

RAFFIEL NORWOOD

INDICTMENT

1:09 CR 00169 AWI

VIOLATION(S): 18 U.S.C. § 2252(a)(2) - RECEIPT OR DISTRIBUTION OF MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS; 18 U.S.C. § 2252(a)(4)(B) - POSSESSION OF MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS; 18 U.S.C. § 2253 - FORFEITURE

A true bill,

[Signature]
Foreman.

Filed in open court this *7th* day

of *May*, A.D. 20 *09*

Clerk.

Bail, \$ NO BAIL WARRANT

[Signature]

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

By COMPLAINT INFORMATION INDICTMENT

Name of District Court, and/or Judge Magistrate Location (city)
EASTERN DISTRICT OF CALIFORNIA
FRESNO, CALIFORNIA

OFFENSE CHARGED
PLEASE SEE INDICTMENT
____ Petty
____ Minor
____ Misdemeanor
X Felony

Place of Offense
Kern County
U.S.C. Citation
Please see Indictment

DEFENDANT -- U.S. vs.
RAFFIEL NORWOOD

Address { 1:09 CR 00169 AWI
Birth Date _____ X Male _____ Alien
_____ Female (if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
SA PRADO/ICE
 this person is awaiting trial in another Federal or State Court, give name of court.
 this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District
 this is a re prosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Att'y Defense } SHOW DOCKET NO.
 this prosecution relates to a pending case involving this same defendant
 prior proceeding or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
MAGISTRATE CASE NO.

DEFENDANT

IS NOT IN CUSTODY
 Has not been arrested, pending outcome this proceeding if not detained give date any prior summons was served on above charges

Is a Fugitive
 Is on Bail or Release from (show District)

IS IN CUSTODY
 On this charge
 On another Fed' State
 Awaiting trial on other charges
If answer to (6) is "Yes", show name of

Has detainer been _____ Yes _____ If "Yes" give date _____
_____ No _____

DATE OF ARREST Mo. Day Year

Or ... if arresting Agency & Warrant were not Federal

DATE TRANSFERRED TO U.S. CUSTODY Mo. Day Year

This report amends AO 257 previously submitted

Name and Office of Person Furnishing information on

THIS FORM MARIA G. ROBLES
X U.S. Att'y Other U.S.

Name of Asst. U.S. BRIAN W. ENOS

ADDITIONAL INFORMATION OR COMMENTS

PENALTIES: See Indictment

DEFN. BAIL STATUS: Issue No Bail Warrant

PENALTY SLIP

DEFENDANT: RAFFIEL NORWOOD

VIOLATION: 18 U.S.C. § 2252(a)(2) -
Receipt or Distribution of Material
Involving the Sexual Exploitation
Of Minors

PENALTY: 20 years imprisonment
Not more than \$250,000 fine

VIOLATION: 18 U.S.C. § 2252(a)(4)(B) -
Possession of Material Involving
The Sexual Exploitation of Minors

PENALTY: 10 years imprisonment
Not more than \$250,000 fine

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6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 1:09-CR-00169 AWI
11)
12 Plaintiff,) MEMORANDUM OF PLEA AGREEMENT
13) UNDER RULE 11(c) OF THE FEDERAL
14 v.) RULES OF CRIMINAL PROCEDURE
15)
16 RAFFIEL NORWOOD,) Date: TBD
Defendant.) Time: TBD
Ctrm: 2
Hon. Anthony W. Ishii

17 Pursuant to Rule 11(c) of the Federal Rules of Criminal
18 Procedure, plaintiff United States of America, by and through
19 Lawrence G. Brown, the United States Attorney for the Eastern
20 District of California, and Assistant United States Attorney
21 Brian W. Enos, has agreed with defendant Raffiel Norwood, and his
22 attorneys, Kyle J. Humphrey and Jared M. Thompson, Esq., as
23 follows:

24 1. Charges.

25 The defendant acknowledges that he has been charged in an
26 indictment as follows:
27
28

1 One Count of Receipt or Distribution of Material Involving
2 the Sexual Exploitation of Minors, in violation of Title 18,
3 United States Code, Section 2252(a)(2) (Count One); and

4 One Count of Possession of Material Involving The Sexual
5 Exploitation of Minors, in violation of Title 18, United States
6 Code, Section 2252(a)(4)(B) (Count Two).

7 The defendant will plead guilty to Count Two of the
8 indictment.

9 2. Nature, Elements and Possible Defenses.

10 The defendant has read the charges against him contained in
11 the indictment, and the charges have been fully explained to him
12 by his attorney. Further, the defendant fully understands the
13 nature and elements of the crime charged in Count Two of the
14 indictment to which he is pleading guilty, together with the
15 possible defenses thereto, and he has discussed them with his
16 attorney.

17 The elements of the crime of Possession of Material
18 Involving the Sexual Exploitation of Minors, as alleged in Count
19 Two of the indictment, are as follows:

20 First: The defendant knowingly possessed
21 visual depictions that had been shipped or
22 transported in interstate or foreign commerce
23 by any means including a computer;

24 Second, The producing of any such visual depiction
25 involved the use of one or more real minors engaged in
26 sexually explicit conduct and such visual depiction was
27 of such conduct; and

28 Third, the defendant had knowledge that the visual
depiction involved the use of one or more real minors
engaged in sexually explicit conduct.

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///

1 3. Agreements by the Defendant.

2 (a) Defendant agrees that this plea agreement shall be filed
3 with the court and become a part of the record of the case.

4 (b) Defendant agrees to enter a plea of guilty to Count Two
5 of the indictment, which charges him with Possession of Material
6 Involving the Sexual Exploitation of Minors, in violation of
7 Title 18, United States Code, Section 2252(a)(4)(B).

8 (c) The defendant is aware that Title 18, United States
9 Code, Section 3742 affords a defendant the right to appeal any
10 sentence imposed. Acknowledging this, the defendant knowingly
11 and voluntarily waives his Constitutional and statutory rights to
12 appeal his plea, conviction, and sentence. This waiver of appeal
13 includes, but is not limited to, an express waiver of defendant's
14 rights to appeal his plea, conviction, and sentence on any
15 ground, including any appeal right conferred by 18 U.S.C. § 3742
16 or otherwise. The defendant further agrees not to contest his
17 plea, conviction, or sentence in any post-conviction proceeding,
18 including but not limited to a proceeding under 28 U.S.C. § 2255
19 or § 2241.

20 (d) The defendant further acknowledges that his plea of
21 guilty is voluntary and that no force, threats, promises or
22 representations have been made to anybody, nor agreement reached,
23 other than those set forth expressly in this agreement, to induce
24 the defendant to plead guilty.

25 (e) The defendant agrees to waive all rights under the
26 "Hyde Amendment," Section 617, P.L. 105-119 (Nov. 26, 1997), to
27 recover attorney's fees or other litigation expenses in
28 connection with the investigation and prosecution of all charges

1 in the above-captioned matter and of any related allegations
2 (including without limitation any charges to be dismissed
3 pursuant to this Agreement and any charges previously dismissed).

4 (f) The defendant agrees that the sentencing court will
5 consult the United States Sentencing Commissions Guidelines (2008
6 edition) when sentencing the defendant in this case.

7 (g) Defendant acknowledges that the sentencing court will
8 consult the United States Sentencing Guidelines ("USSG") and will
9 look to them in determining a reasonable sentence. Defendant
10 further agrees that his conduct is governed by USSG Section
11 2G2.2, and that the base offense level for his crime is eighteen
12 (18).

13 (h) The defendant agrees that the material he possessed
14 involved sexually explicit images of prepubescent minors and/or
15 children under the age of twelve (12) years, and this will
16 increase his offense level by two (2) levels under USSG §
17 2G2.2(b)(2).

18 (i) The defendant agrees that he possessed images depicting
19 minors engaged in sexually explicit conduct resulted from the
20 defendant's use of a computer, and this will increase his offense
21 level by two (2) levels under USSG § 2G2.2(b)(6).

22 (j) The defendant agrees that he possessed material that
23 portrays sadistic or masochistic conduct or other depictions of
24 violence, and this will increase his offense level by four (4)
25 levels under USSG § 2G2.2(b)(4).

26 (k) The defendant agrees that the offense involved at least
27 150 images of minors engaged in sexually explicit conduct, and
28

1 this will increase his offense level by three (3) levels under
2 USSG § 2G2.2(b)(7)(D).

3 (l) The defendant agrees that his total offense level,
4 after a reduction of three (3) levels for acceptance of
5 responsibility, will be twenty-six (26). This will produce a
6 sentencing range, assuming he is in Criminal History Category I,
7 of 63-78 months.

8 (m) The defendant agrees not to move, either directly or
9 indirectly through others, for a downward departure, variance or
10 reduction of his sentence beyond any departure, variance or
11 reduction agreed to by the government in Section 4 of this plea
12 agreement. The defendant understands and agrees that this
13 agreement by him includes, but is not limited to, not moving for
14 a downward departure, variance or reduction of his offense level,
15 criminal history category, or criminal history points as defined
16 by the United States Sentencing Guidelines. Furthermore,
17 defendant shall not argue, by way of reference to factors under
18 18 U.S.C. § 3553, for a term of imprisonment less than the
19 applicable guideline sentence. In fact, both parties stipulate
20 and agree not to move for, or argue in support of, any departure
21 from the sentencing guidelines. Both parties instead agree and
22 stipulate that the guideline sentence is a "reasonable sentence"
23 pursuant to the facts in this case.

24 (n) The defendant agrees that one component of an
25 overall reasonable sentence will be a term of supervised release
26 of 180 months (15 years).

27 (o) If the defendant's conviction on the count to which he
28 is pleading is ever vacated at the defendant's request, or his

1 sentence is ever reduced at his request, the government shall
2 have the right (1) to prosecute the defendant on any of the
3 counts to which he pleaded guilty, (2) to reinstate any counts
4 that may be dismissed under this agreement, and (3) to file any
5 new charges that would otherwise be barred by this agreement.
6 The decision to pursue any or all of these options is solely in
7 the discretion of the United States Attorney's Office. By
8 signing this agreement, the defendant agrees to waive any
9 objections, motions, and defenses he might have to the
10 government's decision, including Double Jeopardy. In particular,
11 he agrees not to raise any objections based on the passage of
12 time with respect to such counts including, but not limited to,
13 any statutes of limitation or any objections based on the Speedy
14 Trial Act or the Speedy Trial Clause of the Sixth Amendment.

15 (p) The defendant agrees that his release pending
16 sentencing is restricted by 18 U.S.C. § 3143(a), and he agrees
17 that he will be remanded into custody upon entry of his guilty
18 plea.

19 (q) The defendant acknowledges that he has been advised,
20 and he understands, that under the Sex Offender Registration and
21 Notification Act, a federal law, that he must register and keep
22 his registration current in each of the following jurisdictions:
23 where he resides, where he is an employee, and where he is a
24 student. He understands that the requirements for registration
25 include providing his name, his residence address, and the names
26 and addresses of any places where he is or will be an employee or
27 student, among other information. He further understands that
28 the requirement to keep the registration current includes

1 informing at least one jurisdiction in which he resides, is an
2 employee, or student not later than three business days after any
3 change in name, residence, employment, or student status. The
4 defendant has been advised, and understands, that failure to
5 comply with these obligations subjects him to prosecution for
6 failure to register under federal law, 18 U.S.C. § 2250, which is
7 punishable by a fine or imprisonment, or both.

8 (r) The defendant agrees to forfeit all computers, laptops,
9 and computer related equipment that were seized by Immigration
10 and Customs Enforcement at the time of his arrest for the instant
11 offense.

12 4. Agreements by the Government.

13 (a) The government will recommend a three-level reduction
14 in the computation of his offense level if the defendant clearly
15 demonstrates acceptance of responsibility for his conduct as
16 defined in Section 3E1.1 of the United States Sentencing
17 Commission Guidelines Manual.

18 (b) The government will dismiss Count One of the indictment
19 in this case if the defendant is sentenced under the terms of
20 this plea agreement.

21 (c) The government agrees that an additional component of a
22 reasonable sentence will be a term of supervised release of
23 fifteen years (180 months).

24 (d) The government will not argue for any sentencing
25 enhancements not referenced in Section 3, above. In addition, the
26 government agrees that a reasonable sentence is the low end of
27 the applicable guideline range of 63-78 months, or 63 months.

28 ///

1 5. Factual Basis.

2 The defendant will plead guilty because he is in fact guilty
3 of the crime set forth in Count Two of the indictment. Defendant
4 also agrees that the following are the facts of this case,
5 although he acknowledges that, as to other facts, the parties may
6 disagree:

7 On or about April 15, 2009, in Kern County, within the State
8 and Eastern District of California, and elsewhere did
9 knowingly possess one or more matters which contained any
10 visual depiction that had been mailed, shipped, or
11 transported in interstate or foreign commerce, or which was
12 produced using materials which had been so mailed, shipped,
13 or transported, the producing of which involved a minor
14 engaging in sexually explicit conduct and the depiction was
15 of such conduct, specifically: the defendant possessed on an
16 internal hard disc drive of a computer, one or more compact
17 discs and a thumb drive at least one image file which
18 contained a visual depiction, the producing of which
19 involved the use of a minor engaged in sexually explicit
20 conduct, and was of such conduct, as defined in Title 18,
21 United States Code, Section 2256, and which had traveled in
22 interstate commerce all in violation of Title 18, United
23 States Code, Section 2252(a)(4)(B).

24 6. Potential Sentence.

25 Defendant understands that because the count to which he is
26 pleading guilty occurred after November 1, 1987, the court will
27 be required to consult the Sentencing Guidelines adopted by the
28 United States Sentencing Commission. Further, he understands
that the court may choose a sentence above or below the
applicable guideline range depending on the aggravating or
mitigating facts of the defendant's case. The following are the
potential penalties that the defendant faces:

29 **18 U.S.C. § 2252(a)(4)(B): Possession of Material**
30 **Involving The Sexual Exploitation of Minors:**

31 (a) Imprisonment.

32 Maximum: Ten (10) years.

33 (b) Fine.

1 Maximum: Two Hundred Fifty Thousand Dollars
2 (\$250,000).

3 (c) Both such fine and imprisonment.

4 (d) Term of Supervised Release.

5 Lifetime

6 (Should the defendant violate any of the terms of
7 his supervised release, he can be returned to
8 prison for the remaining period of supervised
9 release actually imposed by the court, or five
10 years whichever is less.)

11 (e) Penalty Assessment:

12 Mandatory: One Hundred Dollars (\$100).

13 7. Waiver of Rights.

14 Defendant understands that by pleading guilty he surrenders
15 certain rights, including the following:

16 (a) If defendant persisted in a plea of not guilty to the
17 charges against him, he would have the right to a public and
18 speedy trial. The trial could be either a jury trial or a trial
19 by a judge sitting without a jury. Defendant has a right to a
20 jury trial. But in order that the trial be conducted by a judge
21 sitting without a jury, defendant, the government and the judge
22 all must agree that the trial be conducted by the judge without a
23 jury.

24 (b) If the trial were a jury trial, the jury would be
25 composed of twelve lay persons selected at random. Defendant and
26 his attorney would have a say in who the jurors would be by
27 removing prospective jurors for cause where actual bias or other
28 disqualification is shown, or without cause by exercising
peremptory challenges. The jury would have to agree unanimously
before it could return a verdict of either guilty or not guilty.
The jury would be instructed that defendant is presumed innocent

1 and that it could not convict him unless, after hearing all the
2 evidence, it was persuaded of his guilt beyond a reasonable
3 doubt.

4 (c) If the trial were held before a judge without a jury,
5 the judge would find the facts and determine, after hearing all
6 the evidence, whether or not he was persuaded of the defendant's
7 guilt beyond a reasonable doubt.

8 (d) At a trial, whether by a jury or a judge, the
9 government would be required to present its witnesses and other
10 evidence against defendant. Defendant would be able to confront
11 those government witnesses and his attorney would be able to
12 cross-examine them. In turn, defendant could present witnesses
13 and other evidence on his own behalf. If the witnesses for
14 defendant would not appear voluntarily, he could require their
15 attendance through the subpoena power of the Court. At trial, the
16 defendant would also have the right to assistance of legal
17 counsel. If he could not afford legal counsel, one would be
18 appointed for him by the court at no expense to him.

19 (e) At a trial, defendant would have a privilege against
20 self-incrimination so that he could decline to testify,
21 and no inference of guilt could be drawn from this refusal to
22 testify.

23 Defendant understands that by pleading guilty he is waiving
24 all of the rights set forth above and defendant's attorney has
25 explained those rights to him and the consequences of his waiver
26 of those rights.

27 ///

28 ///

1 8. Questions by Court.

2 Defendant understands that if the court questions him under
3 oath, on the record and in the presence of counsel, about the
4 offense to which he has pleaded guilty, his answers, if false,
5 may later be used against him in a prosecution for perjury.

6 9. Entire Agreement.

7 This plea of guilty is freely and voluntarily made and not
8 the result of force or threats or of promises apart from those
9 set forth in this plea agreement. There have been no
10 representations or promises from anyone as to what sentence this
11 Court will impose.

12 10. Court not a Party.

13 It is understood by the parties that the sentencing court is
14 neither a party to nor bound by this agreement and the sentencing
15 judge is free to impose the maximum penalties as set forth in
16 paragraph 6. Further, in making its sentencing decision, the
17 Court may take into consideration any and all facts and
18 circumstances concerning the criminal activities of defendant,
19 including activities which may not have been charged in the
20 indictment.

21 11. Presentence Report.

22 Defendant understands that the United States Probation
23 Office is not a party to this agreement and will conduct an
24 independent investigation of defendant's activities and his
25 background. It will then prepare a presentence report which it
26 will submit to the Court as its independent sentencing
27 recommendation. In addition, the government will fully apprise
28

1 the Probation Office, as well as the Court, of the full and true
2 nature, scope and extent of the defendant's criminal activities,
3 including information on his background and criminal history.

4
5 LAWRENCE G. BROWN
United States Attorney

6 DATED: 10/23/09

By

Brian W. Enos
7 BRIAN W. ENOS, Esq.
Assistant U.S. Attorney

8
9 DATED: 10/22/2009

Raffiel Norwood
10 RAFFIEL NORWOOD
Defendant

11 DATED: 10/22/09

Jared M. Thompson
12 JARED M. THOMPSON, Esq.
Attorneys for Defendant

United States District Court

Eastern District of California

UNITED STATES OF AMERICA
v.
RAFFIEL NORWOOD

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
Case Number: 1:09CR00169-001

Jared Thompson
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s): Two of the Indictment.
- pleaded nolo contendere to counts(s) ___ which was accepted by the court.
- was found guilty on count(s) ___ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2252(a)(4)(B)	Possession of Material Involving the Sexual Exploitation of Minors	04/15/2009	Two

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on counts(s) ___ and is discharged as to such count(s).
- Count(s) One of the Indictment (is)(are) dismissed on the motion of the United States.
- Indictment is to be dismissed by District Court on motion of the United States.
- Appeal rights given. Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 4, 2010
Date of Imposition of Judgment

/S/ ANTHONY W. ISHII
Signature of Judicial Officer

ANTHONY W. ISHII, United States District Judge
Name & Title of Judicial Officer

January 6, 2010
Date

CASE NUMBER: 1:09CR00169-001
DEFENDANT: RAFFIEL NORWOOD

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 63 months.

- The court makes the following recommendations to the Bureau of Prisons:
The Court recommends that the defendant be incarcerated in a California facility, but only insofar as this accords with security classification and space availability.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district.
 at ___ on ____.
 as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 before _ on ____.
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Officer.
If no such institution has been designated, to the United States Marshal for this district.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

CASE NUMBER: 1:09CR00169-001
DEFENDANT: RAFFIEL NORWOOD

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 180 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed four (4) drug tests per month.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall submit to the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register and comply with the requirements in the federal and state sex offender registration agency in the jurisdiction of conviction, Eastern District of California, and in the state and in any jurisdiction where the defendant resides, is employed, or is a student. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT: RAFFIEL NORWOOD

Judgment - Page 4 of 7

SPECIAL CONDITIONS OF SUPERVISION

1. As directed by the probation officer, the defendant shall participate in a program of outpatient mental health treatment.
2. As directed by the probation officer, the defendant shall participate in a co-payment plan for treatment or testing and shall make payment directly to the vendor under contract with the United States Probation Office of up to \$25 per month.
3. The defendant shall submit to the search of his person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement or probation officer in the lawful discharge of the officer's supervision functions with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
4. The defendant shall not possess or use a computer or any device that has access to any "on-line computer service" unless approved by the probation officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network.
5. The defendant shall have no contact with children under the age of 18 unless approved by the probation officer in advance. The defendant is not to loiter within 100 feet of school yards, parks, playgrounds, arcades, or other places primarily used by children under the age of 18. This shall include that the defendant is not to engage in any occupation, either paid or volunteer, which exposes him directly or indirectly with children under the age of 18.
6. The defendant shall consent to the probation officer and/or probation service representative conducting periodic unannounced examinations of (a) any computer, or (b) computer-related device, or © equipment that has an internal or external modem which is in the possession or control of the defendant. The defendant consents to retrieval and copying of all data from any such computer, computer-related device, or equipment as well as any internal or external peripherals to ensure compliance with conditions. The defendant consents to removal of such computer, computer-related device, and equipment for purposes of conducting a more thorough inspection; and analysis.

The defendant consents to having installed on any computer, computer-related device, and equipment, at the defendant's expense, any hardware or software systems to monitor the use of such computer, computer-related device, and equipment at the direction of the probation officer, and agrees not to tamper with such hardware or software and not install or use any software programs designed to hide, alter, or delete his/her computer activities. The defendant consents to not installing new hardware without the prior approval of the probation officer.

7. The defendant shall not possess, own, use, view, read, or frequent places with material depicting and/or describing sexually explicit conduct, including computer images, pictures, photographs, books, writings, drawings, videos, or video games. "Sexually explicit conduct" as defined in 18 USC 2256(2) means actual or simulated (a) sexual intercourse, including genital-genital, oral-

CASE NUMBER: 1:09CR00169-001
DEFENDANT: RAFFIEL NORWOOD

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genital, or oral-anal, whether between the same or opposite sex; (b) bestiality; © masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

8. The defendant shall provide all requested business/personal phone records to the probation officer. The defendant shall disclose to the probation officer any existing contracts with telephone line/cable service providers. The defendant shall provide the probation officer with written authorization to request a record of all outgoing or incoming phone calls from any service provider.
9. The defendant shall consent to third-party disclosure to any employer or potential employer, concerning any computer-related restrictions that are imposed upon him/her. This includes any activities in which you are acting as a technician, advisor, or consultant with or without any monetary gain or other compensation.
10. The defendant shall attend, cooperate with, and actively participate in a sex offender treatment and therapy program [which may include, but is not limited to, risk assessment, polygraph examination, computer voice stress analysis (CVSA)] as approved and directed by the probation officer and as recommended by the assigned treatment provider.
11. The defendant's residence shall be pre-approved by the probation officer. The defendant shall not reside in direct view of places such as school yards, parks, public swimming pools, or recreational centers, playgrounds, youth centers, video arcade facilities, or other places primarily used by children under the age of 18.

CASE NUMBER: 1:09CR00169-001
 DEFENDANT: RAFFIEL NORWOOD

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100	\$	\$

- The determination of restitution is deferred until __. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<u>TOTALS:</u>	\$ ____	\$ ____	

- Restitution amount ordered pursuant to plea agreement \$ ____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - The interest requirement is waived for the fine restitution
 - The interest requirement for the fine restitution is modified as follows:
- If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.
- If incarcerated, payment of restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

CASE NUMBER: 1:09CR00169-001
DEFENDANT: RAFFIEL NORWOOD

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A Lump sum payment of \$ 100 due immediately, balance due
 - not later than __, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$ __ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$ __ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within __ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

The Preliminary Order of Forfeiture filed on November 20, 2009 is hereby made final and is incorporated into this judgment in its entirety.



State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

APR 13 2017

Raffiel Arvon Norwood
3633 Banyon Court
Rosamond, CA 93560

**Re: Licensed Vocational Nurse
License No. 216516**

Dear Mr. Norwood:

The Deputy Director and Chief Counsel of the California State Department of Health Care Services (Department) has been notified by the California Board of Vocational Nursing and Psychiatric Technicians (Board) that your license has been surrendered, while a disciplinary hearing on that license was pending, effective August 26, 2016. As a provider of health care services, you were granted certain permissions to receive payment from the Medi-Cal program by operation of law with or without applying for enrollment. Pursuant to Welfare and Institutions Code section 14043.6, the Department is required to automatically suspend these permissions, which means that you are precluded from being eligible to receive payment from the Medi-Cal program directly or indirectly. This requirement applies to any individual or entity that has a license, certificate, or other approval to provide health care which is revoked or suspended by a federal or state licensing, certification, or approval authority, has otherwise lost that license, certificate, or approval, or has surrendered that license, certificate, or approval while a disciplinary hearing on that license, certificate, or approval was pending. This suspension is non-discretionary, and shall be effective on the date that the license, certificate, or approval was revoked, lost, or surrendered. Furthermore, pursuant to Business and Professions Code section 2859, et seq., it is unlawful to perform the duties of a licensed vocational nurse without a license.

In addition, the Department has been notified of your October 23, 2009, conviction in United States District Court, Easter District of California (*U.S. v. Raffiel Arvon Norwood*, No. 1:09-CR-00169 AWI) for violation of title 18, United States Code section 2252(a)(4). This is a conviction that has been determined by the Board to be substantially related to the qualifications, functions, or duties of a provider of service. Pursuant to Welfare and Institutions Code section 14123, subdivision (a), the Director is required to suspend these permissions in certain cases, which means that you are precluded from being eligible to receive payment from the Medi-Cal program directly or indirectly. This

APR 13 2017

requirement applies to anyone who provides health services whenever that person is convicted of any felony or any misdemeanor involving fraud, abuse of the Medi-Cal program or any patient, or otherwise substantially related to the qualifications, functions, or duties of a provider of service. (Welf. & Inst. Code, § 14123.25.)

Therefore, on behalf of the Director of the Department, you are hereby notified that you are prohibited from being able to receive payment from the Medi-Cal program for an indefinite period of time, effective August 26, 2016. Your name will be posted on the "Medi-Cal Suspended and Ineligible Provider List," available on the Internet. During the period of your suspension, no person or entity, including an employer, may submit any claims to the Medi-Cal program for items or services rendered by you. If you are currently enrolled in Medi-Cal, that enrollment will be terminated. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from participation in the Medi-Cal program shall be subject to suspension from participation in the Medi-Cal program, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code Regs., tit. 22, §§ 51458.1, 51484, 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies provided by you during the duration of your suspension.

If you have any questions about this action, please submit your concerns, in writing, to the Office of Legal Services, Mandatory Suspension Desk, at the address above.

Sincerely,



Sara M. Granda
Attorney

cc: See Next Page

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6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2014-4279

12 **RAFFIEL ARVON NORWOOD**
3633 Banyon Court
13 Rosamond, CA 93560

A C C U S A T I O N

14 Vocational Nurse License No. VN 216516

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Kameka Brown, PhD., MBA, NP (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs.

22 2. On or about August 25, 2005, the Board of Vocational Nursing and Psychiatric
23 Technicians issued Vocational Nurse License Number VN 216516 to Raffiel Arvon Norwood
24 (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on March 31, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric
28 Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.

1. All section references are to the Business and Professions Code (Code) unless otherwise
2 indicated.

3 4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline
4 the holder of a vocational nurse license for any reason provided in Article 3 (commencing with
5 section 2875) of the Vocational Nursing Practice Act.

6 5. Section 118, subdivision (b) of the Code provides, in pertinent part, that the
7 expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary
8 action during the period within which the license may be renewed, restored, reissued or
9 reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any
10 time within four years after the expiration.

11 STATUTORY PROVISIONS

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to evaluate
14 the rehabilitation of a person when:

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation
18 furnished by the applicant or licensee.

19 7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
20 revoke a license when it finds that the licensee has been convicted of a crime substantially related
21 to the qualifications, functions or duties of a licensed vocational nurse.

22 8. Section 493 of the Code states:

23 Notwithstanding any other provision of law, in a proceeding conducted by a board
24 within the department pursuant to law to deny an application for a license or to suspend
25 or revoke a license or otherwise take disciplinary action against a person who holds a
26 license, upon the ground that the applicant or the licensee has been convicted of a crime
27 substantially related to the qualifications, functions, and duties of the licensee in
28 question, the record of conviction of the crime shall be conclusive evidence of the fact
that the conviction occurred, but only of that fact, and the board may inquire into the
circumstances surrounding the commission of the crime in order to fix the degree of
discipline or to determine if the conviction is substantially related to the qualifications,
functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and
"registration."

1 9. Section 2878 of the Code states:

2 The Board may suspend or revoke a license issued under this chapter [the
3 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the
4 following:

5 (a) Unprofessional conduct, which includes, but is not limited to, the following:
6

7 (f) Conviction of a crime substantially related to the qualifications, functions, and
8 duties of a licensed vocational nurse, in which event the record of the conviction shall be
9 conclusive evidence of the conviction.
10

11 (k) The commission of any act punishable as a sexually related crime, if that
12 act is substantially related to the duties and functions of the licensee. . . .

13 10. Section 2878.6 of the Code states:

14 A plea or verdict of guilty or a conviction following a plea of nolo contendere
15 made to a charge substantially related to the qualifications, functions and duties of a
16 licensed vocational nurse is deemed to be a conviction within the meaning of this article.
17 The board may order the license suspended or revoked, or may decline to issue a
18 license, when the time for appeal has elapsed, or the judgment of conviction has been
19 affirmed on appeal or when an order granting probation is made suspending the
20 imposition of sentence, irrespective of a subsequent order under the provisions of Section
21 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to
22 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
23 accusation, information or indictment.

24 REGULATORY PROVISIONS

25 11. California Code of Regulations, title 16, section 2521, states:

26 For the purposes of denial, suspension, or revocation of a license pursuant to
27 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
28 crime or act shall be considered to be substantially related to the qualifications, functions
or duties of a licensed vocational nurse if to a substantial degree it evidences present or
potential unfitness of a licensed vocational nurse to perform the functions authorized by
his license in a manner consistent with the public health, safety, or welfare. Such crimes
or acts shall include but not be limited to those involving the following:

(a) Procuring a license by fraud, misrepresentation, or mistake.

(b) A conviction of practicing medicine without a license in violation of Chapter 5
of Division 2 of the Business and Professions Code.

(c) Violating or attempting to violate, directly or indirectly, or assisting in or
abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5,
Division 2 of the Business and Professions Code.

1 (d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether
2 a licensed physician or not, in the performance of or arranging for a violation of any of
the provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

3 (e) Conviction of a crime involving fiscal dishonesty.

4 (f) Any crime or act involving the sale, gift, administration, or furnishing of
5 "narcotics or dangerous drugs or dangerous devices" as defined in Section 4022 of the
Business and Professions Code.

6 12. California Code of Regulations, title 16, section 2522 states:

7 When considering a) the denial of a license under Section 480 of the Business and
8 Professions Code, b) the suspension or revocation of a license on the ground that a
licensee has been convicted of a crime, or c) a petition for reinstatement of a license
9 under Section 2787.7 of the Business and Professions Code, the Board in evaluating the
rehabilitation of an individual and his or her present eligibility for a license, will consider
10 the following criteria:

11 (1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.

12 (2) Actual or potential harm to the public.

13 (3) Actual or potential harm to any patient.

14 (4) Overall disciplinary record.

15 (5) Overall criminal actions taken by any federal, state or local agency or court.

16 (6) Prior warnings on record or prior remediation.

17 (7) Number and/or variety of current violations.

18 (8) Mitigation evidence.

19 (9) In case of a criminal conviction, compliance with terms of sentence and/or
court-ordered probation.

20 (10) Time passed since the act(s) or offense(s) occurred.

21 (11) If applicable, evidence of proceedings to dismiss a conviction pursuant to
22 Penal Code section 1203.4.

23 (12) Cooperation with the Board and other law enforcement or regulatory agencies.

24 (13) Other rehabilitation evidence.

25 COSTS

26 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not
2 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
3 may be included in a stipulated settlement.

4 FIRST CAUSE FOR DISCIPLINE

5 (October 23, 2009 Criminal Conviction for Possession of Material
6 Involving the Sexual Exploitation of Minors)

7 14. Respondent has subjected his license to disciplinary action under sections 490 and
8 2878, subdivision (f) of the Code in that he was convicted of a crime that is substantially related
9 to the qualifications, functions, and duties of a licensed vocational nurse. The circumstances are
10 as follows:

11 a. On or about October 23, 2009, in a criminal proceeding entitled *United*
12 *States of America v. Raffiel Arvon Norwood*, in United States District Court, Eastern District of
13 California, case number 1:09-CR- 00169 AWI, Respondent entered a plea of guilty to Count 2 of
14 a two-count indictment, possession of material involving the sexual exploitation of minors, in
15 violation of Title 18, United States Code, section 2252(a)(4), a felony. In exchange for the plea,
16 the court dismissed Count 1 of the indictment, receipt or distribution of material involving the
17 sexual exploitation of minors (18 U.S.C. § 2252(a)(2)).

18 b. As a result of the conviction, on January 4, 2010, Respondent was
19 committed to the custody of the United States Bureau of Prisons for a total term of 63 months.
20 Upon release from imprisonment, Respondent was ordered to supervised release for a term of 180
21 months on standard conditions, and special conditions that include, but are not limited to, a
22 requirement to participate in a program of outpatient mental health treatment, submit to a Fourth
23 Amendment waiver, and not possess or use any computer or any device that has access to any
24 "on-line computer service" unless approved by his probation officer. Respondent was prohibited
25 from any contact with children under the age of 18 unless approved by the probation officer in
26 advance, and he is prohibited from loitering within 100 feet of school yards, parks, playgrounds,
27 arcades, or other places primarily used by children under the age of 18. Respondent is prohibited
28 from engaging in any occupation, either paid or volunteer, which exposes him directly or

1 indirectly with children under the age of 18. Respondent is subject to periodic unannounced
2 examinations of any computer, computer-related device, or equipment that has an internal or
3 external modem which is in the possession or control of Respondent. Respondent was required to
4 consent to the installation of hardware or software systems his computer, computer-related
5 devices, and equipment, to monitor its use. Respondent agreed to third-party disclosure to any
6 employer or potential employer of the computer-related restrictions. Respondent is prohibited
7 from possessing, owning, using, viewing, reading, or frequenting places with material depicting
8 and/or describing sexually explicit conduct, including computer images, pictures, photographs,
9 books, writings, drawings, videos, or video games. Respondent must attend, cooperate with, and
10 actively participate in a sex offender treatment and therapy program as approved and directed by
11 his probation officer and as recommended by the assigned treatment provider. Respondent's
12 residence must be pre-approved by his probation officer; he is prohibited from residing in direct
13 view of places such as school yards, parks, public swimming pools, or recreational centers,
14 playgrounds, youth centers, video arcade facilities, or other places primarily used by children
15 under the age of 18. Respondent was required to register as a sex offender in the jurisdiction
16 where he resides, where he is an employee, and where he is a student.

17 c. The facts that led to the conviction are that on or about April 15, 2009, in
18 Kern County, Respondent knowingly possessed matters that had been mailed, shipped, or
19 transported in interstate or foreign commerce, that contained visual depictions of a minor
20 engaging in sexually explicit conduct. Specifically, Respondent possessed on an internal hard
21 disc drive of a computer, one or more compact discs, and a thumb drive, of at least one image file
22 that contained a visual depiction a minor engaged in sexually explicit conduct.

23 SECOND CAUSE FOR DISCIPLINE

24 (Commission of Any Act Punishable as a Sexually-Related Crime)

25 15. Respondent is subject to disciplinary action under section 2878, subdivision (k) in
26 that he committed acts that are (and were) punishable as sexually-related crimes in that he
27 knowingly possessed image files that depicted minors engaging in sexually explicit conduct, and
28 was convicted of possessing material involving the sexual exploitation of minors.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 216516, issued to Raffiel Arvon Norwood;
2. Ordering Raffiel Arvon Norwood to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 03/08/2016



KAMEKA BROWN, PHD., MBA, NP
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2014-4279

RAFFIEL ARVON NORWOOD
3633 Banyon Court
Rosamond, CA 93560
Vocational Nurse License No.
VN 216516

Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on AUG 26 2016.

It is so ORDERED JUL 27 2016.


KAMEKA BROWN, PhD, MBA, NP
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2014-4279

12 **RAFFIEL ARVON NORWOOD**
3633 Banyon Court
13 Rosamond, CA 93560

OAH No. 2016050957

14 Vocational Nurse License No. VN 216516

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Kameka Brown, PhD, MBA, NP ("Complainant") is the Executive Officer of the
21 Board of Vocational Nursing and Psychiatric Technicians ("Board"). She brought this action
22 solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney
23 General of the State of California, by Elyse M. Davidson, Deputy Attorney General.

24 2. Raffiel Arvon Norwood ("Respondent") is representing himself in this proceeding
25 and has chosen not to exercise his right to be represented by counsel.

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ORDER

1
2 IT IS HEREBY ORDERED that Vocational Nurse License No. VN 216516, issued to
3 Respondent Raffiel Arvon Norwood, is surrendered and accepted by the Board of Vocational
4 Nursing and Psychiatric Technicians.

5 1. The surrender of Respondent's Vocational Nurse License and the acceptance of the
6 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
7 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
8 license history with the Board of Vocational Nursing and Psychiatric Technicians.

9 2. Respondent shall lose all rights and privileges as a Licensed Vocational Nurse in
10 California as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
12 issued, his wall certificate on or before the effective date of the Decision and Order.

13 4. If Respondent ever files an application for licensure or a petition for reinstatement in
14 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
15 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
16 effect at the time the petition is filed, and all of the charges and allegations contained in
17 Accusation No. VN-2014-4279 shall be deemed to be true, correct and admitted by Respondent
18 when the Board determines whether to grant or deny the petition.

19 5. Respondent shall pay the agency its costs of investigation and enforcement in the
20 amount of \$1,300.00 prior to issuance of a new or reinstated license.

21 6. If Respondent should ever apply or reapply for a new license or certification, or
22 petition for reinstatement of a license, by any other health care licensing agency in the State of
23 California, all of the charges and allegations contained in Accusation, No. VN-2014-4279 shall be
24 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
25 Issues or any other proceeding seeking to deny or restrict licensure.

26 7. Respondent shall not apply for licensure or petition for reinstatement for three (3)
27 years from the effective date of the Board of Vocational Nursing and Psychiatric Technicians'
28 Decision and Order.

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated: 07/14/2016

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



ELYSE M. DAVIDSON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. VN-2014-4279

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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2014-4279

12 **RAFFIEL ARVON NORWOOD**
3633 Banyon Court
13 Rosamond, CA 93560

ACCUSATION

14 Vocational Nurse License No. VN 216516

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Kamska Brown, PhD., MBA, NP (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs,

22 2. On or about August 25, 2005, the Board of Vocational Nursing and Psychiatric
23 Technicians issued Vocational Nurse License Number VN 216516 to Raffiel Arvon Norwood
24 (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on March 31, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric
28 Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.

1 All section references are to the Business and Professions Code (Code) unless otherwise
2 indicated.

3 4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline
4 the holder of a vocational nurse license for any reason provided in Article 3 (commencing with
5 section 2875) of the Vocational Nursing Practice Act.

6 5. Section 118, subdivision (b) of the Code provides, in pertinent part, that the
7 expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary
8 action during the period within which the license may be renewed, restored, reissued or
9 reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any
10 time within four years after the expiration.

11 STATUTORY PROVISIONS

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to evaluate
14 the rehabilitation of a person when:

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation
18 furnished by the applicant or licensee.

19 7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
20 revoke a license when it finds that the licensee has been convicted of a crime substantially related
21 to the qualifications, functions or duties of a licensed vocational nurse.

22 8. Section 493 of the Code states:

23 Notwithstanding any other provision of law, in a proceeding conducted by a board
24 within the department pursuant to law to deny an application for a license or to suspend
25 or revoke a license or otherwise take disciplinary action against a person who holds a
26 license, upon the ground that the applicant or the licensee has been convicted of a crime
27 substantially related to the qualifications, functions, and duties of the licensee in
28 question, the record of conviction of the crime shall be conclusive evidence of the fact
that the conviction occurred, but only of that fact, and the board may inquire into the
circumstances surrounding the commission of the crime in order to fix the degree of
discipline or to determine if the conviction is substantially related to the qualifications,
functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and
"registration."

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9. Section 2878 of the Code states:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

....

(k) The commission of any act punishable as a sexually related crime, if that act is substantially related to the duties and functions of the licensee. . . .

10. Section 2878.6 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence; irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 2521, states:

For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(a) Procuring a license by fraud, misrepresentation, or mistake.

(b) A conviction of practicing medicine without a license in violation of Chapter 5 of Division 2 of the Business and Professions Code.

(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the Business and Professions Code.

1 (d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether
2 a licensed physician or not, in the performance of or arranging for a violation of any of
the provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

3 (e) Conviction of a crime involving fiscal dishonesty.

4 (f) Any crime or act involving the sale, gift, administration, or furnishing of
5 "narcotics or dangerous drugs or dangerous devices" as defined in Section 4022 of the
Business and Professions Code.

6 12. California Code of Regulations, title 16, section 2522 states:

7 When considering a) the denial of a license under Section 480 of the Business and
8 Professions Code, b) the suspension or revocation of a license on the ground that a
licensee has been convicted of a crime, or c) a petition for reinstatement of a license
9 under Section 2787.7 of the Business and Professions Code, the Board in evaluating the
rehabilitation of an individual and his or her present eligibility for a license, will consider
10 the following criteria:

11 (1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.

12 (2) Actual or potential harm to the public.

13 (3) Actual or potential harm to any patient.

14 (4) Overall disciplinary record.

15 (5) Overall criminal actions taken by any federal, state or local agency or court.

16 (6) Prior warnings on record or prior remediation.

17 (7) Number and/or variety of current violations.

18 (8) Mitigation evidence.

19 (9) In case of a criminal conviction, compliance with terms of sentence and/or
court-ordered probation.

20 (10) Time passed since the act(s) or offense(s) occurred.

21 (11) If applicable, evidence of proceedings to dismiss a conviction pursuant to
22 Penal Code section 1203.4.

23 (12) Cooperation with the Board and other law enforcement or regulatory agencies.

24 (13) Other rehabilitation evidence.

25 **COSTS**

26 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licensee to comply subjecting the license to not
2 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
3 may be included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(October 23, 2009 Criminal Conviction for Possession of Material**
6 **Involving the Sexual Exploitation of Minors)**

7 14. Respondent has subjected his license to disciplinary action under sections 490 and
8 2878, subdivision (f) of the Code in that he was convicted of a crime that is substantially related
9 to the qualifications, functions, and duties of a licensed vocational nurse. The circumstances are
10 as follows:

11 a. On or about October 23, 2009, in a criminal proceeding entitled *United*
12 *States of America v. Raffiel Arvon Norwood*, in United States District Court, Eastern District of
13 California, case number 1:09-CR- 00169 AWI, Respondent entered a plea of guilty to Count 2 of
14 a two-count indictment, possession of material involving the sexual exploitation of minors, in
15 violation of Title 18, United States Code, section 2252(a)(4), a felony. In exchange for the plea,
16 the court dismissed Count 1 of the indictment, receipt or distribution of material involving the
17 sexual exploitation of minors (18 U.S.C. § 2252(a)(2)).

18 b. As a result of the conviction, on January 4, 2010, Respondent was
19 committed to the custody of the United States Bureau of Prisons for a total term of 63 months.
20 Upon release from imprisonment, Respondent was ordered to supervised release for a term of 180
21 months on standard conditions, and special conditions that include, but are not limited to, a
22 requirement to participate in a program of outpatient mental health treatment, submit to a Fourth
23 Amendment waiver, and not possess or use any computer or any device that has access to any
24 "on-line computer service" unless approved by his probation officer. Respondent was prohibited
25 from any contact with children under the age of 18 unless approved by the probation officer in
26 advance, and he is prohibited from loitering within 100 feet of school yards, parks, playgrounds,
27 arcades, or other places primarily used by children under the age of 18. Respondent is prohibited
28 from engaging in any occupation, either paid or volunteer, which exposes him directly or

1 indirectly with children under the age of 18. Respondent is subject to periodic unannounced
2 examinations of any computer, computer-related device, or equipment that has an internal or
3 external modem which is in the possession or control of Respondent. Respondent was required to
4 consent to the installation of hardware or software systems his computer, computer-related
5 devices, and equipment, to monitor its use. Respondent agreed to third-party disclosure to any
6 employer or potential employer of the computer-related restrictions. Respondent is prohibited
7 from possessing, owning, using, viewing, reading, or frequenting places with material depicting
8 and/or describing sexually explicit conduct, including computer images, pictures, photographs,
9 books, writings, drawings, videos, or video games. Respondent must attend, cooperate with, and
10 actively participate in a sex offender treatment and therapy program as approved and directed by
11 his probation officer and as recommended by the assigned treatment provider. Respondent's
12 residence must be pre-approved by his probation officer; he is prohibited from residing in direct
13 view of places such as school yards, parks, public swimming pools, or recreational centers,
14 playgrounds, youth centers, video arcade facilities, or other places primarily used by children
15 under the age of 18. Respondent was required to register as a sex offender in the jurisdiction
16 where he resides, where he is an employee, and where he is a student.

17 c. The facts that led to the conviction are that on or about April 15, 2009, in
18 Kern County, Respondent knowingly possessed matters that had been mailed, shipped, or
19 transported in interstate or foreign commerce, that contained visual depictions of a minor
20 engaging in sexually explicit conduct. Specifically, Respondent possessed on an internal hard
21 disc drive of a computer, one or more compact discs, and a thumb drive, of at least one image file
22 that contained a visual depiction a minor engaged in sexually explicit conduct.

23 SECOND CAUSE FOR DISCIPLINE

24 (Commission of Any Act Punishable as a Sexually-Related Crime)

25 15. Respondent is subject to disciplinary action under section 2878, subdivision (k) in
26 that he committed acts that are (and were) punishable as sexually-related crimes in that he
27 knowingly possessed image files that depicted minors engaging in sexually explicit conduct, and
28 was convicted of possessing material involving the sexual exploitation of minors.

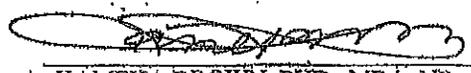
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 216516, issued to Raffiel Arvon Norwood;
2. Ordering Raffiel Arvon Norwood to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 03/08/2016



KAMEKA BROWN, PHD., MBA, NP
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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