

Kentucky Supreme Court
Cases of Note
[March-April, 2020](#)

Note: To open hyperlink, take one of the following steps:

1. Hold down the control (“Ctrl”) key and click on the link.
2. Right-click on the link and select “Open Hyperlink”.

Note: No decisions of interest in March.

WRIT OF PROHIBITION

**Commonwealth of Kentucky v. Honorable Mary Shaw, Judge, Jefferson Circuit Court,
and Charles Rutledge**

[2019-SC-000218-MR](#) April 30, 2020

Opinion of the Court by Justice VanMeter. All sitting; all concur. The Commonwealth appealed the Court of Appeals’ decision denying a writ of prohibition against the trial court for granting Rutledge’s motion for in camera review of the victim’s therapy records during a particular one-month period of treatment. On appeal, the Court held that the trial court properly followed the directive set forth in Commonwealth v. Barroso, 122 S.W.3d 554 (Ky. 2003), but overstepped its authority by ordering the Commonwealth to retrieve the names of the victim’s medical providers. The Court set out a new process by which medical providers’ identities and records can be retrieved and reviewed in camera when the defendant knows of the relevant information and specific time frame but lacks the names of the medical providers. The Court ultimately granted the Commonwealth’s writ and ordered the trial court to follow this new framework to retrieve the relevant documents for in camera review.