

**IN THE COURT OF APPEALS OF IOWA**

No. 0-664 / 09-1123  
Filed November 10, 2010

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**WILLIAM EDWARD MEEKS,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Lyon County, Nancy L. Whittenburg, Judge.

Defendant appeals his conviction for a pattern, practice, or scheme of sexual exploitation by a counselor or therapist. **REVERSED AND REMANDED.**

Mark C. Smith, State Appellate Defender, and Shellie L. Knipfer, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Elisabeth S. Reynoldson, Assistant Attorney General, and Carl Petersen, County Attorney, for appellee.

Considered by Vaitheswaran, P.J., and Eisenhauer and Danilson, JJ. Tabor, J., takes no part.

**EISENHAUER, J.**

William Meeks appeals his conviction for a pattern, practice, or scheme of sexual exploitation by a counselor or therapist. During discovery, Meeks sought the mental health records of the victim. After reviewing the records in camera, the court ordered specified records turned over to the defense and withheld other records.

On appeal, Meeks argues the discovery process violated his constitutional due process right to a fair trial. While Meeks's appeal was pending, the Iowa Supreme Court issued an opinion formulating a five point "protocol when a criminal defendant, who is represented by counsel, requests the privileged mental health records of a victim." *State v. Cashen*, \_\_\_ N.W.2d \_\_\_, \_\_\_ (Iowa 2010). The district court did not have the benefit of *Cashen's* analysis:

Third, if the records are produced, the attorney for the defendant who obtained the subpoena shall have the right to inspect the records at the courthouse. *An in camera review of the records by the court is insufficient.* Only the attorneys representing the parties know what they are looking for in the records. The court cannot foresee what may or may not be important to the defendant. [Citations omitted.] ("Despite their best intentions and dedication, trial judges examining records before a trial lack complete information about the facts of a case or a defense . . . and are all too often unable to recognize the significance, or insignificance, of a particular document to a defense.").

*Id.* at \_\_\_ (emphasis added). Accordingly, we reverse Meeks's conviction and remand for a new trial utilizing the discovery procedures outlined in *Cashen*. See *id.*

**REVERSED AND REMANDED.**