

IN THE COURT OF THE JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY,
FLORIDA

CASE NO.: 25CF123

STATE OF FLORIDA,
Plaintiff,

v.

Joseph James Turner,
Defendant,

_____ /

DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE


COMES NOW the Defendant, Joseph James Turner, by and through his undersigned Counsel and moves this Honorable Court for an Order to Show Cause against Assistant State Attorney Joshua Mitchell and would show for Cause as follows:

1. On March 2, 2026, the undersigned listed numerous defense witnesses to add to the prior witnesses she had listed.
2. In that pleading, the undersigned "gently reminded" ASA Mitchell that he was not able to take depositions from these witnesses.¹
3. ASA Mitchell issued investigative subpoenas to numerous witnesses listed by the undersigned.

¹ In other pleadings, the undersigned and Counsel for Quinn Robertson have explained the lack of process that had occurred in this case, not the least of which was Mr. Mitchell filing these charges thinking they were misdemeanors, issuing arrest warrants without a judge's signature, and being told by the FDLE investigator that filing charges wasn't appropriate in this case, so the undersigned included this "reminder" because she believed he would ignore it. He did.


4. He took a sworn statement from Donna Johns on Friday, March 6, 2026, who was a listed defense witness via a compelled investigative subpoena.
5. The undersigned learned of this and sent Mitchell an email telling him he wasn't allowed to do that, expecting an apology.
6. The undersigned also cited to case law and attached the witness list, thinking that Mitchell had missed the witness list in emails, and asked what his position was on a motion to quash investigative subpoenas.
7. The following morning, the undersigned received this response:

1 Message

 Summarize



Josh A. Mitchell

 Inbox - k...hutzplic.com March 10, 2026 at 10:47 AM

Re: [EXTERNAL]Re: Investigative Subpoenas
To: Kathleen Bogenschutz, Cc: Stephen Webster

[Details](#)

Good morning,

1. File any motions you feel need to be filed.
2. I anticipate asking the Court to set this for May trial cycle. Just wanted to give you notice.
3. The DPA offer will be revoked on our April motion day.
4. Have a good day

Thanks,

Josh

8. The undersigned then filed an emergency motion to quash the investigative subpoenas on March 10, 2026, after receiving the above response, which was granted by 5:36PM Central Time.
9. This Honorable Court's order also cited to Fl. R. Cr. P. 3.220(h)(1) requiring notice to the Defense prior to deposing defense witnesses.
10. It is clear that Mr. Mitchell read the order because he mentions it in the continuation of his Tuesday recorded statement that he took from Suzanne Harris over the

phone, where he seems to think his primary sin was the subpoenas, not the lack of notice to the defense, which the Court correctly identifies in its order.

11. Late on March 11, 2026, Mr. Mitchell sent the proof that he had taken the two statements pursuant to the illegal investigative subpoenas (Monday from Donna Johns, Tuesday from Suzanne Harris) and one statement over the phone (Wednesday from Suzanne Harris) via a CIP portal link.
12. It appears that Mr. Mitchell thought that there was no problem with taking these statements because they were voluntary and not with a subpoena based on his statements with Ms. Harris on the recorded line on Wednesday.
13. This shows a disturbingly poor understanding of the Rules of Criminal Procedure or else belies a prosecutor who believes there to be no consequences for his bad acts.
14. In either scenario, this Court should consider the fact that it appears this was no mistake given Mitchell's curt response to the undersigned after she told him taking these statements was against the rules.
15. Further, Mitchell is clear to get on the record that this is voluntary from Suzanne Harris, completely disregarding this Court's lengthy order which also cites his lack of notice to the defense as a reason that taking these statements is wrong.
16. Mr. Mitchell has been barred one (1) year longer than the undersigned and appears to have been a prosecutor for most, if not all of that time. He was sworn in nearly eighteen (18) years ago.
17. To repeatedly flout the rules in this manner and then disregard a well-thought-out Court Order demands consequences.

18. It should also be noted that Mitchell is the Chief of Walton County and is therefore charged with supervising young attorneys and training them.²
19. The undersigned reached out to the main Office of the State Attorney about Mr. Mitchell and has not received a phone call or e-mail back.
20. The undersigned also reached out to Mr. Mitchell earlier on March 12, 2026, giving him an opportunity to explain himself and has not received a response.
21. Thus, without suggesting an appropriate sanction for Mr. Mitchell, the undersigned urges this Honorable Court to issue an Order to Show Cause and require Mr. Mitchell to explain his actions in open court.
22. The undersigned would request that Mr. Mitchell have to explain what he did and why, as well, on the record as well as how many other cases he has undertaken similar actions over his seventeen years of practicing law including:
- a. Issuing investigative subpoenas to defense witnesses without notice to the defense.
 - b. Taking statements of defense witnesses without notice to the defense.
 - c. Intentionally violating 3.220.
 - d. Intentionally violating a court order that parroted 3.220.
 - e. And, perhaps most importantly, does he realize he did something wrong in this case? To the undersigned, this admission is the most important, because based on Mr. Mitchell's actions on 3/11/26, taking yet another

² The concerning part of all of this is that Mr. Mitchell did not seem to think he was doing anything wrong, at least until this Court's order. Then, despite having read the Court's order, he did it again the following day. The undersigned has concerns that this is far from the first case where Mr. Mitchell has practiced this kind of law. The undersigned also believes that young prosecutors are observing that there are no consequences for bad actors in Walton County.

recorded statement without notice to the defense, the concept seems to be foreign.

23. The undersigned was perhaps the most disturbed by the curt invitation to file a motion when she wrote Mr. Mitchell an email to explain why taking surreptitious statements from defense witnesses was wrong.

24. After receiving the Emergency Motion to Quash on 3/10/26, he continued taking an hourlong statement from Suzanne Harris.

25. After receiving this Court's order in the evening of 3/10/26, he took another recorded statement from defense witness Suzanne Harris without notice to the defense on 3/11/26.

26. This requires some action by the Court in order to curb this behavior, determine whether similar behavior has happened in the past without consequence (which the undersigned suspects given the statements made by Mr. Mitchell), and to apply consequences to discourage similar behavior in other young attorneys who may have learned at Mr. Mitchell's knee that this is the appropriate way to practice law as a prosecutor.

27. It is also truly shocking that Mr. Mitchell would continue doing the same thing after receiving the Court's well-reasoned order.

28. The undersigned apologizes for any errors made herein-- she believes Mr. Mitchell will continue taking recorded "voluntary" statements from listed defense witnesses without a firm order to stop.

WHEREFORE the undersigned respectfully requests that this Honorable Court issue an ORDER to ASA Josh Mitchell that he is not to take another sworn statement in this case without notice to the defense (although that should have been obvious from the Court's first Order) and to set this Motion for Order to Show Cause on the April 7, 2026, docket.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-filing to the Office of the State Attorney, SAO2 leon@leoncountyfl.gov, this 12th day of March, 2026.

/s/Kathleen M. Bogenschutz
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