

IN THE CIRCUIT COURT OF THE
FIRST JUDICIAL CIRCUIT, IN AND FOR
WALTON COUNTY, FLORIDA

CASE NO.: 25CF123
FELONY

STATE OF FLORIDA,
Plaintiff,

v.

JOSEPH TURNER,
Defendant,

**DEFENDANT'S MOTION TO COMPEL DISCOVERY AND/OR BRADY INFORMATION
AND MOTION FOR SUBPOENA DUCES TECUM**

COMES NOW the Defendant, JOSEPH TURNER, by and through his undersigned Counsel and moves this Honorable Court to Enter an Order Compelling the Office of the State Attorney to furnish additional discovery pursuant to Fl. R. Cr. P. 3.220, including that which may fall under the umbrella of Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), and their progeny and would show for Cause as follows:

Factual Recitation

1. The Defendant and his (for lack of a better term) codefendant¹ were charged with one (1) Count of Interception of Oral or Wire Communications and one (1) Count

¹ Robertson 25CF122 and Turner 25CF123 are not true codefendants, as they are not charged in the same information, but their case numbers are consecutive and they are charged with the same offenses on the same dates and their report(s) contain the same facts.

of "Offenses against Users of Computers, Computer systems, Computer Networks, and Electronic Devices."

2. At the time that these acts occurred, Joseph Turner was an Assistant County Administrator in Walton County and Quinn Robertson was the County Administrator of Walton County, Florida.
3. The State's case is predicated on Charles Galloway, a former employee of the County, having sync'd his personal iCloud account with an iPad owned by the County.
4. Upon leaving the employ of the County, Galloway never logged out of the iPad.
5. On an Apple device, messages and photos will continue to sync in real time to the other devices associated with these accounts.
6. In this case, all of Galloway's personal messages, photos, and videos, some containing adult nudes, were being shared on this County-owned device.
7. Approximately one year after Galloway left the employ of the County, Jason Cook, the IT Director, assigned the iPad (an asset of Walton County) to a new employee.
8. When that new employee attempted to use the iPad, he found that Charles Galloway was still logged in to it and that he was unable to use it while Galloway's account was logged in.
9. Jason Cook contacted Galloway directly at least three (3) times in writing to tell him to log out of the iPad and that Galloway's personal messages, photos, and videos were being sync'd in real time to this iPad.
10. During his deposition, Cook testified that Galloway could easily log out of the iPad via his cellular phone.

11. In his statement to a WCSO investigator, Galloway was afraid that asking him to log out was a "set up" for some reason and decided not to do it.
12. Jason Cook, when checking to see if Galloway had complied with his requests, saw Galloway, then a private citizen, talking to a county employee, Theresa Lowery, who was using her personal phone on iMessage.
13. Because some of the messages specifically mentioned the then-County Administrator, Quinn Robertson, and arguably concerned county business, Cook gave the iPad to Robertson and drew his attention to the messages mentioning him.
14. Robertson, the then-County Administrator and Joseph Turner, a then-Assistant County Administrator, are accused of reading the iMessages of Charles Galloway, messages Galloway had sync'd to a County-owned device of his own free will, and messages he was informed were still being transmitted to that device in real time at least three times in writing.
15. The Walton County Employment Manual states that there is no right to privacy in any County-owned electronic device and states that any messages on those devices may be reviewed for public records; despite this, Turner and Robertson were charged with felonies.
16. Charles Galloway was on notice that his messages were sync'ing to this device by virtue of the device showing up on his computer and phone, and was also on notice because he was told three (3) times by Jason Cook that all of his photos, videos, and messages were able to be seen and read on the iPad.

17. This case turns on whether Galloway had a reasonable expectation of privacy on a County-owned iPad that he had sync'd to his Apple account, when he was repeatedly warned in writing that the messages, photos, and videos were appearing by Jason Cook and failed to log out, in an organization that explicitly tells its employees that they have no expectation of privacy on county devices.

18. Even Galloway agreed, answering the last question of his deposition taken October 27, 2025, (90:15-17), "I'm realizing I'm probably wrong on that, that I guess I should not have expected to have privacy."

19. Despite all of the above, Quinn Robertson and Joseph Turner were charged in a unilateral decision by the assigned Assistant State Attorney, and remain charged weeks after Galloway made that statement in the presence of ASA Mitchell.

I. **Communication from Riddick to ASA Mitchell that the case should not be filed.**

20. During his deposition, Inv. Riddick stated that when he spoke with the ASA on this case, Josh Mitchell, prior to the case being filed, he (Riddick) told him (Mitchell) that the case wasn't going anywhere (Transcript of Deposition of Inv. Keith Riddick, TR 39:4-39:25).

BOGENSCHUTZ: Okay. So based off our conversation here today, you kind of expected this to be no-info'd, right?

RIDDICK: Yes, ma'am. No two ways about it. I even told—honestly, I told Mr. Mitchell that I didn't see it going anywhere. And I know we talked about it here, but I did not see it going anywhere. I thought it had been dealt with, you know, sufficiently, in my humble opinion. Actually, let me throw that in there because it's a piece of my mind.

BOGENSCHUTZ: Yeah, you're not a judge, you're not a prosecutor.

RIDDICK: I'm not a judge, I'm not a prosecutor. I don't have to deal with what they do. But I've also—I've worked enough cases in my years that I

know that those that are prosecute-worthy, I guess I should say, and I just—you know, other than the fact that Walton County had, you know, got them admitting to, you know, what they had all done, that, you know, I had no feelings on that either way. I just didn't think it would go this far. There's no—you know, I'm not going to deny that.

21. If Riddick's statement about (and he stated with certainty that he said it) the case not going anywhere, meaning it should not have been filed, is untrue, ASA Mitchell needs to list himself as an impeachment witness, transfer the case to another prosecutor, and possibly request an executive assignment of the case to another circuit.

22. If the statement is true, the undersigned is not in receipt of a *Brady* disclosure from the Office of the State Attorney and requests that this Court inquire as to why this has not been disclosed since the date that ASA Josh Mitchell unilaterally signed a direct *capias*.

II. **Brady information regarding Charles Galloway publicly disseminating lies about the investigation.**

23. Riddick also knew about Charles Galloway disseminating false information on this case, specifically Galloway emailed a large listserv last summer (2024) that Riddick had told him (Galloway) that both Turner and Robertson would be pleading guilty to felonies. (TR 46:4-48:25)

BOGENSCHUTZ: Okay. During your, I guess, conversation with [Charles Galloway] did you ever—well, I mean, so the summer of 2024, these guys have not been charged yet, right?

RIDDICK: No ma'am. No. What I just said. Yeah.

BOGENSCHUTZ: Yeah you hadn't presented anything to the State Attorney's Office, you hadn't concluded an investigation, anything like that?
RIDDICK: No ma'am.

BOGENSCHUTZ: Any idea why he would be writing that you told him that both of these guys were going to plead guilty to two felonies?

RIDDICK: I recall that e-mail, and it was also on one of his—one of his vlogs, his video logs.

BOGENSCHUTZ: Yeah.

RIDDICK: And I would never tell anyone that. I actually brought that up to my supervisor at the time. Because, actually, at the time, my supervisor was the other one who sat in on the interview with me. And we do not—I had never told him that.

BOGENSCHUTZ: So somebody else was present, I guess, during—

RIDDICK: Yeah.

BOGENSCHUTZ: --the time frame before you hit record and the time frame after you hit record.

RIDDICK: Yes ma'am.

BOGENSCHUTZ: So that he or she should be able to say, no he didn't just off the record give him this explanation?

RIDDICK: I can tell you it never happened, ma'am. When I sa that, I was not happy. I didn't do anything about it because I just chalked it up to Mr. Galloway.

BOGENSCHUTZ: Did you tell Mr. Mitchell about it, that either Mr. Galloway has hallucinated this conversation that I had with him or Mr. Galloway is outright fabricating this conversation I had with him about fact that have to do with this case, even?

RIDDICK: No, I did not talk to Mr. Mitchell about it. Like I said, you can look at his vlogs and all that, and you can assume the same thing that I do. He likes to talk.

BOGENSCHUTZ: Well, what I'm saying is that this isn't like me telling my child that Santa Claus is coming down the chimney and everybody knows that we're all like, you know, winking and nod that this is not—you know, nobody's ever going to ask me—don't perjure my—I'm never going to be accused of perjury for that. But this is like something that an investigator told me about this specific investigation that he's lying about.

RIDDICK: No, but I didn't see any reason to bring it up to Mr. Mitchell. I don't think I talked to him about it. But it just—you know, Mr. Galloway, as you said, may have some issues.

BOGENSCHUTZ: Well, I mean, if he's—so given the fact that Mr. Mitchell filed a case based on Mr. Galloway's, I guess, statements or truthfulness that rely on what he said to be true, you don't feel like you need to say, hey, he's told some demonstrative falsehoods about this case. Now, he could be completely insane, and that's a different kind of untruthfulness, but, you know, like we've got—we've got issues, man, with this guy's credibility.

RIDDICK: No, I didn't—like I said, I did not discuss that with anybody other than my boss. And actually, I think I got it from—somebody may have sent it to me from Walton County, so whatever. But it—yeah, I just let it roll because it's Chaz. You know, Mr. Galloway—or Mr. Mitchell was still doing what he was doing. He didn't even have the case yet. I don't recall mentioning it to him. I may have, but I can't say for sure.

24. Neither defense team has received disclosures of exculpatory or impeaching information on Charles Galloway beyond the videos of his DUI arrest and the publicly-available plea² he took to criminal mischief charges in the days surrounding the decision to charge Robertson and Turner.

25. Either the State was told about their victim, a necessary witness, propounding lies about this investigation publicly, or they found out about it during Galloway's deposition, as the undersigned had discovered this quite by accident during a public records request.

26. Thus, the State was aware that either their lead investigator or their victim was not telling the truth about these statements and has not provided a *Brady* notice to date.

III. FDLE never conducted an investigation of Quinn Robertson or Joseph Turner and the State's filing decision was therefore based on the "cursory" investigation of WCSO.

² Galloway's plea was signed by ASA Mitchell.

27. Later in his deposition, Riddick also stated that he was never tasked with investigating Robertson or Turner, and his only assignment was to investigate Commissioner Donna Johns because she had read the text messages into the record on December 19, 2023. (TR 15:11-16:3).

RIDDICK: Well she read them in December, and I got the case, like I said, February 12. I actually went and picked up the documents and stuff on February 26. So officially it was turned over to us the 12th, but I didn't get a chance to go see Mr. Marthinsen and pick up his reports and stuff until the 26th of February. So, you know, what, three months.

BOGENSCHUTZ: Do you have any idea why it took them from the middle of December until the middle of February to realize that Donna Johns had read these emails over a livestream and that was a good reason to conflict off?

RIDDICK: That's a question you have to ask them, ma'am.

BOGENSCHUTZ: Okay. Do you know if there were any other reasons for them to conflict off?

RIDDICK: Not that I—I mean, the reason I got it was because of Donna Johns.

28. Riddick stated that he thought that the decision to file on the case was related to the to the WCSO investigation, as he never was tasked with investigating Robertson or Turner, despite the WCSO describing their investigation into the matter as "cursory" in their letter requesting FDLE help.

29. Defense requests the State be ordered to turn over any documentation, including notes, that indicate that FDLE was assigned to investigate Robertson and/or Turner, as they would constitute impeaching information.

30. Defense also requests any documentation indicating that FDLE was not assigned to investigate Robertson or Turner, including the notes of the Chief Deputy at

WCSSO who made the request for FDLE to get involved, as this would potentially qualify as exculpatory information.

IV. The then-Acting County Administrator Stan Sunday was permitted to consent to FDLE's search of the iPad in this case, but the State apparently believes that Robertson, when he was County Administrator, was unable to consent to himself or his assistant, Joe Turner, searching the iPad.

31. When FDLE took custody of the iPad in this case, the agency requested a consent to search be executed.

32. The person FDLE used as having authority to consent to the search of the iPad was Stan Sunday, who, at the time he signed the consent to search form, was the County Administrator, having taken over the position at the time Quinn Robertson was fired.

33. During his deposition, Inv. Riddick was asked by the undersigned about how and why the current acting County Administrator could consent to searching the entire iPad if his position was that the former County Administrator, Quinn Robertson, illegally read through the messages on the iPad and illegally consented to Joseph Turner doing so as well.

34. Riddick attempted to tell the undersigned that perhaps Robertson would have had the right to permit others to look at it but not look at himself.

35. When confronted with why the County Administrator would be able to permit others to search the iPad but was unable to issue that permission to himself, the investigator had no answer (TR 34:17-36:3)

BOGENSCHUTZ: If Stan Sunday could authorize you to go through the entire iPad, then why wasn't Quinn Robertson allowed to go through the iPad.

RIDDICK: I do not know that, ma'am. Well, I was doing it for a criminal investigation, and that's why I have the authority to do it. He didn't go through it. He authorized it. I mean, that would be my argument, is that Mr. Robertson didn't have the authority to review it per se, and neither did Stan, but Stan had the authority to let law enforcement review it for the matter of a criminal investigation. But I see your point.

BOGENSCHUTZ: I mean, are you—is this a legal principle you're talking about that, like maybe I can permit somebody to search Mr. Webster's office, but I'm not allowed to go to Mr. Webster's office?
[crosstalk omitted]

RIDDICK: --A little too broad. This is—this is a county piece of property. I would—you know, I think that's a good argument, actually. I'm just speaking out loud here. Yeah.

BOGENSCHUTZ: A good argument that maybe if you're accepting the county administrator's signature, that the prior county administrator probably had authority to search that entire device if he was allowed to—if his—and I'll try to say this, if his successor county administrator was allowed to sign off on letting FDLE extract the whole device, then certainly Quinn Robertson was allowed to search the entire device and authorize someone else, like Joe Turner, to search the entire device?

RIDDICK: I don't disagree with you.

BOGENSCHUTZ: Why are we here?

RIDDICK: Because the prosecutor filed charges.

36. The Defense respectfully requests that the State be compelled to turn over any and all evidence related to Stan Sunday's signature on the consent to search form.

37. Further, the undersigned requests an order requiring the State to turn over any and any and all information it intends to rely upon (be it facts or law) that support the contention that an acting County Administrator could consent to search a County-owned iPad for FDLE but a different County Administrator can be charged with two felonies for searching the iPad himself and with the help of his assistant.

V. The Unenforced Subpoena Duces Tecum

38. Upon being assigned to the case, the first move of Inv. Riddick was to issue a Subpoena Duces Tecum for a litany of records related to the County.

39. It was eventually signed by the Assistant State Attorney assigned to this case, Josh Mitchell.

40. During his deposition, Inv. Riddick told the defense attorneys that the Board of County Commissioners never responded to Item number three (3) of the subpoena.

41. Item three (3) of the Subpoena Duces Tecum (attached as Ex. 1) requests "Any and all emails in which Walton County government business was conducted by all county commissioners on their personal email addresses for the period: November 1, 2023- December 31, 2023."

42. Testimony regarding the unfulfilled portion of the Subpoena Duces Tecum revealed the following (TR 93:23-96:7).

WEBSTER: Okay. All right. Now, according to your report, on June 18, 2024, you were contacted by a paralegal with Walton County, Kimberly Williams, who works with the Office of the County Attorney. Do you recall that?

RIDDICK: Yes, sir.

WEBSTER: Okay. She provided you the responsive records to 1, 2, and 4 on your subpoena, correct?

RIDDICK: Correct.

WEBSTER: And then at that point, she communicated to you that she was advised to inform you that Mr. Atkinson wanted to discuss this request with you because the county was under some sort of decree with the Court that they weren't supposed to use personal devices for county business, correct?

RIDDICK: Correct.

WEBSTER: All right. And at some point did you hear from Mr. Atkinson?

RIDDICK: He left a voice message. We're playing phone tag.

WEBSTER: All right. And in essence, he informed you on that voicemail, what I just kind of discussed, and he asked you how you expected him to proceed, correct?

RIDDICK: Correct.

WEBSTER: How did you respond?

RIDDICK: I called him back and told him I expected a truthful response from the Board of County Commissioners.

WEBSTER: And as of the time you prepared this investigative summary, the Board of County Commissioners still had not provided the records you subpoenaed under Item Number 3, right?

RIDDICK: Correct.

WEBSTER: Did you ever receive them?

RIDDICK: No, Sir.

WEBSTER: All right. I mean, well, explain why. I mean, this is a subpoena, right?

RIDDICK: No, Sir. I actually called Mr. Mitchell and asked him if we needed to, you know, file a motion or, you know, to get them to answer or anything, and he—again, he said he needed to talk to his people. But when he got back with me, he said they weren't going to do anything with it; that they were just going to leave it like it is, not worry about it, something to that effect.

WEBSTER: You felt like this information was pertinent to your investigation, correct?

RIDDICK: I did, sir.

WEBSTER: All right. So even if you wanted to do an independent investigation, it appears as though you weren't going to be allowed to do one, correct?

RIDDICK: Well, I didn't get this information. I don't know if it was intentional or—I don't know why they didn't answer it, sir, other than the fact, they didn't.

WEBSTER: Have you ever had another case where you've subpoenaed records you thought were relevant to an investigation, the party refused to produce them, and the state attorney said, "Oh, don't worry about it?"

RIDDICK: No, Sir.

43. The Defense hereby requests a subpoena duces tecum that mirrors the language of the Subpoena Duces Tecum in question (attached as Exhibit 1) as to the third (unfulfilled) point.

CONCLUSION

44. The undersigned requests the following:

- a. Any and all *Brady* information related to the comment of Inv. Riddick that the case "wasn't going anywhere" and therefore should not be filed, including information that FDLE was or was not tasked with investigating Robertson or Turner.
- b. Any and all information in possession of the State regarding the veracity of Charles Galloway, including whether other publicly disseminated emails contain similar falsehoods regarding this investigation.
- c. Any and all *Brady* information related to who or which agency actually conducted an thorough investigation of Quinn Robertson and Joseph Turner, as WCSO states they did a "cursory" investigation and FDLE disavows ever being assigned to investigate either defendant, prior to the Office of the State Attorney directing a *capias* or warrant be issued for their arrest(s).

- d. Any and all correspondence between the Office of the State Attorney and Investigator Riddick.
- e. The Court to enforce the unresolved portion of the Subpoena Duces Tecum (attached as exhibit 1) and/or issue a new Subpoena Duces Tecum on behalf of the defense team listing the unresolved portion of the attached Subpoena Duces Tecum

WHEREFORE the undersigned attorney and Defendant respectfully request that this Honorable Court GRANT this Motion to Compel and give the state ten (10) days to comply with its obligations under Fl. R. Cr. P. 3.220, and *Brady v. Maryland* and its progeny, and, if the State indicates there is nothing to turn over, make inquiry as to why. Further, the undersigned respectfully requests that the Court either enforce the subpoena issued by the prosecution in its entirety, or issue another subpoena duces tecum for the outstanding portions on behalf of the defense.

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 18th day of November, 2025.

/s/Kathleen M. Bogenschutz
KATHLEEN M. BOGENSCHUTZ
Fla. Bar No.: 75318
BOGENSCHUTZ PLLC
521 N. Adams Street
Tallahassee, Florida 32301
Telephone No.: 850-273-8327

Exhibit 1:
Subpoena Duces Tecum

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL CIRCUIT, IN AND FOR
WALTON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. EI-14-0196

vs.

IN RE: INVESTIGATION

SUBPOENA DUCES TECUM

THE STATE OF FLORIDA:

TO: Walton County Board of County Commissioners
County Administration
76 N. 6th Street
P.O. Box 1355
DeFuniak Springs, FL 32433

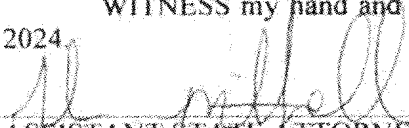
YOU ARE HEREBY COMMANDED to appear before Honorable Ginger Bowden Madden, State Attorney, First Judicial Circuit, 190 W. Government Street, Pensacola, FL 32501. In lieu of appearing please provide the following information:

1. Any and all records/documents/reports/interviews related to any internal investigation of former Walton County employees Quinn M. Robertson and Joseph Turner.
2. Any and all emails sent, or received, by all Walton County Commissioners and former Walton County employees Quinn M. Robertson and Joseph Turner via their county email addresses for the period: November 1, 2023 – December 31, 2023.
3. Any and all emails in which Walton County government business was conducted by all county commissioners on their personal email addresses for the period: November 1, 2023 – December 31, 2023.
4. Any and all texts, mms, or other forms of communications in which Walton County government business was conducted by all county commissioners on their county issued or personal cellular telephones for the period: November 1, 2023 – December 31, 2023.

Pursuant to an official criminal investigation of a suspected felony you are not to disclose the existence of this request. "Any such disclosure could result in the obstruction or impeding of the investigation thereby interfering with the enforcement of the law."

You are subpoenaed to appear by the following attorneys and unless excused from this subpoena by these attorneys or the Court, you shall respond to this subpoena as directed.

WITNESS my hand and seal of said Court this 22 day of May, A.D.,
2024


ASSISTANT STATE ATTORNEY
Fla. Bar No. 005636

Please Reply to:

Florida Department of Law Enforcement
Keith B. Riddick, Inspector
PO Box 1489
Tallahassee, FL 32302
850/410-8249 FAX: 850/410-8285

Electronic records can be sent via email at keithriddick@fdle.state.fl.us