

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 EMERGENCY MOTION TO QUASH INVESTIGATIVE SUBPOENAS
AS IMPROPERLY CIRCUMVENTING DISCOVERY RULES AND MOTION TO
COMPEL**

COMES NOW the Defendant, Joseph James Turner, by and through his undersigned Counsel and moves this Honorable Court for an Emergency Order Quashing all pending investigative subpoenas issued to any persons listed as defense witnesses pursuant to Florida Rule of Criminal Procedure 3.220(d)(1)(a) and would show for Cause as follows:

1. The Defendant filed a witness list on March 2, 2026, that did not simply list "any and all State's Witnesses," but surgically identified the witnesses that the undersigned believed could reasonably be called during a Defense case in chief (or recalled should the State make an objection that Defense questions were outside the scope of direct examination)(Ex. A, attached).
2. During the pendency of this case, the undersigned has come into possession of an email trail via one of her many public records requests that indicated that the

ASA currently assigned to this case thought that the charges in this case were misdemeanors when he filed them. (Ex. B, attached)

3. This suggests a lack of due diligence on his part, perhaps as egregious as failing to read the statutes in question, both of which are identified as felonies in the text, and a failure to read the Information which likewise identifies both as felonies.
4. Prior to that admission, the undersigned had a phone conversation with ASA Mitchell during the Summer of 2025, in which Mitchell admitted that Count II was probably not going to be viable, as it was undisputed both defendants were employees of the organization that owned the computer network they are accused of trespassing into.
5. The undersigned then sent Mitchell the litany of case law indicating that criminal charges are inappropriate against an employee of a listed victim organization, in this case, Walton County. (Ex. C.)
6. It is undisputed that both Robertson and Turner were employees of Walton County at the time of the alleged acts leading to these charges.
7. Despite that discussion over the summer, Count II remains pending.
8. As the case has moved forward, the defense learned that the Walton County Sheriff's Office described their work as a "cursory" investigation in a letter requesting FDLE take over the case and investigate further.
9. The FDLE agent stated on the record that he never told ASA Mitchell there was PC to arrest (or that there was a reasonable likelihood of conviction), and that he, Agent Riddick, had never even investigated Quinn Robertson or Joseph Turner, just County Commissioner Donna Johns.

10. FDLE Agent Riddick stated this under oath during his November 4, 2025, deposition.
11. Four months later, despite the main witness asserting that he probably didn't have a subjective reasonable expectation of privacy in an iPad owned by the County under oath during his deposition and the FDLE agent essentially stating that he did not believe charges were appropriate in this case, charges remain pending.
12. It was under the above-described "mushroom cloud" of facts that the undersigned decided to put together a witness list of persons she might reasonably call as witnesses during trial, as it seemed apparent that the Office of the State Attorney had no intention of acting to drop the charges.
13. It should be noted in this case that both defendants were offered diversion, a deal wherein the charges would eventually be dropped and both rejected that offer, unequivocally maintaining their innocence and the fact that this was a politically motivated prosecution.¹
14. The undersigned researched the issue and did not simply list "any and all" state witnesses, but surgically selected the witnesses that she might reasonably decide to call (or re-call, if she has questions outside the scope of the State's direct examination) during her case in chief should the case proceed to trial.
15. The undersigned also reminded the State in that witness list, filed March 2, 2026, that once witnesses were listed by the defense, any subpoenas sent by the State

¹ It should also be noted that the successor County Administrator to Robertson, Stan Sunday, was the only person who signed the consent to search form for the iPad in question, which was accepted by FDLE and relied upon to fully extract all data in the iPad. Neither Lowery nor Galloway signed a consent to search form because "it wasn't their iPad," in the words of Agent Riddick during his deposition.

should be treated as depositions, as the undersigned (apparently correctly) thought Mitchell may be unfamiliar with this portion of the rule. (Ex. D)

16. On March 9, 2026, a week after filing that witness list, the undersigned learned that ASA Mitchell had subpoenaed County Commissioner Donna Johns, who was on the witness list filed by the undersigned a week earlier, to his office that day to take a sworn statement from her pursuant to an investigative subpoena, without notice to the undersigned.

17. The undersigned has now heard that other witnesses she has listed were subpoenaed to the Office of the State Attorney but does not know if they attended, rescheduled, or were interviewed in contravention of Fl. R. Cr. P. 3.220(d)(1)(a).

18. For example, Alan Osborne has posted a lengthy Youtube video regarding this sudden concern with due diligence late in the game.

19. The undersigned believes that she probably has grounds to list Mitchell as a fact witness in a portion of a Motion to Dismiss for government misconduct in order to testify to the following:

- a. Whether FDLE Agent Riddick told him "the case wasn't going anywhere" meaning that no charges were appropriate.
- b. The lack of any legal research, possibly as egregious a failure to even read the actual statutes charged in totality, as the statutes themselves list that they are felonies, not misdemeanors. It should also be noted that they were identified as felonies in the Information that Mr. Mitchell signed in pen (as opposed to an e-signature) as well.

- c. A statement Mitchell made to the undersigned in the hallway that the SAO's "hands were tied" because "FDLE said they had probable cause."²
- d. Whether the FDLE agent told Mitchell in person that "the case wasn't going anywhere," meaning that it should not be filed.
- e. A statement Mitchell made to the undersigned and Counsel for Robertson after Charles Galloway, the person whose messages were allegedly intercepted, admitted that he probably didn't have a subjective reasonable expectation of privacy in a county-owned device in a deposition to the effect of, "We are trying to figure out if a crime was committed here." This, of course, only further underscores the lack of investigation prior to filing this case.
- f. Whether Mitchell had read a single case interpreting Count II prior to charging it, as all relevant case law the undersigned has found on Count II relates to the lack of propriety of criminal charges when the trespass is into an employer's computer system by an employee. It is undisputed that both Robertson and Turner were employees of Walton County and Walton County is listed in the Information as the "victim" of this trespass.

² A younger version of the undersigned, who was a prosecutor for approximately twelve (12) years in two (2) different Florida circuits, would have immediately corrected ASA Mitchell that a prosecutor must only file cases wherein he or she has a reasonable likelihood of conviction, a standard higher than the probable cause standard that Mitchell apparently cited as his own standard for filing cases, which is another problem for the Office of the State Attorney. The more seasoned version of the undersigned simply made a note of that troubling statement and told Counsel for Robertson about the conversation the same day as she drove back from court in Walton County, as she was covering for both attorneys in court that day.

g. Whether Mitchell realized that threatening to file every opening of the county-owned iPad as a separate charge could be seen as a vindictive decision after the filing of motions."³

20. Because the undersigned was not given notice of these interviews, the Office of the State Attorney is in violation of rule 3.220 in that it compelled the attendance of at least one Defense witness and took a sworn statement from her without notice to the Defense as required.

21. Until the undersigned determines the scope of the violation of the rules by the Office of the State Attorney, including how many statements were taken and from how many people, the undersigned will hold off on suggesting appropriate sanctions.

22. The undersigned suggests that work product must be waived to determine whether this was a negligent violation (failing to read through filings the week previous to the case) or an intentional violation, which may lead to a motion to dismiss for prosecutorial misconduct.

23. The undersigned reached out to ASA Mitchell to inquire if he had actually done what she had been told he'd done midafternoon on March 9, 2025, and whether he objected to her emergency motion to quash any remaining subpoenas. She was told he planned to announce ready on both counts at the next court date and ask for a May trial date despite having not turned over any of the statements he

³ During the deposition of Undersheriff Donnie Clark, Mitchell admitted that he had planned or discussed adding one charge per alleged entry into the county-owned iPad by the County Administrator and a deputy County Administrator. This would have added tens if not hundreds of counts to the Information with no change in the facts other than the undersigned and Counsel for Defendant Robertson mounting a vigorous defense, and engaging in discovery and motion practice. Further, Mitchell relies upon the consent to search of the successor County Administrator, Stan Sunday, who took over for Robertson, in order to extract the entire contents of the iPad.

had taken from the witnesses he deposed in contravention of Fl. R. Cr. P. 3.220(d)(1)(a).

WHEREFORE the undersigned attorney and Defendant respectfully request that this Honorable Court GRANT this Emergency Motion to Quash any pending investigative subpoenas to witnesses listed by Defendant on March 2, 2026, Compel the Office of the State Attorney to disclose which witnesses were interviewed after March 2, 2026, turn over the contents of these interviews, turn over any notes taken contemporaneous with the interviews, any documents shown to the witness(es) during these interviews, any documents gained by the Office of the State Attorney pursuant to the flurry of investigative subpoenas that have apparently been issued in the past week, any internal communications about those interviews, including communications from the elected State Attorney to Mitchell and any investigators, so that the undersigned can determine how to proceed.

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 10th day of March, 2026.

/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 A

**UNOFFICIAL
DOCUMENT**

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 FOURTH RECIPROCAL DISCOVERY SUBMISSION PURSUANT TO
FL. R. Cr. P. 3.220(d)**

COMES NOW the Defendant, JOSEPH TURNER, by and through his undersigned Counsel and files this Reciprocal Discovery Submission Pursuant to FL. R. Cr. P. 3.220 and gently reminds the prosecutor that under FL. R. Cr. P. 3.220(d)(A) that "When the prosecutor subpoenas a witness whose name has been furnished by the defendant, except for trial subpoenas, the rules applicable to the taking of depositions apply." Herein, the undersigned has listed witnesses she expects to call:

Witnesses (Category A):

Lyn Scott, 106 Walnut Street, Santa Rosa Beach, FL 32459

Clay B. Adkinson, County Attorney, Walton County BCC, 161 East Sloss Ave,
Defuniak Springs, FL 32433

Jason Cook, Administration, Walton County BCC, 76 N. 6th Street, Defuniak
Springs, FL 32433

Charles Galloway, 80 Dogwood Street, Santa Rosa Beach, FL 32459

Danny Glidewell, Commissioner, District 2, Walton County BCC 444 Triple G Road,
Defuniak Springs, FL 32433

Suzanne Harris, 291 Scenic Gulf Drive, Unit 110, Destin, FL 32550

Dede Hinote, 1383 Grant Road, Ponce De Leon, FL 32455

Donna Johns, Commissioner, District 4, Walton County BCC, 12671 Emerald
Coast Parkway, Suite 207, Destin, FL 32550

Mary King, Administration, Walton County BCC, 76 N. 6th Street, Defuniak Springs,
FL 32433

Teresa Byrd Lowery, 190 Hurley Drive, Defuniak Springs, FL 32433

Samuel Alan Osborne, 253 Driftwood Point Road, Santa Rosa Beach, FL 32459

Genara Roop, Office of the County Attorney, Walton County, 161 East Sloss Ave,
Defuniak Springs, FL 32433

Jeremy Rowlands, Administration, Walton County BCC, 76 N. 6th Street, Defuniak
Springs, FL 32433

Stan Sunday, Former-County Administrator, C/O Office of the State Attorney

Luis Negrete FDLE # 1143

Keith B. Riddick 2331 Phillips Road, Tallahassee, FL 32308

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 2nd day of March, 2026.

/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 B

**UNOFFICIAL
DOCUMENT**

Renee Rhein

From: Riddick, Keith <KeithRiddick@fdle.state.fl.us>
Sent: Friday, February 21, 2025 4:11 PM
To: Josh A. Mitchell
Subject: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]Walton County Case

WARNING! This email originated from an outside network. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you. 934.03 or 815.06 I can't remember which is the misdemeanor. lol

From: Josh A. Mitchell <jmitchell@osa1.org>
Sent: Friday, February 21, 2025 5:08 PM
To: Riddick, Keith <KeithRiddick@fdle.state.fl.us>
Subject: Re: [EXTERNAL]RE: [EXTERNAL]Walton County Case

CAUTION: This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.

Filed today

From: Riddick, Keith <KeithRiddick@fdle.state.fl.us>
Sent: Wednesday, February 5, 2025 2:31 PM
To: Josh A. Mitchell <jmitchell@osa1.org>
Subject: [EXTERNAL]RE: [EXTERNAL]Walton County Case

WARNING! This email originated from an outside network. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hey Josh, can you let me know when the filing is done and what charges were filed. I have to do an update in my case file.

Thanks.

Keith

From: Josh A. Mitchell <jmitchell@osa1.org>
Sent: Wednesday, February 5, 2025 1:44 PM
To: Riddick, Keith <KeithRiddick@fdle.state.fl.us>
Cc: Feltgen, Jonathon <JonathonFeltgen@fdle.state.fl.us>
Subject: Re: [EXTERNAL]Walton County Case

CAUTION: This email originated outside of FDLE. Please use caution when opening attachments, clicking links, or responding to this email.

Yes we are going to direct file on the MM charges for each.

From: Riddick, Keith <KeithRiddick@fdle.state.fl.us>
Sent: Tuesday, February 4, 2025 2:23 PM
To: Josh A. Mitchell <jmitchell@osa1.org>
Cc: Feltgen, Jonathon <JonathonFeltgen@fdle.state.fl.us>
Subject: [EXTERNAL]Walton County Case

WARNING! This email originated from an outside network. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Hey Josh, just checking in again to see if there's been a decision on the case involving Turner and Robertson.

Thanks.

Keith

Keith B. Riddick
Inspector
Office of Executive Investigations
Public Corruption Unit
Florida Department of Law Enforcement
2331 Phillips Road, Tallahassee, FL 32308
Phone: 850-410-8249 | Fax: 850-410-8285
Toll Free: 800-905-FDLE (3353)
Email: KeithRiddick@fdle.state.fl.us

UNOFFICIAL
DOCUMENT

Exhibit C

**UNOFFICIAL
DOCUMENT**

From: Kathleen Bogenschutz katie@bogenschutzpllc.com
Subject: Case law
Date: August 18, 2025 at 7:14 PM
To: Josh A. Mitchell jmittell@osa1.org



Good evening Mr. Mitchel:

1 - Umhoefer v State.pdf

2 - Crapps v State.pdf

3 - Willoughby v State.pdf

4 - Rodriguez v State.pdf
191 KB

5 - Briggs v State.pdf

I'm sorry... right after we spoke I found out one of my cases made the front page of the paper, so I had to drop everything and I'm only getting back around to promises I made earlier in the day. I'm including Umhoefer because that's a distinguishing case and so you don't have to go fishing for it. I don't think that really changes the holdings in the other cases, though.

To put a finer point on it, we also have an employee handbook stating there is no reasonable expectation of privacy for any messages on county devices. Then we have the reminder from Cook to Galloway that his messages were syncing with the iPad and Galloway doing nothing about it. Galloway also signed a sworn statement that Turner and Robertson stole a personal iPad of his, too, which was kind of weird (and untrue). We then have Robertson's replacement as the city manager, Stan Sunday, signing a consent to search form for the iPad (and no consent to search signed by Galloway that I've seen).

Part of what would need to be proven is a reasonable expectation of privacy by Galloway and I don't think that syncing your iCloud with a county iPad and then being told it was still synced and if you could please come down and log out (and ignoring that) would impart a reasonable expectation of privacy. I'm also suspecting that he probably signed papers upon taking custody of the iPad and turning it back in that everything on that iPad is subject to review by the higher ups at the County. Just thinking as a former state employee who remembers signing my life away for a tablet, I have a suspicion that there's paperwork where he signed a statement that by virtue of taking possession of it, nothing on that iPad is private.

Kathleen Bogenschutz, Esq.
Bogenschutz PLLC
521 N Adams Street
Tallahassee, FL 32301
katie@bogenschutzpllc.com
www.bogenschutzpllc.com
(850)273-8327

Exhibit D

**UNOFFICIAL
DOCUMENT**



From: Kathleen Bogenschutz katie@bogenschutzpllc.com
Subject: Re: Investigative Subpoenas
Date: March 9, 2026 at 2:47 PM
To: Josh A. Mitchell jmitchell@osa1.org
Cc: Stephen Webster sw@websterandbaptiste.com

Attached please find my witness list of 3-2-26 citing to the Rules of Criminal Procedure. I've included a bit of the case law below in my earlier email. Please let me know if there has been a discovery violation and turn everything over so that I can decide how to proceed.

On Mar 9, 2026, at 2:35 PM, Kathleen Bogenschutz <katie@bogenschutzpllc.com> wrote:

I listed Donna Johns, Alan Osborne, and Suzanne Harris as defense witnesses. I heard you have been interviewing them pursuant to investigative subpoenas without notice to the defense. This is problematic. See State v. Barreiro, 432 So.2d 138 (Fla. 3d DCA 1983). You certainly would have had every ability to subpoena these witnesses prior to the information being filed (as I suspect the elected State Attorney now wishes you had), and interviewing them without notice to me prior to my listing them as witnesses last week, but I do believe that since I've listed them as witnesses, you do not have a right to then circumvent the rules of discovery in taking statements from them without it being a deposition.

Please advise if you have taken statements from any of my listed witnesses (list filed last week) so far and what your position is on a motion to quash. You are free to depose them with me present, by my reading of the rules, but taking statements from them without there being notice to me is no longer permitted. See also Munsell v. Bludworth, 474 So.2d 1286 (Fla. 4th DCA 1985). Feel free to call me if you don't think my reading of this rule (and the "gentle reminder" I included as part of my witness list) are correct statements of the law.

Sincerely,

Kathleen Bogenschutz, Esq.
Bogenschutz PLLC
521 N Adams Street
Tallahassee, FL 32301
katie@bogenschutzpllc.com
www.bogenschutzpllc.com
(850)273-8327

Defense witness list filed 3-2-26
.pdf
132 KB

UNOFFICIAL DOCUMENT