

IN THE CIRCUIT COURT
FOR WALTON COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

v.

JOSEPH JAMES TURNER,
Defendant

Clerk No: 6625CF000123A

Agency No.: EI-14-0196

Charge: 1) PRINCIPAL UNLAWFUL
INTERCEPTION OR ENDEAVOR TO
INTERCEPT A WIRE, ORAL OR
ELECTRONIC COMMUNICATION
2) PRINCIPAL OFFENSES AGAINST
USERS OF COMPUTERS, COMPUTER
SYSTEMS, COMPUTER NETWORKS,
AND ELECTRONIC DEVICES

Division: FEL

RESPONSE TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE

COMES NOW the Office of the State Attorney in and for the First Judicial Circuit of Florida and moves this Honorable Court to DENY with prejudice Defendant's Motion for an Order to Show Cause and states:

1. The defense correctly asserts that on March 2, 2026, the defense listed numerous defense witnesses which the State had previously listed as State witnesses.
2. The State agrees that the defense used the language "gentle reminder" in their pleading. It should be noted this "gentle reminder" had not previously been used when the defense listed their sole defense witness in the preceding 11 plus months of discovery.
3. This Statement by the defense is correct. The State did in fact issue investigative subpoenas.

4. Undersigned assumes the undersigned is the "He" referred to in the motion, if so, that is correct. The State did in fact take a statement from Donna Johns on Friday March 6, 2026, pursuant to a lawfully issued investigative subpoena.
5. The State agrees that the defense sent an email which is attached below. Defense is incorrect in believing: 1) that the State was not allowed to issue investigative subpoenas and 2) that the Defense was owed an apology.

EXTERNAL (Re: EXTERNAL)(Re: EXTERNAL)(Re: EXTERNAL)(Re: Investigative Subpoenas)

Good morning,

- 1. I am Amy, a public defender based in St. Petersburg.
- 2. I am currently representing the State in the case of Donna Johns, who was arrested for possession of a controlled substance.
- 3. The State did not take a statement from Donna Johns on Friday, March 6, 2026, pursuant to a lawfully issued investigative subpoena.

Thanks,

Amy

From: Kathleen Bogenschultz, Esq. [mailto:kbogenschultz@flcourts.com]
 Sent: Monday, March 9, 2026, 11:17 AM
 To: Donna A. Johns <donnajohns@flcourts.com>
 Cc: Kathleen Bogenschultz, Esq. [mailto:kbogenschultz@flcourts.com]
 Subject: RE: INVESTIGATIVE SUBPOENAS

WARNING: This email and any attachments are UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). Do not disseminate, distribute, or release this information to the public.

As a state employee, you are subject to the Rules of Judicial Administration. For a complete list of the rules, please refer to the Florida Judicial Branch website. Please let me know if there has been a disciplinary violation and how we can help you to prevent it.

On Wed, 10/20/2026, 11:17 AM, Kathleen Bogenschultz, Esq. [mailto:kbogenschultz@flcourts.com] wrote:

I am writing to you, Donna, and to inform you of the defense's response to the subpoena. The defense has requested that the subpoena be withdrawn. This is a preliminary response. The State has 10 days to respond to the subpoena. I am writing to you to inform you of the defense's request. I am writing to you to inform you of the defense's request. I am writing to you to inform you of the defense's request.

Please do not take any action on this matter until you have received a subpoena. If you have received a subpoena, please contact the State's Office of the State Attorney. If you have received a subpoena, please contact the State's Office of the State Attorney. If you have received a subpoena, please contact the State's Office of the State Attorney.

Thanks,

Kathleen Bogenschultz, Esq.
 Bogenschultz PLLC
 311 N. Alameda Street
 St. Petersburg, FL 33701
 kbogenschultz@flcourts.com
 www.flcourts.com
 (813) 271-1111

6. The State agrees that an email was sent. See above.
7. The State agrees that the State sent the response in the email above.
8. The State agrees that the Defense filed an emergency motion to quash the investigative subpoenas and that said motion was granted by this Honorable Court.
9. The State agrees that the Court cited the Florida Rules of Criminal Procedure in the order provided to the parties.

10. The State acknowledges it read the Court's order, as it always does.

However, the order was not read until Wednesday the 11th of March at approximately 8:45 central time when provided a copy by office staff.

11. The State did in fact provide amended discovery as it is required to on March 11, 2026. The discovery included two statements pursuant to lawful investigative subpoenas, both of which occurred prior to the Court order and one recorded phone conversation with Suzanne Harris after said order; along with two emails: one from Ms. Donna Johns and one from Mrs. Suzanne Harris.

12. The State agrees there is absolutely no problem with the State talking to a witness regardless of whether it was listed as a defense witness or not, so long as they are not under subpoena.

13. The State alleges the Court shall determine the Rules of Criminal Procedure not the defense.

14. The State agrees that a phone call with Suzanne Harris was not a mistake. The State called her after receiving an email requesting such. See below. In fact, Mrs. Harris's attorney was on the call as well. As stated by the defense it was recorded and may be provided to the Court if needed.

[EXTERNAL]Suzanne Harris

sharid07 (sharid07@helscourtnet)
To: Josh A. Mitchell

File Reply Reply All Forward Print Delete

WARNING: This email originated from an outside network. DO NOT CLICK links or attachments unless you recognize the sender. All links in this email are safe.

Please call me @ 503 3022

Reply Forward

15. The State disagrees that the Court's order was lengthy or that it disregarded said order.
16. The undersigned agrees that the statements that undersigned has been an attorney longer than a year and sworn in nearly 18 years ago are factual.
17. The State agrees that the Court shall determine if consequences are required, but denies any rules were flouted.
18. The State agrees the undersigned is the office supervisor.
19. The State is aware of an email that the defense sent to my superiors. It can be provided if necessary.
20. The State agrees that an email was sent and that the Defense has not received a response. The State has learned based upon prior interactions with Defense counsel that words get twisted or pulled out of context and then placed in a footnote in a motion for Defense's benefit, regardless of the context or even the accuracy of the statement. Given the defense antics in this case, the State is inclined to keep responses to the record.
21. Undersigned has no issue with explaining any actions in Court, should the Court require it, and the State believes this should go both ways.
22. Undersigned knows the defense listed numerous questions that it would like answered and the State has some questions as well. The defense has stated in footnote 2 "that young prosecutors are observing that there are no consequences for bad actors in Walton County " and the undersigned agrees allowing the Defense to file semi factual statements and/or motions in an

effort to mislead the Court will show all members of the Florida Bar that there are no repercussions if not addressed.

23. As previously stated, given the defense antics in this case, the State is inclined to keep responses to the record. As such, any responses deemed necessary will be short or as defense termed it "curt".
24. The undersigned agrees that *prior to any order being issued by this Court* the State began an interview pursuant to a lawful investigative subpoena.
25. The State agrees. See paragraph 14.
26. The State agrees there should be some action by the Court, however what that includes and who it is against should be determined by the Court after all the facts are presented and known.
27. The Defense is misadvised of the law.
28. While the Defense paints a very disturbing picture, the Court must look at all the facts. However, what the defense attempts to do is mislead the Court by only including part of what transpired.
29. The Defense fails to disclose to the Court the part where the State issued investigative subpoenas of State's witnesses on the morning of March 2, 2026. The Defense would like the Court to believe that within five (5) hours of issuing the subpoenas, which the Defense claims to have no knowledge of, they listed some of the very same persons subpoenaed for investigation with a "gentle reminder". Why issue a gentle reminder that the State cannot speak to defense witnesses unless you already knew the State had issued

investigative subpoenas? The gentle reminder was visibly absent from the sole witness listed by the Defense in the previous 11 months.

30. Additionally, Florida Rule of Criminal Procedure 3.220 (i) states:

(i) Investigations Not to Be Impeded. Except as is otherwise provided as to matters not subject to disclosure or restricted by protective orders, neither the counsel for the parties nor other prosecution or defense personnel may advise persons having relevant material or information, except the defendant, to refrain from discussing the case with opposing counsel or showing opposing counsel any relevant material, *nor may they otherwise impede opposing counsel's investigation of the case . Emphasis Added*

31. In light of 3.220 (i) the Court should consider the reasoning for the Defense's sudden addition of witnesses. Especially considering, the State charged defendant by Information for illegally obtaining text messages from a county owned ipad, and for the last 11 plus months the Defense has continually put forth a defense of, not that it did not happen, but rather, that the Defendant was acting in the course of his duties. The Defense should be required to provide sufficient evidence to the Court, in camera if need be, as to how: a civilian witness, Suzanne Harris, not employed by the County, Donna Johns, a sitting county commissioner, Alan Osborne, a civilian not employed by the County, could have any relevant evidence that would aid the defense that the Defendant's actions were within the scope of employment. If the Defense cannot put forth a satisfactory explanation to the Court, then sanctions should be issued for the Defense trying to pervert justice.

32. The Court is required to begin its analysis with the basic premise stated in *Scipio v. State*, 928 So 2d 1138 (Fla. 2006) "This Court has consistently held that Florida's criminal discovery rules are designed to prevent surprise by either the prosecution or the defense. Their purpose is to facilitate a truthful fact-finding process."
33. In *Penalver v. State*, 926 So.2d 1130 (Fla. 2006) the Court stated "it is a longstanding principle that witnesses in a criminal prosecution are not the property of the State or the defense. Both sides have an equal right and should have an equal opportunity to interview and talk to witnesses."
34. Additionally, either party may talk to a witness even during the middle of a trial. It is undisputed that an attorney may talk to a witness about the testimony the witness will give, and that the witness's credibility should not be challenged on the basis of the discussion. *Kingery v. State*, 523 So.2d.1204; see also Fla. Std.Jury Instr. (Crim) 3.9.
35. What the Defense purports is essentially that once either side lists a witness the witness is off limits and cannot be talked to. However, this is contrary to the rule. If that is the rule, then anytime a defense attorney provided the State a Drop Charge Request from a victim, that would be a violation as they would a be a State witness. Or a defense attorney could list all law enforcement officers to prohibit the State from discussing the case with them. In fact, counsel for the other defendant in this case Mr. Stephen Webster, according to Suzanne Harris, had a phone call with Mrs. Harris who was a state witness - that would be a violation of the rule under the Defense's

mistaken belief. Undersigned wants to emphasize that the State does not believe there was anything improperly done by Mr. Webster in phoning and/or interviewing Mrs. Harris.

36. Defense, in their own email, lays out that the State had the right to issue investigative subpoenas but wrongly believes that merely listing them subsequently as defense witnesses prohibits the State from carrying out said interviews. If that were the case, a vast majority of investigative subpoenas would become null and void as the defense would merely list those who had been issued an investigative subpoena as a defense witness – such as was done in this case in an effort to flout justice.

37. While undersigned does believe that the Defendant is entitled to a defense and had the Defense listed said witnesses in the 11 plus prior months, the State would have been barred from issuing an investigative subpoena to the witnesses. Undersigned suspects the Defendant now wishes hired counsel had previously listed them as defense witnesses to thwart the truth from coming out. But merely adding names to the defense witness list after investigative subpoenas are issued will not prohibit the State from investigating.

Wherefore the State requests this Honorable Court to DENY defendant's Motion for an Order to Show Cause; request this Court to determine the validity of the Defense issuing a witness list only after the State has issued investigative subpoenas; and

determine based on filings if there has been a fraud upon the Court by intentionally omitting any material facts.

/s/ JOSHUA A MITCHELL
JOSHUA A MITCHELL
EMAIL: jmitchell@osa1.org
FLORIDA BAR NO.: 0056386
ASSISTANT STATE ATTORNEY
524A E HWY 90
DEFUNIAK SPRINGS, FL 32435
PHONE: (850) 892-8080

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a copy of the foregoing was delivered to **KATHLEEN M BOGENSCHUTZ**, 521 N. ADAMS STREET, TALLAHASSEE, FL 32301 by mail/electronic delivery, on March 17, 2026.

/s/ JOSHUA A MITCHELL
JOSHUA A MITCHELL
ASSISTANT STATE ATTORNEY