

Details of DUI setup emerge Police texts are evidence against lawyers accused of plot aimed at rival - Police texts are evidence against lawyers accused of plot aimed at rival

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TAMPA — As police waited for lawyer C. Philip Campbell to drive out of Malio's Steakhouse, the head of the DUI squad relayed information about what to expect.

"Are you going to get a call when he leaves the bar?" Officer Joseph Sustek asked Sgt. Raymond Fernandez.

"Yes," Fernandez replied.

"I hope we get him or he doesn't pass out walking to his car," Sustek typed later on a police computer messaging system.

Initially, Campbell was thought to be driving his own black BMW from the Bank of America parking garage in the building where his law firm had an office. But later, Fernandez said Campbell could be driving a gray Nissan from the Malio's valet stand.

Fernandez gave the Nissan's tag number. Then he said Campbell "may live at Skypoint," the condominium just across and up the street from Malio's.

The details continued to pour in.

"This intel is exhausting," Fernandez said. The "intel" was coming from Fernandez's close friend, Adam Filthaut, a lawyer who is now facing possible sanctions from the state Supreme Court amid allegations that he and two law partners, Stephen Diaco and Robert Adams, set up the DUI arrest of Campbell. Campbell at the time was representing Todd "MJ" Schnitt,

a radio show host who was suing shock jock Bubba the Love Sponge Clem, represented by the Diaco and Adams law firm.

The computer messages between Fernandez and officers Timothy McGinnis and Sustek the night of Jan. 23, 2013, were part of the evidence introduced last week in the trial over the lawyers' potential professional punishment, which unfolded even as the FBI is conducting a criminal investigation into the case.

Diaco is not presenting a case. He submitted a petition to the Supreme Court last week asking that his license be revoked, with permission to reapply, which couldn't happen for at least five years. Adams, who testified last week, and Filthaut, who invoked his Fifth Amendment right to silence, are scheduled to present their defense today and Friday.

Last week, Adams and Filthaut's attorney pinned much of the blame on Melissa Personius, their firm's paralegal who was drinking with Campbell that night. They said Personius was merely told to let them know if she saw Campbell drinking, but she went way beyond that. Personius also invoked her right to remain silent last week.

Fernandez, who was later fired from the police department, also asserted the Fifth Amendment last week when called in the lawyer trial. But he has testified before about what happened that night, including in a statement weeks later to the Clearwater-based state attorneys investigating whether Campbell should be prosecuted for DUI.

Prosecutors ultimately declined to bring charges against Campbell because of evidence that he had been set up.

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Campbell, who had a previous DUI arrest, had walked to Malio's that night and says he planned to walk the short trek home.

But as he was closing out his tab, Campbell encountered Personius, who lied to Campbell about where she worked. Personius, with her own previous DUI arrest, had a suspended license, but drove that night in her mother's car, according to the evidence. Witnesses said she flirted with Campbell, and they bought each other drinks.

All the while, according to evidence in the trial, she was texting and calling her bosses at the law firm, relaying information, which was passed along to Filthaut, who was sending details to Fernandez.

Fernandez, who exchanged more than 90 text messages with Filthaut that night, told prosecutors Filthaut was giving him updates about Campbell, like, "He's drinking more" and "He's ordering another round of drinks for everybody" and "He's with a bunch of girls."

When it was time to leave, Campbell said, he was worried about Personius driving drunk. He offered to call her a cab and pay for it. But Personius insisted she couldn't leave her car at Malio's. The valet testified Campbell asked and was told they could keep the car overnight.

But Campbell said Personius wanted to move the car to a secure, public lot. Campbell decided to move the car up the street to the lot across from Skypoint.

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When he pulled Personius' Nissan out of Malio's, police were waiting. Fernandez, followed by McGinnis, tailed Campbell up Ashley Drive until Campbell made an improper turn from the right travel lane onto Cass Street.

Fernandez pulled Campbell over, and Campbell lied about having been drinking. Ultimately, he was charged with DUI, and his arrest became big news the next morning in the middle of the shock jock trial.

Fernandez told prosecutors in March 2013 that he was "pretty pissed" when he saw the arrest on the news and the connection to the Schnitt-Clem case. Filthaut, he said, had told him he was doing some work on that case.

He said he remembered calling Filthaut and "chewing him out."

Initially, Fernandez said, he thought Campbell was working on the same side as Filthaut in the case.

"I go, 'Does he work for you guys?'" Fernandez said.

"And he goes, 'No. He doesn't work on my side.'

"And I went, 'Does he work on the other side?'

"He goes, 'Yeah.'

"I went, 'Are you kidding me?'

"He goes, 'No.'

"I go, 'You don't think you should have told me that?'

"Well, Ray, what's the big deal?'

"I said, 'Are you kidding me?' I mean, I really reamed into him."

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