25 CT17756 05630001 P#55

Marcy's Law CVI FL. Const. Art. 1 § 16(b)

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: 1

Juvenile: N

ADMINISTRATIVE

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number
	FLO 5 0 2 6 0 0	PALM BEACH GARDENS POLICE DEPARTMENT	78 - 25-005682

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized / Type: 2 (1. Yes 2. No)

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
NORTHLAKE BLVD/SUNSET DR, PALM BEACH GARDENS, FL, 33410	NORTHLAKE BLVD/KEATING DR, PALM BEACH GARDENS, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle KAUFF'S TOWING AND RECOVERY
11/14/2025	22:18					4701 EAST AVENUE, WPB, FL 33407

DEFENDANT

Name (Last, First, Middle): PELICO VICENTE, GAUDY, EDINSON

Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	09032002	5'06"	183	BROWN	BLACK	MEDIUM	SMALL

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): TATTOO: RIGHT HAND

Marital Status: Single | Religion: OTHER | Indication of: Alcohol Influence ☑ Y ☐ N ☐ Unk. / Drug Influence ☑ Y ☐ N ☐ Unk.

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
621 40TH ST, WEST PALM BEACH, FL 33407	(561) 801-5287	1

Permanent Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
		DRIVER'S LICENSE

Business Address (Name, Street) (City) (State) (Zip)	Phone	Occupation
		CONSTRUCTION

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
P421285023230 FL	[redacted]		GUATEMALA	GT

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Other: Name (Last) (First) (Middle) — Residence Phone

Address (Street, Apt. Number) (City) (State) (Zip) — Business Phone

Notified by: (Name)	Date	Time	Juvenile Disposition 1. Handled/ processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated

Released To: (Name)	Relationship	Date	Time

The above address provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. ☐ Yes, by: (Name) ☐ No: (Reason)

School Attended | Grade

Property Crime? ☐ Yes ☐ No | Description of Property | Value of Property

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Dispense/ Distribute M. Manufacture/ Produce/ Cultivate Z. Other

Drug Type: N. N/A A. Amphetamine B. Barbiturate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetics U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI - BREATH .08 OR ABOVE	1	☐ Y ☑ N	316.193(1)(C)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant I Capias Number	Bond
N	N	N			1,000

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☑ N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☑ N		

Drug Activity	Drug Type	Amount I Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☑ N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court Room Number, Address)

NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700

Court Date and Time: Month DECEMBER Day 17 Year 2025 Time 10:00 AM ☒ PM ☐

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS **NOTICE TO APPEAR**, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED

SCANNED — Signature of Defendant (or Juvenile and Parent /Custodian) — Date Signed: 11/14/2025

ADMIN

HOLD for other Agency Name: NOV 15 2025

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Signature of Arresting Officer: x

Name of Arresting Officer (Print): OFC. TREVOR SMIGELSKI I.D. # 596

Name Verification (Printed by Arrestee): NOV 15 AM 1:44 (PRINT)

Witness here if subject signed with an -X"

Intake Deputy: DSP. ROLO25011 I.D. # Pouch #

Transporting Officer: OFC. T. SMIGELSKI ID # 596 Agency PBGPD

PAGE 1 OF 1

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40

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: 1

JUVENILE: N

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 25-005682

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
PELICO VICENTE, GAUDY EDINSON		W	M	09/03/2002

CHARGES

Charge Description	Charge Description
316.193(1)(C) DUI - BREATH .08 OR ABOVE	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
SOCIETY,			

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
10500 N MILITARY TRL, PALM BEACH GARDENS, FL 33410		
Business Address (Name, Street) (City) (State) (Zip)	Phone	Occupation

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and resonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

The Person taken into custody . . .

☐ committed the below acts in my presence.

☐ confessed to _____ admitting to the below facts.

☐ was observed by _____ who told _____ that he/she saw the arrested person committ the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 15 day of November, 2025 at 00:32 (Specifically include facts constituting cause for arrest.)

On Friday, November 14, 2025, at 2209hrs, I, Officer Smigelski (ID 596) responded to the intersection of Northlake Blvd and Sunset Dr, Palm Beach Gardens, FL 33410. This was in reference to a possible impaired driver. My department issued body worn camera was utilized during this investigation.

Prior to my arrival, Officer Luscavich, while on routine patrol, observed a black Ford F-150 (tag number FERL30) fail to stop at the stop sign leaving ABC Liquor located at 4155 Northlake Blvd, Palm Beach Gardens, FL. Ofc. Luscavich then initiated the traffic stop at the intersection of Northlake Blvd and Keating Dr. Ofc. Luscavich observed the vehicle was slow to come to a stop. Upon making contact with the driver and sole occupant, Gaudy Pelico Vicente (DOB 9/3/2002) she observed an open beer bottle, as well as an odor of alcohol. See Ofc. Luscavich's supplemental report for further.

Upon my arrival, I made contact with Pelico Vicente, and observed him having red watery eyes, and slurred speech, as well as a strong odor of alcohol. Pelico Vicente stated that he works in construction and was driving home from the gas station located on Northlake Blvd. I proceeded to explain to him that due to his indicators as well as the open alcohol container in the vehicle that I am requesting that he complete a set of standardized field side sobriety exercises in order to dispel my concern that he may be driving under the influence. Pelico Vicente agreed and proceeded to exit the vehicle.

The first exercise was testing for Horizontal Gauze Nystagmus and the stimulus used was a pen with an illuminated red tip. Both of Pelico Vicente's eyes exhibited a lack of smooth pursuit. When checking for maximum deviation and prior to 45 degrees offset, Pelico Vicente exhibited six indicators total. When testing for Vertical Gauze Nystagmus, he exhibited definite indicators. Pelico Vicente was also observed swaying side to side.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

11/15/25
DATE

SCANNED
NOV 15 2025

RENEE RAGIN
MY COMMISSION # HH 463620
EXPIRES: March 5, 2028

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

SMIGELSKI, TREVOR (596)
NAME OF OFFICER (PLEASE PRINT)

11/15/2025
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

ADMIN

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	1	JUVENILE	N

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 25-005682

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
PELICO VICENTE, GAUDY EDINSON		W	M	09/03/2002

PROBABLE CAUSE STATEMENT

The second exercise was the walk and turn, with a yellow tape line being the stimulus. During the instruction period Pelico Vicente exhibited difficulty maintaining the starting position during the instruction phase. Once the instruction phase was completed, Pelico Vicente stated that he understood the instructions that were given to him. Upon beginning the exercise, Pelico Vicente miscounted his first step as the second step. As he continued, Pelico Vicente stepped off the line during every subsequent step. Upon making the turn, Pelico Vicente did not take a series of small steps in order to turn as he was instructed to do so, instead he took one large step to turn around. Upon his return, Pelico Vicente once again miscounted, by counting his first step as the second step. He also on his return stepped off the line during every step that was taken. Pelico Vicente was observed swaying from side to side during the exercise.

The third exercise was the one leg stand. Upon completing the instruction portion, Pelico Vicente stated that he understood the instructions given to him and he began the exercise. Upon beginning the exercise, Pelico Vicente was observed to be swaying side to side. Pelico Vicente was also observed raising both of his arms to waist height in order to maintain balance. Pelico Vicente also dropped his foot three times during this exercise.

The fourth exercise was the finger to nose. Upon completing the instruction portion, Pelico Vicente stated that he understood the instructions given to him and began the exercise. Pelico Vicente began by failing to touch the pad of his right finger to the tip of his nose and held his finger on his nose until I instructed him to bring it down. He was then instructed to bring his left finger to his nose, to which he failed to touch the pad of his left finger to the tip of his nose. Pelico Vicente proceeded to fail to touch the pad of his right hand to the tip of his nose. He then exhibited the same indicator when instructed to bring his left finger to his nose. Pelico Vicente then failed to touch the pad of his finger to his nose when instructed to bring his left hand to his nose again. During the final command to bring his right finger to his nose, Pelico Vicente failed to touch the tip of his nose with the pad of his right finger.

Based on my observations and the totality of the circumstances to this point, I placed Pelico Vicente under arrest at 2218hrs. While conducting an inventory of the vehicle, an open Corona beer bottle was found in the rear of the center console, the bottle also contained beer and was cold to the touch. Five additional empty Corona bottles were found behind the front passenger seat, all of which were cool to the touch. At the PBSO BAT I conducted a 20-minute observation period of Pelico Vicente noting no issues. I asked Pelico Vicente to provide a breath sample for the purpose of determining its alcohol content, to which he declined and was read Implied Consent at 2303hrs. Pelico Vicente then agreed to provide a sample and at 2309hrs he blew .133 and at 2313hrs he blew .119 these results were obtained about an hour after the initial stop and arrest.

Based on the events of my investigation and the totality of the circumstances, I find

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 117.10)

11/15/25
DATE

NOTARY PUBLIC STATE OF FLORIDA
RENEE RAGIN
MY COMMISSION # HH 463620
EXPIRES: March 5, 2028

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

SMIGELSKI, TREVOR (596)
NAME OF OFFICER (PLEASE PRINT)

11/15/2025
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

ADMIN

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	1	JUVENILE	N

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 25-005682

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
PELICO VICENTE, GAUDY EDINSON		W	M	09/03/2002

PROBABLE CAUSE STATEMENT

probable cause to charge Gaudy Edinson Pelico Vicente with Driving under the Influence Breath .08 or above F.S.S. 316.193(1)(C).

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

11/15/25
DATE

RENEE RAGIN
MY COMMISSION # HH 463620
EXPIRES: March 5, 2028

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

SMIGELSKI, TREVOR (596)
NAME OF OFFICER (PLEASE PRINT)

11/15/2025
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

25-005682

DUI WITNESS LIST

Arresting Officer: OFC. TREVOR SMIGELSKI 596 Email: @pbgfl.gov
Agency Address: 10500 N MILITARY TRL, PBG, FL 33410 Phone: (561) 799-4445
Can Testify To: FACTS OF CASE

Backup Officers: OFC. KATLYN LUSCAVICH
Agency Address: 10500 N MILITARY TRL, PBG, FL 33410 Phone: (561) 799-4445
Can Testify To: FACTS OF THE CASE

Crash Investigator: _____ Email: _____
Agency Address: _____ Phone: _____

Breathalyzer Technician: RAGIN ID: 16877 Agency: PBSO

DRE: _____ ID# _____ Agency Case #: _____
Agency Address: _____ Phone: _____ Email: _____

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

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PALM BEACH GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 25-116212 PBSO Zone: 3-13

Agency Case #: 78-25-005682 Crash Case #:

Incident Information:

Time of Stop/Crash: 2159 Date of Incident: 11/14/2025 Day: FRIDAY

Location of Incident: NORTHLAKE BLVD/KEATING DR, PALM BEACH GARDENS, FL, 33410

Arrest Information:

Time of Arrest: 22:18 Date of Arrest: 11/14/2025 Day: FRIDAY

Location of Arrest: NORTHLAKE BLVD/ SUNSET DR, PALM BEACH GARDENS, FL, 33410

Subject's Name: (L) PELICO VICENTE, (F) GAUDY, (M) EDINSON

DOB: 09/03/2002 Race: W Sex: M Height: 5'06" Weight: 183 Hair BLACK Eye BROWN

Address: 621 40TH ST, WEST PALM BEACH, FL 33407 Phone: (561) 801-5278

DL: P421285023230 ST: FL SSN: [redacted] Division: ROAD PATROL

Arresting Officer Name: OFC. TREVOR SMIGELSKI ID# 596 Agency: PBGPD

☐ **Marcy's Law CVI** FL Const. Art. 1 § 16(b)

Testing Results

1) .133 at 23:09 hrs.
2) .119 at 23:13 hrs.
3) _____ at _____ hrs.
4) _____ at _____ hrs.

☐ Urine Obtained at _____ hrs.
☐ Urine Refused at _____ hrs.

---BAT Use---

BAT Notified:	YES
Arrival Time at BAT:	22:38
Subject Arrest Time:	22:18

Breath Test Operator: 16877 Ragin
PBSO

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TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: Pelico Vicente, Gaudy E.

CASE NUMBER: 25-116212

DATE: Nov 14, 2025

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 23:01

ENDING TIME: 23:20

BREATH TESTS RESULTS: 1) .133 TIME 23:09 A.M.☐ P.M.☒ 2) .119 TIME 23:13 A.M.☐ P.M.☒

3) N/A TIME ------- A.M.☐ P.M.☐ 4) N/A TIME ---------- A.M.☐ P.M.☐

BREATH OPERATOR: R. Ragin #16877

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred, Accent

ATTITUDE: Calm, cooperative

CLOTHING: Blue shorts, pink t-shirt, blue flip-flops

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER:

Eyes are glassy & red
Odor of unknown alcoholic beverage on breath
Subject stated in Q&A he had 2 or 3 beers

COMMENTS:

Arrived at center A/O started 20 minute observation period at 22:38 hrs.

Subject agreed to perform breath test and asked what if he refused to take the test.

A/O read I/C and subject stated he understood I/C.

Subject agreed to take test.

A/O read rights.
Subject stated he understood rights.

A/O conducted Q&A.
Subject answered Q&A.

Tech read breath test results.
Subject acknowledge he understood breath test results.

A/O ask if he was going to sign the DUI citation.
Subject agreed.

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH COUNTY SO
Instrument Serial Number: 80-006240 Software: 8100.27
Date of Test: 11/14/2025

Date of Last Agency Inspection: 11/14/2025
Observation Period Began: 22:38
Subject's Name: GAUDY E PELICO VICENTE DOB: 09/03/2002 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	23:05
Air Blank	0.000	23:05
Control Test	0.081	23:06
Air Blank	0.000	23:07
Subject Sample #1	0.133	23:09
Air Blank	0.000	23:09
Air Blank	0.000	23:11
Subject Sample #2	0.119	23:13
Air Blank	0.000	23:14
Control Test	0.080	23:14
Air Blank	0.000	23:15
Diagnostics Check	OK	23:15

Cylinder Lot: 32324080A2
Exp: 12/05/2026

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I RENEE M RAGIN, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 11/14/25
Signature

Sworn to (or affirmed) before me this 14 day of Nov, 2025

_____ Ofc. T. Smigelski #596
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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PALM BEACH COUNTY
SHERIFF'S OFFICE
SHERIFF RIC L. BRADSHAW

DUI Breath Implied Consent

NOT APPLICABLE WITH VOLUNTARY CONSENT

DEFENDANT'S NAME: Pelico Vicente, Gaudy E. CASE NO: _____

DATE OF ARREST: 11/14/25 TIME OF ARREST: 22:18

I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content.

Will you take the test? YES ✓ NO ___

NOTE: *READ ONLY IF THE ANSWER TO THE ABOVE IS "NO"*

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL. Additionally, if you refuse to take the test I have requested of you, you will be committing a misdemeanor of the SECOND DEGREE if this is your first refusal, in addition to any other penalties which can be imposed by law. If you refuse to take the test I have requested of you, and if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for a refusal to submit to a lawful test of your breath, urine, or blood, your driving privilege will be suspended for a period of eighteen (18) months. Additionally, you will be committing a misdemeanor of the FIRST DEGREE, in addition to any other penalties which can be imposed by law. Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES ✓ NO ___

Do you still refuse to submit to this test? YES ___ NO ✓

NOTE: *IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER LICENSE (CDL), READ THE FOLLOWING, REGARDLESS OF WHETHER THE SUBJECT IS OPERATING A COMMERCIAL MOTOR VEHICLE (CMV)*

In addition, if you hold a Commercial Driver's License (CDL), or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privileges for one year from today. If this is your second refusal, you will be permanently disqualified from operating a Commercial Motor Vehicle (CMV).

Do you understand what I have just read to you? YES ___ NO ___

Do you still refuse to submit to this test? YES ___ NO ___

Date read: 11/14/25 Time read: 23:03 Location read: BAT

LAW ENFORCEMENT OFFICER NAME (printed): Ofc. T. Smigelski ID: 596

LAW ENFORCEMENT OFFICER SIGNATURE: _____

WHITE: STATE ATTY. YELLOW: DHSMV PINK: CENTRAL RECORDS GOLD: JAIL

FORM #0126BR REV 09/25

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SUBJECT: Pelico Vicente, Gaudy E. CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? Yes

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? Liberty

DIRECTION OF TRAVEL? E WHERE DID YOU START? Home

WHAT TIME DID YOU START? 1 or 2 WHAT TIME IS IT NOW? Unknown

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? Escambia

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? Fried Chicken

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Sitting none

HOW MUCH DO YOU WEIGH? 193 HAVE YOU BEEN DRINKING? Yes WHAT? Beer

HOW MUCH? 1-2 WHERE? Home WITH WHOM? himself

WHEN DID YOU HAVE YOUR FIRST DRINK? doesn't know AND YOUR LAST DRINK? doesn't know

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Sipped

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? CONSTRUCTION WHEN DID YOU LAST WORK? 11/14/25

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO WHAT? _____

ARE YOU SICK OR INJURED? NO WHAT'S WRONG? _____

DO YOU LIMP? NO DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY?	NO
GLASS EYE?	NO
FALSE TEETH?	NO
EAR INFECTION?	NO
INNER EAR TROUBLE?	NO
DIABETES?	NO

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? NO

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? NO WHERE? _____

INTERVIEWER: [signature] 556

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Palm Beach County Sheriff's Office

Florida State Statute Exemption Sheet

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(4)(c)	Undercover personnel	
	☐	119.071(2)(e)	Confession	
Public Info. Exemptions	☐	FL Const. Art. I, s. 16(b)(5)	Marsy's Law – victim information shall be redacted. The term "victim" also includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim. The term "victim" does not include the accused (ref. page 99 of the CRTM for additional information)	
	☐	119.071(2)(j)	Home/employment telephone number, home/employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence	
	☐	119.0712(2)	Personal information contained in a motor vehicle record	
	☐	316.650(11)	Driver information contained in a uniform traffic citation	
	☐	119.071(4)(d)2.a.	Home addresses, telephone numbers, dates of birth, and photographs of active/former LE personnel, spouses, and children	
Florida Rules of Judicial Administration 2.420	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers	2,8
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses	
	☐			
	☐			
Other	☐			
	☐			
	☐			
	☐			

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