26CT11228ANB

0570832 #3824

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

OBTS Number

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

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 2 6 0 0	PALM BEACH GARDENS POLICE DEPARTMENT	78 - 78-26-004388

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)
PGA BLVD/BALLENISLES DR, PALM BEACH GARDENS, FL, 33410	PGA BLVD/BALLENISLES DR, PALM BEACH GARDENS, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
09/01/2026	00:57					KAUFF'S TOWING AND RECOVERY 4701 EAST AVENUE, WPB, FL 33407

DEFENDANT

Name (Last, First, Middle): POSCH JR, GREGORY, SCOTT

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	01/15/2000	6'05"	200	BLUE	BROWN	LIGHT	LARGE

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description): SCAR: RIGHT HAND

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

Local Address (Street, Apt. Number) (City) (State) (Zip): 17000 PORTOFINO CIR UNIT 116, PALM BEACH, FL 33418 | Phone: (561) 951-3630 | Residence Type: 1. City 2. County 3. Florida 4. Out of State | 1

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 17000 PORTOFINO CIR UNIT 116, PALM BEACH, FL 33418 | Phone: | Address Source: DRIVER LICENSE

Business Address (Name, Street) (City) (State) (Zip): | Phone: | Occupation: PROJECT MANAGEMENT

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
P200297000150 FL	[redacted]		WELLINGTON, FL	US

CO-DEF

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

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 - NORMAL FACULTIES IMPAIRED	1	☐ Y ☑ N	316.193(1)(A)	

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

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI- FAILURE TO SUBMIT TO DUI TESTING	1	☐ Y ☑ N	316.~~1939(1)(D)~~193(1)(D)	

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

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 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 OCTOBER Day 7 Year 2026 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

Signature of Defendant (or Juvenile and Parent /Custodian) | Date Signed: 09/01/2026

FILED PBC - GUN CLUB 26 SEP 1 AM 9:03

ADMIN

HOLD for other Agency Name: | Signature of Arresting Officer: X | Name Verification (Printed by Arrestee) (PRINT)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other: | Name of Arresting Officer (Print): OFC. TREVOR SMIGELSKI | I.D. #: 596

Intake Deputy: F. Williams 8846 I.D. # | Pouch # | Transporting Officer: OFC. T SMIGELSKI | ID #: 596 | Agency: PBGPD

Witness here if subject signed with an -X-

PAGE 1 OF 1

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PROBABLE CAUSE AFFIDAVIT

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

ADMIN

OBTS Number

Agency ORI Number: FL FL0502600

Agency Name: Palm Beach Gardens Police Department

Agency Report Number: 7 | 8 | 26-004388

Special Notes:

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

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
POSCH, GREGORY SCOTT J		W	M	01/15/2000

CHARGES

Charge Description	Charge Description
316.193(1)(A) DUI - NORMAL FACULTIES IMPAIRED	316.1939(1)(D) DUI - REFUSAL SUBMIT DUI TESTING
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
State Of Florida			

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source

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 1 day of September, 2026 at 03:12 (Specifically include facts constituting cause for arrest.)

On Tuesday, September 1, 2026, at 0038hrs, I, Officer Smigelski (ID 596), responded to the area of PGA Blvd and Fairway Dr, Palm Beach Gardens, FL 33418. This was in reference to a possible impaired driver investigation. My department issued body worn camera was utilized during this investigation.

Prior to my arrival Officer Sanfratillo (ID 470) observed a grey 2016 Nissan Altima (Florida tag: 89BQKS) traveling westbound on PGA Blvd. Officer Sanfratillo observed the vehicle to be driving with its headlights not fully activated. Officer Sanfratillo then conducted a traffic stop on the vehicle. Upon activating his emergency lights Officer Sanfratillo observed the vehicle to be slow to stop. Officer Sanfratillo then made contact with the driver and sole occupant of the vehicle, Gregory Posch (DOC 1/15/2000), who was identified by his Florida driver`s license. During his interaction, Officer Sanfratillo observed Posch to have red watery eyes, slurred speech and an odor of an unknown alcohol. See his supplemental report for further.

Upon my arrival I made contact with Posch, who was still seated in driver`s seat and behind the wheel of the vehicle. Posch stated that he was traveling home from El Comino in West Palm Beach after being with his friend. Posch then stated that he consumed one blood orange margarita about two hours prior. Posch claimed to not be feeling the effects of the alcohol and felt fine. While interacting with Posch, I observed him to have red watery eyes, slurred speech and a strong odor of an unknown alcohol. Due to these indicators I then requested Posch exit the vehicle to perform a set of standardized field side sobriety exercises to dispel my concern that he may be driving under the influence to which he complied.

The first exercise was testing for Horizontal Gauze Nystagmus and the stimulus used was a pen with an illuminated red tip. Upon completing the instructions, Posch stated that she understood the instructions. While checking for lack of smooth pursuit, Posch had to

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

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

09-01-26
DATE

SHARI L. O'NEAL
MY COMMISSION # HH 512128
EXPIRES: June 25, 2028
NOTARY PUBLIC STATE OF FLORIDA

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

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

09/01/2026
DATE

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

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 26-004388

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

Special Notes:

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
POSCH, GREGORY SCOTT J		W	M	01/15/2000

be reminded not to move his head. Posch exhibited a lack of smooth pursuit in both eyes. When checking for maximum deviation and prior to 45 degrees offset, Posch exhibited six indicators total. Posch also failed to follow the stimulus with his eyes during the beginning of this portion of the exercise. When testing for Vertical Gauze Nystagmus, he exhibited slight indicators. It should be noted that due to Posch`s height, I had him sit on the bumper of a marked patrol vehicle so I could administer the exercise.

The second exercise was the walk and turn with yellow tape as the stimulus. Upon completing the instructions, Posch stated that he understood the instructions. Prior to being told to begin, Posch stepped out of the starting position. Upon Posch regaining the starting position, he began the exercise. After completing his first step, Posch stopped and had to be reminded to complete the exercise as instructed. Posch stepped off the line of steps three and six, as well as missing heel to toe on every step. Posch also failed the correct amount steps that were instructed to him and took eleven steps. During the turn portion, Posch stopped and once again had to be reminded to complete the exercise as he was instructed. Posch then made an improper turn and began his return steps on the wrong foot. On his return, Posch stepped off the line on his second step, as well as missing heel to toe on every step. Posch also took twelve steps instead of nine steps as he was instructed.

The third exercise was the one leg stand. Prior to the instruction phase, I asked Posch if he has any medical reasons that prevent him from standing on one foot. Posch stated that he has sprained his ankles multiple times and stated that he does not believe he cannot stand on one foot. Due to this reason, I ended this exercise.

The fourth exercise was the finger to nose. Upon completing the instruction phase, Posch stated that he understood. Prior to being instructed to begin, Posch tiled his head back before being instructed. Posch was then instructed to raise his left hand. Posch failed to bring his left fingertip to his nose and instead raised left hand with the palm open. Posch then had to be instructed to bring his left hand down. He was then instructed to raise his right hand. Posch once again failed to bring his right finger to the tip of his nose and raised his right hand with the palm open. Posch then had to be instructed to lower his right hand. I then instructed Posch to raise his left hand. Once again, he failed to bring his left finger to the tip of his nose and raised his left hand with the palm open. Posch had to be instructed to lower his left hand. He was then instructed to raise his right hand. Posch failed to bring his right finger to the tip of his nose and raised his right hand with the palm open. I then instructed Posch to lower his right hand. Posch was then instructed to raise his right hand again to which he failed to bring his right finger to the tip of his nose. Posch raised his right hand with the palm open. I then instructed him to raise his right hand. Posch failed to bring his right finger to the tip of his nose and raise his right hand with the palm open and had to be instructed to lower his right hand. Posch was then instructed to raise his

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

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

09-01-26
DATE

SHARI L. O'NEAL
MY COMMISSION # HH 512128
EXPIRES: June 25, 2028

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

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

09/01/2026
DATE

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

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

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 26-004388

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

Special Notes:

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
POSCH, GREGORY SCOTT J		W	M	01/15/2000

PROBABLE CAUSE STATEMENT

left hand. He failed to bring his left finger to the tip of his nose and raised his left hand with the palm open. I then instructed Posch to lower his left hand. It should be noted that during the exercise, Posch was observed to be swaying side to side as well as failing to stay in the position as instructed.

The fifth exercise was the Rhomberg Alphabet. Upon completing the instructions, Posch stated that he understood and began the exercise. Posch recited the letters "A through K" as instructed. For letters "L through Z," Posch failed to recite the letters as instructed and recited them at an accelerated pace. It should also be noted that Posch said "And" between "Y and Z."

Based on my observations and the totality of the circumstances to this point, I placed Posch under arrest at 0057hrs. At the PBSO BAT I conducted a 20-minute observation period of Posch noting no issues. I then requested Posch to provide a breath sample for the purpose of determining its alcohol content, to which he refused. At 0146hrs I then informed Posch of implied consent to which he continued to refuse to provide a breath sample.

Based on the events of my investigation and the totality of the circumstances, I find probable cause to charge Gregory Scott Posch Jr with Driving Under the Influence Normal Faculties Impaired F.S.S. 316.193(1)(A), Driving Under the Influence Refusal to Submit to DUI Testing F.S.S. 316.1939(1)(D).

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

L. O'Neal

NOTARY PUBLIC / CLERK OF COURT / OFFICER P.S.S. 117.10

09-01-26

DATE

SHARI L. O'NEAL
MY COMMISSION # HH 512128
EXPIRES: June 25, 2028

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

SMIGELSKI, TREVOR (596)

NAME OF OFFICER (PLEASE PRINT)

09/01/2026

DATE

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

78-26-004388

DUI WITNESS LIST

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

Backup Officers: SANFRATILLO #470 VELASQUEZ #622 OCONNOR #625
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: O'NEAL ID: 6212 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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SUBJECT: Bosch Jr, Gregory Scott CASE NUMBER: 26-004388

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? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

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

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

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

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

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

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:
- EPILEPSY? _____
- GLASS EYE? _____
- FALSE TEETH? _____
- EAR INFECTION? _____
- INNER EAR TROUBLE? _____
- DIABETES? _____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: T. Smigelski 556

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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: Posch, Gregory Scott CASE NO: 26-004388

DATE OF ARREST: 9/1/2026 TIME OF ARREST: 00:57

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: 9/1/2026 Time read: 0146 Location read: _____

LAW ENFORCEMENT OFFICER NAME (printed): T. Smiselsk ID: 556

LAW ENFORCEMENT OFFICER SIGNATURE: _____

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

FORM #0126BR REV 09/25

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PALM BEACH GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 26-090304 PBSO Zone: 3-13

Agency Case #: 78-26-004388 Crash Case #:

Incident Information:

Time of Stop/Crash: 00:30 Date of Incident: 09/01/2026 Day: TUESDAY

Location of Incident: PGA BLVD/BALLENISLES DR, PALM BEACH GARDENS, FL, 33410

Arrest Information:

Time of Arrest: 00:57 Date of Arrest: 09/01/2026 Day: TUESDAY

Location of Arrest: PGA BLVD/BALLENISLES DR, PALM BEACH GARDENS, FL, 33410

Subject's Name: (L) POSCH JR, (F) GREGORY, (M) SCOTT

DOB: 01/15/2000 Race: W Sex: M Height: 6'05" Weight: 200 Hair BROWN Eye BLUE

Address: 17000 PORTOFINO CIR UNIT 116, PALM BEACH, FL 33418 Phone: (561) 951-3630

DL: P200297000150 ST: FL SSN: 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) REFUSED at 0144 hrs.
2) ____ at ____ hrs.
3) ____ at ____ hrs.
4) ____ at ____ hrs.

☐ Urine Obtained at ____ hrs.
☐ Urine Refused at ____ hrs.

---BAT Use---

BAT Notified: YES
Arrival Time at BAT: 0122HRS
Subject Arrest Time: 00:57

Breath Test Operator: S. O'Neal
PBSO

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TESTING FACILITY TASK REPORT

AGENCY: PBG OFC. SMIGELSKI #596

SUBJECT: POSCH JR., GREGORY S.

CASE NUMBER: 26-090304

DATE: 09-01-26

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 01:44 HRS

ENDING TIME: 01:50 HRS

BREATH TESTS RESULTS: 1) R TIME 01:46 A.M. ☒ P.M. ☐ 2) TIME A.M. ☐ P.M. ☐

3) TIME A.M. ☐ P.M. ☐ 4) TIME A.M. ☐ P.M. ☐

REFUSED

BREATH OPERATOR: S.O'NEAL #6212

MAINTENANCE TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLUR

ATTITUDE: CALM, COOPERATIVE, OBNOXIOUS

CLOTHING: SHIRT- NAVY BLUE SHORTS-KHAKI

MEDICAL CONDITIONS: NO, ALLERGIES NONE

MEDICATIONS: NO

OTHER:

EYES: VERY RED, GLASSY
ODOR OF UNKNOWN ALCOHOLIC BEVERAGE

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O SMIGELSKI #596

A/O REQUESTED THE BREATH TEST.

D REFUSED THE BREATH REQUEST.

A/O READ THE IMPLIED CONSENT ON CAMERA TO THE D.

D STATED HE DID NOT UNDERSTAND AND WANTED TO SEE IT IN WRITING.

A/O LET HIM READ THE IMPLIED CONSENT HIMSELF.

D UNDERSTOOD THE I/C AND STILL REFUSED THE BREATH REQUEST.

C/W READ ON CAMERA TO THE D. D PLED THE FIFTH NO Q&A CONDUCTED.

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78-26-004388

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, **OFC. TREVOR SMIGELSKI**, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)
member of **PALM BEACH GARDENS POLICE DEPARTMENT**, and I do swear
(Name of Law Enforcement Agency)
or affirm that on or about the **1** day of **SEPTEMBER**, 20**26**, at **00:57** ☐P.M. ☑A.M.
DRIVER **GREGORY** **SCOTT** **POSCH JR**,
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME
DL # **P200297000150**, state of **FL**, was placed under lawful arrest for
the offense of **DUI - NORMAL FACULTIES IMPAIRED** by **OFC. TREVOR SMIGELSKI** and
(Name of Arresting Officer)
issued citation # **AO0R39E**.

That on or about the **1** day of **SEPTEMBER**, 20**26**, at **0146** ☐P.M. ☑A.M.

in **PALM BEACH** County,

I requested that the driver submit to a **BREATH** test for the purpose of determining its alcohol content. I informed the driver that the refusal to submit to such test would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, and that he or she commits a misdemeanor of the second degree by so refusing. Additionally, I informed the driver that the refusal to submit to such test would result in the suspension of his or her driving privilege for a period of eighteen (18) months if his or her driving privilege had been previously suspended, or if he or she had been previously fined under s. 327.35215, F.S., for refusing to submit to a breath, urine, or blood test, and that he or she commits a misdemeanor of the first degree by so refusing. Nonetheless, the driver refused to submit to the test requested.

Signature of Law Enforcement Officer or Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (s. 117.10, F.S.)

SHARI L. O'NEAL
MY COMMISSION # HH 512128
EXPIRES: June 25, 2028

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 01 day of 09, 20 26, by **OFC. TREVOR SMIGELSKI**, who is personally known to me or who has produced _____ as identification.

Notary Public S. O'Neal

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.

NOT A CERTIFIED COPY

EFFECTIVE OCTOBER 1, 2025

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	Click or tap here to enter text.
	☐	119.071(2)(e)	Confession	Click or tap here to enter text.
	☐	119.071(2)(j)1.e.	Name of a law enforcement officer who, in the course of their duties became a victim, is confidential and exempt for 72 hours after the incident. This information is exempt for an additional 60 days after the initial 72 hours.	Click or tap here to enter text.
Public Info. Exemptions	☐	119.071(2)(j)1.b.(I)	Identity, home or employment phone number, home or employment address, or any other information that could be sued to locate or harass the victim.	Click or tap here to enter text.
	☐	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	Click or tap here to enter text.
	☐	119.0712(2)	Personal information contained in a motor vehicle record	Click or tap here to enter text.
	☐	316.650(11)	Driver information contained in a uniform traffic citation	Click or tap here to enter text.
	☐	119.071(4)(d)2.a.	Home addresses, telephone numbers, dates of birth, and photographs of active/former LE personnel, spouses, and children	Click or tap here to enter text.
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
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request	Click or tap here to enter text.
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses	Click or tap here to enter text.
	☐	Click or tap here to enter text.		Click or tap here to enter text.
	☐	Click or tap here to enter text.		Click or tap here to enter text.
Other	☐	Click or tap here to enter text.		Click or tap here to enter text.
	☐	Click or tap here to enter text.		Click or tap here to enter text.
	☐	415.107 (1)	ELDERLY NEGLECT ABUSE	Click or tap here to enter text.
	☐	119.071 (2)(J)	The Victim's address in a Domestic Violence action on petitioner's request.	Click or tap here to enter text.

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REVIEW COMPLETED BY

Booking Number: 2026023868	**Date:** 9/1/2026
	Specialist Name/ID#: MTooks #8557