

FILED by **BA** D.C.

Sep 30, 2021

ANGELAE E. NOBLE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. **21- 10013-CR-MARTINEZ/SNOW**

33 U.S.C. §§ 403, 406

18 U.S.C. § 2

UNITED STATES OF AMERICA

v.

THOMAS GRADY,

Defendant.

INFORMATION

The Acting United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Pursuant to the Rivers and Harbors Act of 1899, Title 33, United States Code, Section 403, Congress designated the Secretary of the Army acting through the Army Corps of Engineers ("ACOE") as the primary federal agency charged with the responsibility of regulating construction activities which might affect the navigable waters of the United States.

2. Under the Rivers and Harbors Act of 1899, a permit from the ACOE was required before a structure could be built in the navigable waters of the United States.

3. Navigable waters of the United States are those waters subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Title 33, Code of Federal Regulations, Section 329.4.

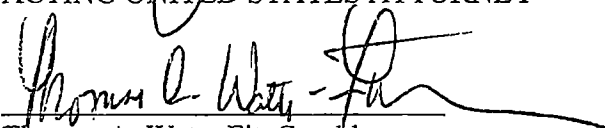
**Obstruction of Navigable Water  
(33 U.S.C. §§ 403, 406)**

From on or about April 4, 2017 and continuing through on or about April 21, 2017, at 87429 Old Highway, Islamorada, Florida 33036, Parcel ID #00415210-000000, in Monroe County, in the Southern District of Florida, the defendant,

**THOMAS GRADY,**

did knowingly excavate and cause to be excavated, and in any manner alter and modify the course, location, condition, and capacity of any channel of any navigable water of the United States without authorization of the Secretary of the Army acting through the ACOE, in violation of Title 33, United States Code, Sections 403 and 406, and Title 18, United States Code, Section 2.

  
\_\_\_\_\_  
JUAN ANTONIO GONZALEZ  
ACTING UNITED STATES ATTORNEY

  
\_\_\_\_\_  
Thomas A. Watts-FitzGerald  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.

**CERTIFICATE OF TRIAL ATTORNEY\***

THOMAS GRADY

**Superseding Case Information:**

\_\_\_\_\_ Defendant. /

Court Division: (Select One)  
\_\_\_ Miami  Key West  
\_\_\_ FTL \_\_\_ WPB \_\_\_ FTP

New defendant(s) Yes \_\_\_ No \_\_\_  
Number of new defendants \_\_\_  
Total number of counts \_\_\_

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_
- This case will take 0 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)

I 0 to 5 days   
 II 6 to 10 days \_\_\_\_\_  
 III 11 to 20 days \_\_\_\_\_  
 IV 21 to 60 days \_\_\_\_\_  
 V 61 days and over \_\_\_\_\_

(Check only one)

Petty \_\_\_\_\_  
 Minor \_\_\_\_\_  
 Misdem.   
 Felony \_\_\_\_\_

6. Has this case previously been filed in this District Court? (Yes or No) No  
If yes: Judge Case No. \_\_\_\_\_

(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No) No  
If yes: Magistrate Case No. \_\_\_\_\_

Related miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

Defendant(s) in state custody as of \_\_\_\_\_

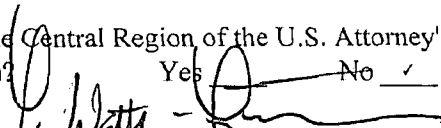
Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? Yes \_\_\_ No

8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes \_\_\_ No

9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? Yes \_\_\_ No

  
 THOMAS WATTS-FITZGERALD  
 ASSISTANT UNITED STATES ATTORNEY  
 Florida Bar No. 0273538

\*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: THOMAS GRADY

Case No: \_\_\_\_\_

Count #: 1

Obstruction Of Navigable Water

Title 18, United States Code, Sections 403, 406

\* Max. Penalty: One (1) Years' Imprisonment

Counts #:

\_\_\_\_\_  
Title, United States Code, Section

\* Max. Penalty: Years' Imprisonment as to each count

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**