

Aug 30, 2018
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
18-20721-CR-MORENO/LOUIS
CASE NO.

33 U.S.C. § 1232(b)(1)
18 U.S.C. § 1001(a)(2)
18 U.S.C. § 1505

UNITED STATES OF AMERICA

vs.

SETH ALAN GISSEN,

Defendant.

_____ /

INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about August 4, 2018, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

SETH ALAN GISSEN,

having notice of the terms of Captain-of-the-Port Order 6295845, issued by the Captain of the Port of Miami on October 30, 2017, did knowingly and willfully fail to obey the order, in that **SETH ALAN GISSEN** operated the vessel M/Y NO RULES II as a passenger vessel prior to satisfying the conditions specified in the order, that is, the vessel M/Y NO RULES II be operated by an individual holding the appropriate license and in compliance with applicable laws and regulations, in violation of Title 33, United States Code, Section 1232(b)(1) and Title 33, Code of Federal Regulations, Section 160.105, and Title 18, United States Code, Section 2.

COUNT 2

On or about August 4, 2018, in Miami-Dade County, in the Southern District of Florida, and elsewhere, in a matter within the jurisdiction of the United States Department of Homeland Security, United States Coast Guard, an agency of the executive branch of the United States government, the defendant,

SETH ALAN GISSEN,

did knowingly and willfully make a false, fictitious, and fraudulent statement and representation as to a material fact, in that the defendant stated and represented to an employee of the Department of Homeland Security, United States Coast Guard, that the defendant was not operating the vessel M/Y NO RULES II as a charter vessel with paying passengers on that date, when in truth and in fact, and as the defendant then and there well knew, the defendant was operating the vessel M/Y NO RULES II as a charter vessel with paying passengers on that date, in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 3

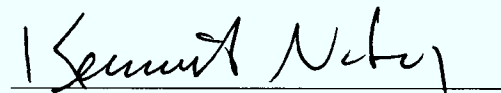
On or about August 4, 2018, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

SETH ALAN GISSEN,


did corruptly influence, obstruct, and impede and endeavor to influence, obstruct, and impede, the due and proper administration of the law under a pending proceeding by the United States Coast Guard and the Department of Homeland Security, namely, an inspection of the vessel M/Y NO RULES II to determine the vessel's compliance with United States law and regulations governing the operation of passenger vessels, in that the defendant directed passengers on board the vessel

M/Y NO RULES II to falsely tell the United States Coast Guard that they were friends and not paying charter passengers, in violation of Title 18, United States Code, Sections 1505 and 2.

A TRUE BILL



BENJAMIN G. GREENBERG
UNITED STATES ATTORNEY



PHILIP A. JONES
SPECIAL ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

SETH ALAN GISSEN,

Defendant.

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
 FTL WPB FTP

New Defendant(s) Yes No
 Number of New Defendants
 Total number of counts

I do hereby certify that:

- 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 3-5 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I 0 to 5 days <u> </u> <u>X</u>	Petty <u> </u>
II 6 to 10 days <u> </u>	Minor <u> </u>
III 11 to 20 days <u> </u>	Misdem. <u> </u>
IV 21 to 60 days <u> </u>	Felony <u>X</u>
V 61 days and over <u> </u>	

6. Has this case been previously 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) Yes
 If yes: Magistrate Case No. 18-mj-03218-PAW
 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 Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No


 PHILIP A. JONES
 SPECIAL ASSISTANT UNITED STATES ATTORNEY
 Court ID No. A5502457

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: SETH ALAN GISSEN

Case No: _____

Count #: 1

Violation of a Captain of the Port Order

Title 33, United States Code, Section 1232(b)(1)

***Max. Penalty:** Six Years' Imprisonment

Count #: 2

False Statements within the Jurisdiction of an Agency of the United States

Title 18, United States Code, Section 1001(a)(2)

***Max. Penalty:** Five Years' Imprisonment

Count #: 3

Obstructing a Pending Proceeding before an Agency of the United States

Title 18, United States Code, Section 1505

***Max. Penalty:** Five Years' Imprisonment

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