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Southern District of Illinois

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**Education:** B.A. Government,  
Southern Illinois University,  
Carbondale, Illinois, 1974.

J.D. Southern Illinois University,  
Carbondale, Illinois, 1979.

**Employment:** 1979, Assistant States Attorney,  
Franklin County, Illinois.

1980, Assistant States Attorney,  
Williamson County, Illinois.

1981-1982, First Assistant States Attorney,  
Jackson County, Illinois. In charge of handling violent crimes

1982-present, U. S. Department of Justice, Assistant United States  
Attorney, United States Attorney's Office, Southern District of Illinois.

1989-1994, appointed by Attorney General of the United States  
to serve as the Southern District of Illinois' first Senior  
Litigation Counsel, "having been found exceptionally qualified  
by demonstrating skill in the art of advocacy over an extended  
period of time."

1989-1992, served as a rotating faculty member for Trial  
Advocacy course for federal prosecutors, sponsored by the Office  
of Legal Education, Department of Justice, Washington, D. C.

1994- 2002, served as Chief of the Criminal Division for the  
United State's Attorney's Office, Southern District of Illinois.

1994-2003, served as branch manager of the Benton, Illinois,  
United States Attorney's Office.

1998 to present, Legal Evaluator, United States Department of  
Justice Evaluation and Review Team.

2004-present, Adjunct Professor of Law, Trial Advocacy, Southern  
Illinois University School of Law, Carbondale, Illinois.

**Licensed/Admitted/  
Practiced:**

1979, Illinois State Bar;  
1982, United States District Court for the Southern District of Illinois,  
1983, United States Court of Appeals for the Seventh Circuit,  
1998, United States District Court for the Eastern District of Missouri,  
2001, United States Court of Appeals for the Eighth Circuit  
2005, United States District Court for the Southern District of Indiana.

**Expertise:** Criminal Trial and Appellate Litigation. Prosecuted more than 100 criminal jury trials, lasting in duration from one day to as long as six months, and involving from one to as many as ten defense attorneys and handled all federal appeals..

**Awards/Commendations Relating to Federal Investigations and Prosecutions:**

1. Illinois State Police Director's Certificate of Appreciation, 1986, for prosecution of *Canino* case noted below.
2. International Narcotic Enforcement Officers Award of Honor, 1989, "In Recognition of Outstanding Accomplishment in the Field of Narcotic Enforcement," in relation to investigation and prosecution of principal administrators of a continuing criminal enterprise involving six barges containing over 630,000 pounds of marihuana imported into various ports in the United States between 1982 and 1986, resulting in over 250 convictions and forfeiture judgements of 150 million dollars.

*United States v. Kramer*, 955 F.2d 479, 481-482(7th Cir.(Ill.) Jan 30, 1992) (NO. 88-3444, 88-3445, 88-3446, 89-1025, 89-2752).

Related cases handled:

*United States v. Liefer*, 778 F.2d 1236, 19 Fed. R. Evid. Serv. 1169 (7th Cir.(Ill.) Dec 04, 1985) (NO. 84-2339, 84-2353, 84-2370).

*United States v. Mealy*, 851 F.2d 890, 26 Fed. R. Evid. Serv. 305 (7th Cir.(Ill.) Jul 01, 1988) (NO. 87-1600, 87-1640).

*Lanier v. United States*, 220 F.3d 833 (7th Cir.(Ill.) Jun 12, 2000) (NO. 98-2689).

*United States v. Smith*, 995 F.2d 662, 38 Fed. R. Evid. Serv. 828 (7th Cir.(Ill.) May 03, 1993) (NO. 91-2297, 91-2563, 91-3143).

*U.S. United States v. Thornton*, 972 F.2d 764 (7th Cir.(Ill.) Aug 11, 1992) (NO. 91-3032).

*United States v. Canino*, 949 F.2d 928, 60 USLW 2392 (7th Cir.(Ill.) Nov 27, 1991) (NO. 89-1719, 89-1721, 89-1740, 89-1746).

*United States v. Penson*, 896 F.2d 1087, 29 Fed. R. Evid. Serv. 978 (7th Cir.(Ill.) Mar 02, 1990) (NO. 89-1863, 89-1864).

*United States v. Fischer*, 205 F.3d 967 (7th Cir.(Ill.) Feb 29, 2000) (NO. 97-4246).

*Kramer v. Olson*, 347 F.3d 214 (7th Cir.(Ind.) Oct 10, 2003) (NO. 03-2187).

*Fischer v. United States*, 285 F.3d 596 (7th Cir.(Ill.) Apr 04, 2002) (NO. 98-1803).

*United States v. Marinari*, 32 F.3d 1209 (7th Cir.(Ill.) Aug 23, 1994) (NO. 93-2096).

*United States v. Maggi*, 44 F.3d 478 (7th Cir.(Ill.) Jan 03, 1995) (NO. 93-2106).

3. Commendation from the Director, F.B.I., 1989, for prosecution of *Kramer* case.
4. City of Cairo, Illinois, Safe Street and Violent Crime Task Force Award, 2000, for the successful prosecution of over 150 federal drug conspiracy defendants arising out of cases from the city of Cairo, IL. *United States v. Williams*, 61 F.3d 534 (7th Cir.(Ill.) Jul 26, 1995). *United States v. Garrett*, 45 F.3d 1135 (7th Cir.(Ill.) Jan 25, 1995).
5. United States Attorney, S. D. ILL, Outstanding Performance in Service to the United States, 2005, for prosecution of *United States v. Powell, et. al.* an East St. Louis, Illinois, election fraud case relating to the November 2004, presidential election.
6. Southern District of Illinois, Outstanding Investigation, 2006, Operation Shattered Trust, resulting in the conviction of ten elected precinct committeeman, their workers and the chairman of the East St. Louis Democratic Precinct Committee, relating to the investigation of election fraud in East St. Louis, Illinois in the November 2004, presidential election.
7. United States Attorney's Certificate of Commendation for Outstanding Performance, September 2005.
8. United States Attorney's Distinguished Service Award, Sept. 20, 2007.

### **High Profile Trials:**

1. *United States v. Randy Lanier, Benjamin Kramer, Eugene Fischer, Kay Dee Bell*. 1988. This case involved a 15-week trial of four defendants, including Randy Lanier, the 1985 Indianapolis 500 Rookie of the Year; Benjamin Kramer, the 1985 World Offshore Power Boating Champion and owner of Apache Boats and a marina located in Miami, Florida; Eugene Fisher, the President of Fisher Enterprises, a shipping company located in Coral Gables, Florida, and Kay D. Bell, owner and operator of Bell Marine, and Harbor Sand and Gravel, a shipyard located in Redwood City, California. The defendants were convicted of, among other offenses, for being principal administrators of a continuing criminal drug enterprise and sentenced to mandatory life sentences. The trial resulted in one of the largest forfeiture judgments in history, a total of \$150,000,000. Defense attorneys, which numbered ten, included two past presidents of the National Criminal Defense Association, Albert Krieger of Miami, Florida (former attorney for New York Mob boss John Gotti), and Robert Ritchie of Knoxville, Tennessee. Over 250 individuals were convicted in connection with this case and more than \$16,000,000 in seized assets were awarded to the Illinois State Police for its assistance. The

case also led the subsequent Southern District of Florida Money Laundering and RICCO prosecutions of Benjamin Kramer and to the seizure and forfeiture judgment of the Bell Gardens Bicycle Club, a gaming casino located in Bell Gardens, California. The drug enterprise involved in this case was responsible for importing from Colombia, South America, to the United States more than 630,000 pounds of marihuana, which was at the time, the largest marihuana case ever prosecuted in the United States.

2. *United States v. Michael Canino*. 1986. Nine week jury trial resulted in the conviction of Michael Canino of Philadelphia, Pa. for engaging in a continuing criminal enterprise and the convictions of four co-defendants for conspiracy to distribute over 630,000 pounds of marihuana. Canino was one of the major customers and distributors of marihuana for the Kramer organization. He supplied trucks, workers and warehouses used to unload barges and store and distribute marihuana imported by this organization to Brooklyn, New Orleans, and San Francisco between 1982 and 1985. Over twenty individuals pled guilty and cooperated in this case which was an offshoot of the *Kramer Conspiracy*. Mr. Canino was represented by Miami attorney, "Diamond" Joel Hirschhorn. There were eight jury trials, spanning 50 weeks of trial time between 1986 and 1990 related to this case. One of the codefendants hired a former OCDEF chief from the United States Attorneys office. He was subsequently disqualified and the matter referred.
  
3. *United States v. Randy Gometz and Thomas Silverstein*. 1984. This case involved the first degree murder of a prison guard at the United States Penitentiary at Marion, Illinois, by two Aryan Brotherhood gang members. Three guards involved in moving inmates in the control unit were viciously stabbed after one inmate was supplied a homemade handcuff key, removed his cuffs and started stabbing the guards with a homemade knife. Before help could arrive, all of the guards had been stabbed. The murdered guard was stabbed numerous times by one inmate as the other held him, only steps from the front grill where guard were assembling in order to enter and restrain them. The first guard to arrive was the victim's son, who before the grill could be opened, watched his father be murdered. Both defendants were convicted of first degree murder. As a result of this case and another murder of another guard the following day at the United States Penitentiary by inmate Clayton Fountain, the U.S. Penitentiary at Marion, then the nation's highest security institution, was "locked down" and continued operation in that mode for over a decade. Both cases tried with former United States Attorney Frederick J. Hess.  
*United States v. Fountain*, 777 F.2d 345 (7th Cir.(Ill.) Jul 08, 1985) (NO. 84-1939, 84-1940, 84-1949).

*United States v. Fountain*, 768 F.2d 790, 18 Fed. R. Evid. Serv. 1201 (7th Cir.(Ill.) Jul 08, 1985) (NO. 84-1939, 84-1940, 84-1949).

4. *United States v. Clayton Fountain*. 1984 This case involved the killing of a United States Penitentiary guard at Marion, Illinois, the day after two of his Aryan Brotherhood associates murdered another guard. Fountain was able to slip out of his cuffs as he was being moved by guards at the United States Penitentiary. Like his Aryan Brotherhood brothers, he used a homemade knife and viciously stabbed his victim and the other guards until help could arrive. This case was a one week trial which was tried back-to-back with the Gometz-Silverstein case. This case resulted in his conviction for first-degree murder. (See previous cite.)
5. *United States v. Sahakian*. 2004. This was a first degree murder case involving three defendants, associated with the Aryan Brotherhood, charged with murdering another inmate at the United States Penitentiary at Marion, Illinois in 1993. Sahakian's conviction for possession of a weapon was affirmed this year. The jury was unable to reach a verdict on the Conspiracy to Murder and First Degree Murder charges.  
*United States v. Sahakian*, 453 F.3d 905 (7th Cir.(Ill.) Jul 12, 2006).
6. *United States v. Powell, et. al*. This case was a four week, five defendant election fraud case involving vote buying in East St. Louis, IL during the presidential election of November 2004. All five defendants were convicted of conspiracy to commit election fraud.
7. *United States v. Ellis*, 1990. This case was a one week extortion/public corruption trial involving a high ranking East St. Louis, Illinois public official who used his authority to withhold and cancel building permits to require a North Carolina general contractor to put Ellis and his friends and their fake companies on the payroll during the construction of three nursing homes in the metropolitan St. Louis, area. As a result of Ellis' actions, the North Carolina general contractor who built the exact same nursing home facilities, during the same time frame, in three different communities, within 30 miles of each other, incurred over a million dollars in additional costs to construct the East St. Louis nursing home. Ellis was the second ranking officer in East St. Louis Government and a prominent local Democratic politician when convicted. The case was resolved by a plea after the first week of trial after a witness, who Ellis had threatened, testified.
8. *United States v. Tolen*, This case was a one week armed bank robbery jury trial involving the brother of a an AUSA from the E.D. of Missouri. The St. Louis Police Department accused the AUSA of

obstructing the investigation to help his brother. The defendant was convicted and the AUSA was dismissed.

*United States v. Tolen*, 143 F.3d 1121 (8th Cir.(Mo.) May 08, 1998).  
*Tolen v. Ashcroft*, 377 F.3d 879, 94 Fair Empl.Prac.Cas. (BNA) 193, 85 Empl. Prac. Dec. P 41,713 (8th Cir.(Mo.) Jul 28, 2004).

**Other Activities:**

Former Member, Board of Directors, Southern Illinois University  
Carbondale Alumni Association; president 1998.

Member, Board of Directors, Southern Illinois University Foundation  
Board, 1999-present, president 2003-2004.

Elected to Carbondale Illinois Elementary School District 95 Board of  
Education, three terms, (1996-2000, 2000-2004, 2004- 2008).