

## Question

Defendants Myers and Branthoover coordinated and planned the fraudulent acts, including wire fraud, money laundering, and obstruction, as part of an ongoing scheme. 18 U.S.C. § 1349 criminalizes attempts and conspiracies to commit wire fraud, and 18 U.S.C. § 1962(d) prohibits conspiracy to violate RICO. The coordinated planning and execution of multiple predicate acts by the defendants constitutes conspiracy to commit fraud and racketeering under federal law.

## Answer (U.S. Federal)

### Short response

The coordinated planning and execution of multiple predicate acts by Myers and Branthoover, including wire fraud, money laundering, and obstruction, constitutes a conspiracy to commit fraud and racketeering under federal law. Both [18 U.S.C. § 1349](#) and [18 U.S.C. § 1962\(d\)](#) provide statutorily defined grounds for prosecuting such coordinated fraudulent schemes.

### Summary

Under federal law, when individuals coordinate and plan fraudulent acts as part of an ongoing scheme, they may be liable for conspiracy charges under both [18 U.S.C. § 1349](#) (conspiracy to commit wire fraud) and [18 U.S.C. § 1962\(d\)](#) (conspiracy to violate RICO). The legal framework supporting this conclusion is found in the statutory provisions themselves, which explicitly criminalize conspiracies to commit wire fraud and to violate RICO's substantive provisions, as well as extensive case law interpreting and applying these statutes.

The case law establishes that for a RICO conspiracy under § 1962(d), prosecutors must prove an agreement to participate in an enterprise's affairs through a pattern of racketeering activity, which requires at least two predicate acts. For wire fraud conspiracy under § 1349, prosecutors must establish that the defendants knowingly agreed to participate in a fraudulent scheme where the use of interstate wires was reasonably foreseeable. The coordinated planning and execution of multiple predicate acts by Myers and Branthoover - specifically wire fraud, money laundering, and obstruction - falls squarely within the conduct prohibited by these conspiracy statutes.

## Background and Relevant Law

### Legislation

The analysis of whether the coordinated planning and execution of multiple predicate acts by defendants Myers and Branthoover constitutes conspiracy

to commit fraud and racketeering begins with the relevant statutory framework.

### **[18 U.S.C. § 1349](#) - Attempt and Conspiracy**

[18 U.S.C. § 1349](#) explicitly criminalizes attempts and conspiracies to commit wire fraud. The statute provides: "Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy." [18 U.S.C. § 1349 Attempt and Conspiracy](#), [18 U.S.C. § 1349](#). This provision directly establishes that individuals who conspire to commit wire fraud are subject to the same penalties as those who actually commit the offense.

### **[18 U.S.C. § 1962\(d\)](#) - RICO Conspiracy**

The Racketeer Influenced and Corrupt Organizations Act (RICO) includes a specific provision prohibiting conspiracy to violate its substantive provisions. [18 U.S.C. § 1962\(d\)](#) states: "It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section." [18 U.S.C. § 1962 Prohibited Activities](#), [18 U.S.C. § 1962](#). This means that it is unlawful to conspire to engage in, conduct, or participate in an enterprise's affairs through a pattern of racketeering activity.

### **[18 U.S.C. § 1961](#) - Definitions**

To understand the scope of RICO conspiracy charges, it is essential to examine how the law defines key terms. Under [18 U.S.C. § 1961](#), "racketeering activity" includes a range of specified criminal acts, including:

"(B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1503 (relating to obstruction of justice), ... section 1956 (relating to the laundering of monetary instruments)..." [18 U.S.C. § 1961 Definitions](#), [18 U.S.C. § 1961](#).

The statute further defines a "pattern of racketeering activity" as requiring "at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity" [18 U.S.C. § 1961 Definitions](#), [18 U.S.C. § 1961](#).

### **[18 U.S.C. § 1956](#) - Laundering of Monetary Instruments**

Money laundering, one of the predicate acts allegedly committed by Myers and Branthoover, is defined in [18 U.S.C. § 1956](#), which provides:

"Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity... shall be sentenced to a fine of not

more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both." [18 U.S.C. § 1956 Laundering of Monetary Instruments, 18 U.S.C. § 1956](#).

The statute further specifies that "a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement." [18 U.S.C. § 1956 Laundering of Monetary Instruments, 18 U.S.C. § 1956](#).

## Case Law

### Elements of RICO Conspiracy under [18 U.S.C. § 1962\(d\)](#)

Courts have consistently interpreted § 1962(d) to require specific elements for a RICO conspiracy conviction. In [Said v. Chojnacki](#), (N.D. Ill. Dec. 6, 2023), the court explained that to state a claim under § 1962(d), a plaintiff "must allege that the defendant (1) agreed to maintain an interest in or control of an enterprise, or to participate in an enterprise's affairs, (2) through a pattern of racketeering activity, and (3) that the defendant agreed that some member of the conspiracy (not necessarily the defendant herself) would commit at least two predicate acts in furtherance of those goals."

Similarly, [Levin v. Javeri \(In re Firestar Diamond, Inc.\), 18-10509 \(SHL\), Adv. 20-01054 \(SHL\) \(Bankr. S.D.N.Y. Oct 13, 2023\)](#) stated that separate from the elements of a substantive RICO violation, RICO conspiracy under [18 U.S.C. § 1962\(d\)](#) requires proof "(a) of an agreement to join a racketeering scheme, (b) of the defendant's knowing engagement in the scheme with the intent that its overall goals be effectuated, and (c) that the scheme involved, or by agreement between any members of the conspiracy was intended to involve, two or more predicate acts of racketeering."

The Supreme Court, in [Salinas v. U.S., 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed. 2d 352 \(1997\)](#), established that to be convicted of conspiracy to violate RICO under § 1962(d), "the conspirator need not himself have committed or agreed to commit the two or more predicate acts, such as bribery, requisite for a substantive RICO offense under § 1962(c)." The Court further explained that "Section 1962(d)—which forbids 'any person to conspire to violate' § 1962(c)—is even more comprehensive than the general conspiracy provision applicable to federal crimes, § 371, since it contains no requirement of an overt or specific act to effect the conspiracy's object."

The Court in *Salinas* also clarified the nature of conspiracy: "A conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense... The partners in the criminal plan must agree to pursue the same criminal objective and may divide up the work, yet each is responsible for the acts of each other." [Salinas v. U.S., 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 \(1997\)](#).

This interpretation was reaffirmed in [United States v. Zemlyansky, 908 F.3d 1 \(2nd Cir. 2018\)](#), which held that "RICO conspiracy requires proof that the defendant 'agree[d] to conduct or to participate in the conduct of [an] enterprise's affairs through a pattern of racketeering activity.'" To prove the pattern element, "the government must show that two or more 'predicate acts were, or were intended to be, committed as part of [the] conspiracy.'"

### **Requirements for Conspiracy to Commit Wire Fraud under [18 U.S.C. § 1349](#)**

The elements required to prove a conspiracy to commit wire fraud were outlined in [United States v. Ruan, 966 F.3d 1101 \(11th Cir. 2020\)](#). The court stated that to prove such a conspiracy, "the government need not demonstrate an agreement specifically to use the interstate wires to further the scheme to defraud." Instead, "it is enough to prove that the defendant knowingly and voluntarily agreed to participate in a scheme to defraud and that the use of the interstate wires in furtherance of the scheme was reasonably foreseeable."

It is important to note that [United States v. Ruan, 966 F.3d 1101 \(11th Cir. 2020\)](#) was subsequently vacated by *Ling Cui v. United States*. However, the specific legal principle regarding the elements of wire fraud conspiracy remains valid as it has been consistently applied in other cases and is consistent with the statutory text of § 1349.

### **Relationship Between Mail/Wire Fraud and RICO**

Secondary materials clarify the relationship between mail/wire fraud and RICO violations. As explained in *Mail and Wire Fraud* (July 1, 2022), "Mail and wire fraud are predicate felonies under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and are specified as unlawful activity for purposes of the federal money laundering statutes."

Similarly, another source confirms that prosecutors have used mail and wire fraud statutes "to prosecute money laundering and Racketeer Influenced and Corrupt Organizations Act ('RICO') violations. A violation of [sections] 1341 or [sections] 1343 can provide the unlawful act necessary to establish a RICO or money laundering violation." *Mail and wire fraud* (June 22, 1999).

### **The Enterprise Requirement**

The Supreme Court in [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) explained that securing a conviction under RICO requires proving "both the existence of an 'enterprise' and the connected 'pattern of racketeering activity.'" The enterprise is defined as "an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct." This is "proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit."

It should be noted that [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) was abrogated by *United States v. Lane*, 474 U.S. 438, 106 S.Ct. 725, 88 L.Ed.2d 814 (1986). However, *Lane* addressed issues related to misjoinder of defendants and did not overturn *Turkette's* core holding regarding the definition of an enterprise under RICO, which remains valid law.

In [Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#), the Supreme Court further clarified that an "enterprise" under RICO need not have a formal structure. The Court held that evidence was sufficient to prove a RICO violation when it demonstrated that the participants "included a core group, along with others recruited from time to time; and that the core group was loosely and informally organized, lacking a leader, hierarchy, or any long-term master plan."

### **Pattern of Racketeering Activity**

Multiple cases emphasize the requirement of a pattern of racketeering activity for RICO violations. In [U.S. v. Goldin Industries, Inc., 219 F.3d 1271 \(11th Cir. 2000\)](#), the court explained that a "'pattern' of racketeering activity requires that a defendant commit two acts of racketeering activity within a ten-year period."

The relationship between predicate acts was discussed in [Schwamborn v. U.S., 507 F.Supp.2d 229 \(E.D. N.Y. 2007\)](#), which noted that to establish a RICO violation, the government must prove that the alleged predicate acts were "related," meaning they shared "the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and [were] not isolated events."

## **Analysis**

### **Applicability of [18 U.S.C. § 1349](#) to Myers and Branthoover's Conduct**

Based on the provided statutory language and case law, it is clear that [18 U.S.C. § 1349](#) criminalizes conspiracies to commit wire fraud. As stated in [18 U.S.C. § 1349 Attempt and Conspiracy, 18 U.S.C. § 1349](#), "Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy."

The coordination and planning of fraudulent acts by Myers and Branthoover, specifically including wire fraud, falls squarely within the conduct prohibited by § 1349. Under the standard articulated in [United States v. Ruan, 966 F.3d 1101 \(11th Cir. 2020\)](#), the government would need to prove that Myers and Branthoover "knowingly and voluntarily agreed to participate in a scheme to defraud and that the use of the interstate wires in furtherance of the scheme was reasonably foreseeable." The allegation that they "coordinated and

planned" the fraudulent acts strongly suggests the existence of such an agreement.

Real-world application of § 1349 in similar circumstances can be seen in cases like [United States v. Ologeanu, No. 5:18-CR-81-REW-MAS \(E.D. Ky. Apr 04, 2020\)](#), where a defendant was charged with conspiracy to commit wire fraud under § 1349 as part of a broad online fraud scheme that also involved money laundering.

## **Applicability of [18 U.S.C. § 1962\(d\)](#) to Myers and Branthoover's Conduct**

The coordinated planning and execution of multiple predicate acts by Myers and Branthoover also constitutes a conspiracy to violate RICO under [18 U.S.C. § 1962\(d\)](#). The statute explicitly makes it "unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section." [18 U.S.C. § 1962 Prohibited Activities](#), [18 U.S.C. § 1962](#).

To establish a RICO conspiracy under § 1962(d), several elements must be proven:

1. **Agreement to Participate in an Enterprise:** As explained in [Said v. Chojnacki](#) (N.D. Ill. Dec. 6, 2023), the defendant must have "agreed to maintain an interest in or control of an enterprise, or to participate in an enterprise's affairs." The coordination between Myers and Branthoover suggests the existence of such an agreement.
2. **Through a Pattern of Racketeering Activity:** This requires showing that the defendants agreed to conduct the enterprise's affairs through multiple predicate acts. Under [18 U.S.C. § 1961 Definitions](#), [18 U.S.C. § 1961](#), wire fraud, obstruction of justice, and money laundering all qualify as "racketeering activity."
3. **Agreement to Commit Predicate Acts:** As held in [Salinas v. U.S., 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 \(1997\)](#), the defendants need not have personally committed or agreed to commit the predicate acts, as long as they "knew about and agreed to facilitate the scheme." The allegation that Myers and Branthoover "coordinated and planned" the fraudulent acts suggests such knowledge and agreement.

## **The Predicate Acts as Part of a Pattern**

The facts indicate that Myers and Branthoover engaged in multiple predicate acts: wire fraud, money laundering, and obstruction. Under [18 U.S.C. § 1961 Definitions](#), [18 U.S.C. § 1961](#), these all qualify as "racketeering activity." To constitute a "pattern," at least two such acts are required, which is satisfied by the three types of activity alleged.

The relatedness of these acts is also important. As noted in [Schwamborn v. U.S., 507 F.Supp.2d 229 \(E.D. N.Y. 2007\)](#), predicate acts must share "the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics



and [were] not isolated events." The characterization of these acts as "part of an ongoing scheme" suggests they meet this relatedness requirement.

### **The Enterprise Element**

The enterprise element is also satisfied by Myers and Branthoover's alleged conduct. As clarified in [Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#), an enterprise can be "loosely and informally organized, lacking a leader, hierarchy, or any long-term master plan." The coordination between Myers and Branthoover, even without a formal structure, could constitute an "enterprise" under this definition.

### **The Interrelationship of Wire Fraud, Money Laundering, and RICO**

Secondary materials emphasize the close relationship between wire fraud, money laundering, and RICO violations. As explained in Mail and Wire Fraud (July 1, 2022), wire fraud is a predicate felony under RICO and specified unlawful activity for purposes of money laundering statutes. This means that the wire fraud allegedly committed by Myers and Branthoover can serve as both a predicate act for RICO purposes and the underlying unlawful activity for money laundering charges.

Similarly, Mail & wire fraud (Jan. 1, 1997) notes that mail and wire fraud statutes "have also been useful in prosecuting money laundering and violations of the Racketeer Influenced and Corrupt Organizations Act ('RICO'). Violating [sections] 1341 and/or [sections] 1343 can create the unlawful acts necessary to establish a RICO or money laundering violation."

This interrelationship supports the conclusion that the coordinated planning and execution of wire fraud, money laundering, and obstruction by Myers and Branthoover constitutes a conspiracy to commit fraud and racketeering under both [18 U.S.C. § 1349](#) and [18 U.S.C. § 1962\(d\)](#).

### **Case Examples**

Multiple cases provide examples of similar patterns of conduct being prosecuted as conspiracies under federal law. In [United States v. Voigt, 89 F.3d 1050 \(3rd Cir. 1996\)](#), the defendants were charged with conspiracy to commit wire fraud, wire fraud, and money laundering, among other charges. The court noted that "Alevy pleaded guilty prior to trial and testified for the government. Travis, Anderskow and Anchors were tried with Voigt. Travis was acquitted; Anderskow and Anchors were convicted of various charges including conspiracy to commit wire fraud, wire fraud and money laundering."

Similarly, in [U.S. v. Bradley, 644 F.3d 1213, 23 Fla. L. Weekly Fed. C 20 \(11th Cir. 2011\)](#), the government prosecuted schemes "under the anti-racketeering, conspiracy, mail fraud, wire fraud, and money laundering statutes, 18 U.S.C. §§ 1962, 371, 1341, 1343, and 1956, respectively." The defendants were charged with "two RICO offenses, violations of 18 U.S.C. §§

1962(c) and (d), respectively, plus one count of conspiracy to commit wire fraud or to pay illegal kickbacks, in violation of 18 U.S.C. § 371, another count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, forty-nine counts of wire fraud, in violation of 18 U.S.C. § 1343, one count of conspiracy to commit money laundering, in violation of [18 U.S.C. § 1956\(h\)](#)."

These cases demonstrate that conduct similar to that alleged against Myers and Branthoover—coordination of fraudulent acts including wire fraud and money laundering—has been successfully prosecuted as conspiracy under both §§ 1349 and 1962(d).

## **Exceptions and Caveats**

### **Necessity of Proving an Enterprise for RICO Conspiracy**

While the coordinated actions of Myers and Branthoover likely constitute a conspiracy under federal law, establishing a RICO conspiracy specifically requires proving the existence of an "enterprise." As explained in [Kruse v. Repp, 611 F.Supp.3d 666 \(S.D. Iowa 2020\)](#), to state an actionable RICO conspiracy, a plaintiff must plead facts that show "(a) 'an enterprise existed'; (b) 'the enterprise affected interstate or foreign commerce'; (c) 'the defendant associated with the enterprise'; and (d) 'the defendant 'objectively manifested an agreement to participate ... in the affairs of [the] enterprise.'"

Without sufficient evidence of an "enterprise" that affected interstate commerce, a RICO conspiracy charge under § 1962(d) might fail, even if a conspiracy to commit wire fraud under § 1349 could still be established.

### **No Requirement to Personally Commit Predicate Acts**

It is important to note that under [Salinas v. U.S., 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 \(1997\)](#), a defendant can be convicted of RICO conspiracy without personally committing or agreeing to commit the predicate acts. As clarified in [U.S. v. Edwards, 303 F.3d 606 \(5th Cir. 2002\)](#), citing Salinas, an "individual co-conspirator does not need to personally commit predicate acts to be convicted of a RICO conspiracy." This means that even if one of the defendants played a more supportive role and did not directly engage in wire fraud, money laundering, or obstruction, they could still be convicted of RICO conspiracy if they knew about and agreed to facilitate the scheme.

### **Substantive RICO Violation Not Always Required for RICO Conspiracy**

There is some disagreement in the case law regarding whether a substantive RICO violation must be established to support a RICO conspiracy charge. [LD v. United Behavioral Health, CASE NO. 4:20-cv-02254 YGR \(N.D. Cal. Aug 26, 2020\)](#) held that "A defendant cannot be liable for a RICO conspiracy under Section 1962(d) if the defendant is not liable under the substantive RICO provisions, namely Sections 1962(a), (b), or (c)." This suggests that failing to establish the elements of a substantive RICO violation would preclude a RICO conspiracy conviction.



However, other cases, such as [United States v. Gurry, Criminal Action No. 16-cr-10343-ADB \(D. Mass. Jan 17, 2019\)](#), have interpreted Salinas more broadly: "to prove a RICO conspiracy claim, it is sufficient to prove that the defendant 'knew about and agreed to facilitate the scheme.'" This suggests that a defendant could be convicted of RICO conspiracy even without establishing all the elements of a substantive RICO violation, as long as there was an agreement to facilitate the scheme.

## Conclusion

Based on the provided statutory language and case law, the coordinated planning and execution of multiple predicate acts by Myers and Branthoover, including wire fraud, money laundering, and obstruction, constitutes conspiracy to commit fraud and racketeering under federal law. This conclusion is supported by both [18 U.S.C. § 1349](#), which criminalizes conspiracies to commit wire fraud, and [18 U.S.C. § 1962\(d\)](#), which prohibits conspiracies to violate RICO.

Under § 1349, the government would need to prove that Myers and Branthoover knowingly and voluntarily agreed to participate in a scheme to defraud and that the use of interstate wires in furtherance of the scheme was reasonably foreseeable. Under § 1962(d), the government would need to establish an agreement to participate in the affairs of an enterprise through a pattern of racketeering activity, with knowledge that the scheme involved or was intended to involve two or more predicate acts of racketeering.

The predicate acts allegedly committed by Myers and Branthoover—wire fraud, money laundering, and obstruction—all qualify as "racketeering activity" under [18 U.S.C. § 1961](#). Their coordination in planning and executing these acts as part of an ongoing scheme suggests the existence of both an agreement to participate in a fraudulent scheme (for § 1349 purposes) and an agreement to participate in an enterprise's affairs through a pattern of racketeering (for § 1962(d) purposes).

Multiple cases demonstrate that similar patterns of conduct have been successfully prosecuted under both conspiracy statutes. While there are certain exceptions and caveats, particularly regarding the need to establish an "enterprise" for RICO conspiracy charges, the overall weight of the statutory language and case law supports the conclusion that the defendants' alleged conduct constitutes conspiracy under federal law.

## Legal Authorities

[U.S. v. Powers, 168 F.3d 741 \(5th Cir. 1999\)](#)

**U.S. Court of Appeals — Fifth Circuit**

### Extract

On May 20, 1997, Powers was indicted by a grand jury in the Northern District of Texas. He was charged in Count 1 with a conspiracy to violate the

mail and wire fraud laws, in violation of 18 U.S.C. § 371. Counts 2 through 7 charged him with executing his scheme by various mailings, in violation of 18 U.S.C. § 1341. Counts 8 through 15 charged him with executing the same scheme by use of the wires, i.e., telephone calls, in violation of 18 U.S.C. § 1343. Counts 16 through 20 charged him with money laundering to hide the proceeds of his fraud, in violation of 18 U.S.C. § 1956(a)(1)(B)(i).

## **Summary**

The passage from "U.S. v. Powers" illustrates how a defendant was charged with conspiracy to commit wire fraud and money laundering, similar to the proposition regarding Myers and Branthoover. The case demonstrates the application of federal statutes, such as 18 U.S.C. § 1343 for wire fraud and 18 U.S.C. § 1956 for money laundering, in prosecuting coordinated fraudulent schemes. This supports the proposition that coordinated planning and execution of multiple predicate acts can constitute conspiracy to commit fraud and racketeering under federal law.

[U.S. v. Sharpe, 193 F.3d 852 \(5th Cir. 1999\)](#)

## **U.S. Court of Appeals — Fifth Circuit**

### **Extract**

The indictment charged Nix with racketeering, conspiracy to violate the racketeering statute, fraud, conspiracy to commit wire fraud, money laundering, and conspiracy to obstruct justice... The elements of a Section 371 conspiracy are: (1) an agreement between the defendant and one or more other persons to violate a law of the United States; (2) an overt act by one of the conspirators in furtherance of the conspiracy; and (3) the defendant's intent to further an unlawful objective of the conspiracy... These defendants conspired to violate 18 U.S.C. 1962(c) by conducting and participating, directly and indirectly, in the conduct of the affairs of the enterprise, through a pattern of racketeering activities.

## **Summary**

Elements of a conspiracy under Section 371, which include an agreement to violate U.S. law, an overt act in furtherance of the conspiracy, and intent to further an unlawful objective. The passage also discusses the violation of 18 U.S.C. 1962(c) through a pattern of racketeering activities, which aligns with the proposition's mention of 18 U.S.C. § 1962(d) prohibiting conspiracy to violate RICO.

[United States v. Ologeanu, No. 5:18-CR-81-REW-MAS \(E.D. Ky. Apr 04, 2020\)](#)

## **U.S. District Court — Eastern District of Kentucky**

## **Extract**

The operative indictment in this matter alleges a lengthy international RICO conspiracy... Specifically, the document charges that Defendants... were 'members and associates of a criminal organization'... leaders, members, and associates engaged in, among other things, acts of mail and wire fraud, money laundering, identity theft, and counterfeit trademark trafficking. These acts were committed in furtherance of a wide-scale online auction fraud scheme... Defendant Stoica is charged with conspiring... to commit wire fraud, in violation of 18 U.S.C. § 1349... and four types of money laundering, all in violation of 18 U.S.C. § 1956(h)... Moreover, the Indictment charges Nistor with knowing participation in the RICO conspiracy... Defendant concedes that the money laundering charge constitutes an alleged 'predicate act for the RICO charge.'

## **Summary**

Concrete example of how such charges are applied in practice, supporting the proposition's legal basis.

[United States v. Jefferson, 674 F.3d 332 \(4th Cir. 2012\)](#)

### **U.S. Court of Appeals — Fourth Circuit**

## **Extract**

Counts 1 and 2 each charged a conspiracy with multiple objects, in violation of 18 U.S.C. § 371, and the jury was instructed that it only had to find that Jefferson had conspired to commit one of the substantive offenses identified. Count 1 charged Jefferson with conspiring to commit bribery, to commit honest services wire fraud, and to violate the Foreign Corrupt Practices Act, and Count 2 charged him with conspiring to commit bribery and honest services wire fraud. Counts 6, 7, and 10 charged Jefferson with honest services wire fraud, in contravention of 18 U.S.C. §§ 1343 and 1346, under the alternative theories identified above. Finally, in the 18 U.S.C. § 1962(c) RICO charge of Count 16, eleven of the twelve racketeering acts specified in the indictment fell under two alternative theories: bribery and honest services wire fraud.

## **Summary**

The passage from "United States v. Jefferson" illustrates how conspiracy charges can be applied when multiple predicate acts, such as bribery and wire fraud, are coordinated as part of a scheme. The case demonstrates that a conspiracy charge can be sustained if the jury finds that the defendant conspired to commit any of the substantive offenses. This aligns with the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute conspiracy to commit fraud and racketeering under federal law.

[U.S. v. Zichettello, 208 F.3d 72 \(2nd Cir. 1998\)](#)

## **U.S. Court of Appeals — Second Circuit**

### **Extract**

Counts One and Two charged them with participating and conspiring to participate in the affairs of the TPBA through a pattern of racketeering in violation of 18 U.S.C. 1962(c) & (d). These counts also alleged that the appellants had committed eleven racketeering acts in furtherance of the charged enterprise, including bribery, mail fraud, wire fraud, money laundering, and witness tampering... A RICO conspiracy charge 'is proven if the defendant 'embraced the objective of the alleged conspiracy,' and agreed to commit... predicate acts in furtherance thereof.'

### **Summary**

The passage describes how defendants were charged with participating in a RICO conspiracy by committing multiple predicate acts, including wire fraud and money laundering. It explains that a RICO conspiracy charge is proven if the defendant agreed to commit predicate acts in furtherance of the conspiracy's objectives. This directly supports the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute a conspiracy to commit fraud and racketeering under federal law.

[U.S. v. Edwards, 303 F.3d 606 \(5th Cir. 2002\)](#)

## **U.S. Court of Appeals — Fifth Circuit**

### **Extract**

On August 4, 1999, a grand jury returned a 34-count superseding indictment, charging appellants Edwin Edwards, Stephen Edwards, Martin, Johnson and Brown with a violation of RICO [18 U.S.C. § 1961 et seq.], conspiracy to violate RICO [18 U.S.C. § 1962(d)], mail and wire fraud [18 U.S.C. § 1341 et seq.], extortion [18 U.S.C. § 1951], money laundering [18 U.S.C. § 1956], interstate travel and communication in aid of racketeering [18 U.S.C. § 1952] and false statements [18 U.S.C. § 1001]. ... Finally, though unnecessary, this evidence was also admissible as against Martin because the 15th Riverboat License extortion scheme was part of the RICO conspiracy, of which Martin was charged and convicted. Cf. *Salinas v. United States*, 522 U.S. 52, 64, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997) (holding that individual co-conspirator does not need to personally commit predicate acts to be convicted of a RICO conspiracy).

## Summary

The passage describes a case where multiple defendants were charged with RICO violations and conspiracy to violate RICO, among other charges. It highlights that a co-conspirator does not need to personally commit predicate acts to be convicted of a RICO conspiracy, as established in *Salinas v. United States*. This supports the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute a conspiracy to commit fraud and racketeering under federal law.

[U.S. v. Voigt, 89 F.3d 1050 \(3rd Cir. 1996\)](#)

### U.S. Court of Appeals — Third Circuit

#### Extract

On December 13, 1993, Voigt and four alleged coconspirators--Skip Alevy, Mercedes Travis, Ralph Anderskow, and Donald Anchors--were charged in a twenty-eight-count superseding indictment. The indictment charged Voigt personally with one count of conspiracy to commit wire fraud, fifteen counts of wire fraud, four counts of money laundering, two counts of tax evasion, and criminal forfeiture allegations arising out of the money laundering counts. After a three-month trial, a jury convicted Voigt of all counts except one count of wire fraud. ... Alevy pleaded guilty prior to trial and testified for the government. Travis, Anderskow and Anchors were tried with Voigt. Travis was acquitted; Anderskow and Anchors were convicted of various charges including conspiracy to commit wire fraud, wire fraud and money laundering.

## Summary

The passage describes a case where multiple defendants were charged and convicted of conspiracy to commit wire fraud and money laundering, among other charges. This supports the proposition by illustrating a precedent where coordinated fraudulent acts, including wire fraud and money laundering, were prosecuted under conspiracy charges. The case demonstrates how the legal system addresses coordinated criminal activities involving multiple defendants, which aligns with the proposition regarding Myers and Branthoover.

[United States v. Ruan, 966 F.3d 1101 \(11th Cir. 2020\)](#)

### U.S. Court of Appeals — Eleventh Circuit

#### Extract

Count 19 charged the appellants with conspiring with Perhacs, Palmer, and Parker to commit mail or wire fraud in violation of 18 U.S.C. § 1349. To

prove such a conspiracy, 'the government need not demonstrate an agreement specifically to use the interstate wires to further the scheme to defraud.' *United States v. Hasson*, 333 F.3d 1264, 1270 (11th Cir. 2003). Instead, 'it is enough to prove that the defendant knowingly and voluntarily agreed to participate in a scheme to defraud and that the use of the interstate wires in furtherance of the scheme was reasonably foreseeable.' ... Count 1 charged the appellants with conspiring to violate RICO based on predicate acts of drug distribution and mail or wire fraud. To establish a conspiracy to violate RICO under 18 U.S.C. § 1962(d), 'the government must prove that the defendants 'objectively manifested, through words or actions, an agreement to participate in the conduct of the affairs of the enterprise through the commission of two or more predicate crimes.'

## **Summary**

Clear explanation of the legal standards for proving conspiracy to commit wire fraud and RICO violations. It highlights that for wire fraud conspiracy under 18 U.S.C. § 1349, it is sufficient to show that the defendant agreed to participate in a fraudulent scheme and that the use of interstate wires was foreseeable. For RICO conspiracy under 18 U.S.C. § 1962(d), it is necessary to demonstrate an agreement to participate in the enterprise's affairs through the commission of two or more predicate crimes. These standards directly support the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute conspiracy to commit fraud and racketeering under federal law.

[Levin v. Javeri \(In re Firestar Diamond, Inc.\), 18-10509 \(SHL\), Adv. 20-01054 \(SHL\) \(Bankr. S.D.N.Y. Oct 13, 2023\)](#)

## **U.S. Bankruptcy Court — Southern District of New York**

### **Extract**

The Trustee alleges that the Moving Defendants conspired with the Executive Defendants to violate 18 U.S.C. § 1962(c) by committing acts of mail and wire fraud, money laundering, obstruction of justice, bankruptcy fraud, and violating the National Stolen Property Act. ... Separate from the elements of a substantive RICO violation, RICO conspiracy under 18 U.S.C. § 1962(d) requires proof '(a) of an agreement to join a racketeering scheme, (b) of the defendant's knowing engagement in the scheme with the intent that its overall goals be effectuated, and (c) that the scheme involved, or by agreement between any members of the conspiracy was intended to involve, two or more predicate acts of racketeering.' *United States v. Zemlyansky*, 908 F.3d 1, 11 (2d Cir. 2018). ... To prove the pattern element-that two or more predicate acts were involved-it 'need not [be] establish[ed] that the defendant 'committed or agreed to commit two predicate acts himself.' ... Rather, the pattern element may be established 'through evidence that 'the co-conspirators, not solely the defendant, agreed to conduct the affairs of the enterprise through a pattern of racketeering.'



## Summary

Elements required to establish a RICO conspiracy under 18 U.S.C. § 1962(d), which includes an agreement to join a racketeering scheme, knowing engagement in the scheme, and involvement in two or more predicate acts of racketeering. It also clarifies that a defendant need not personally commit or agree to commit two predicate acts, as long as there is evidence that co-conspirators agreed to conduct the enterprise's affairs through a pattern of racketeering. This directly supports the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute a conspiracy to commit fraud and racketeering under federal law.

[U.S. v. Bradley, 644 F.3d 1213, 23 Fla. L. Weekly Fed. C 20 \(11th Cir. 2011\)](#)

### U.S. Court of Appeals — Eleventh Circuit

#### Extract

The Government chose to prosecute the Bradleys' schemes under the anti-racketeering, conspiracy, mail fraud, wire fraud, and money laundering statutes, 18 U.S.C. §§ 1962, 371, 1341, 1343, and 1956, respectively... Count 1 was brought under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1962(c). Count 1 alleged that the Bradleys, Bio-Med, Tellechea, and others constituted an "enterprise" engaged in interstate commerce and that they conducted that enterprise "through a pattern of racketeering activity." All of the acts that made up the pattern of racketeering alleged in Count 1, i.e., the acts the Bradleys and Bio-Med were found to have committed in carrying out the recycling scheme, were based on fraud—mail fraud; wire fraud; transportation of blood-derivatives acquired by fraud; laundering money obtained by mail fraud and wire fraud... The indictment charged Bradley, Jr., with two RICO offenses, violations of 18 U.S.C. §§ 1962(c) and (d), respectively, plus one count of conspiracy to commit wire fraud or to pay illegal kickbacks, in violation of 18 U.S.C. § 371, another count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, forty-nine counts of wire fraud, in violation of 18 U.S.C. § 1343, one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h)...

## Summary

The passage describes how the Bradleys were prosecuted for engaging in a pattern of racketeering activity, which included wire fraud and money laundering, under RICO and conspiracy statutes. It highlights the use of 18 U.S.C. § 1962(d) to charge conspiracy to violate RICO and 18 U.S.C. § 1343 for wire fraud. This supports the proposition that coordinated planning and execution of fraudulent acts can constitute conspiracy to commit fraud and racketeering under federal law.

[United States v. Jimenez Recio, 537 U.S. 270 \(2003\)](#)

## **U.S. Supreme Court**

### **Extract**

The conspiracy poses a 'threat to the public' over and above the threat of the substantive crime's commission—both because the '[c]ombination in crime makes more likely the commission of [other] crimes' and because it 'decreases the probability that the individuals involved will depart from their path of criminality.'

### **Summary**

The U.S. Supreme Court recognizes the inherent dangers of conspiracies, which include the increased likelihood of committing additional crimes and the reduced probability of conspirators abandoning their criminal activities. This understanding supports the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute a conspiracy to commit fraud and racketeering under federal law.

[U.S. v. Goldin Industries, Inc., 219 F.3d 1271 \(11th Cir. 2000\)](#)

## **U.S. Court of Appeals — Eleventh Circuit**

### **Extract**

A 'pattern' of racketeering activity requires that a defendant commit two acts of racketeering activity within a ten-year period. 18 U.S.C. § 1961(5). Racketeering activity is defined as the commission of certain federal crimes, including for our purposes here, the crime of mail fraud pursuant to 18 U.S.C. § 1341... The Supreme Court has held that the existence of an enterprise 'is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.' *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981).

### **Summary**

Requirements for establishing a pattern of racketeering activity under RICO, which includes committing two acts of racketeering within a ten-year period. It also explains that an enterprise can be any group functioning as a continuing unit, which aligns with the proposition that Myers and Branthoover coordinated and planned fraudulent acts as part of an ongoing scheme. The passage supports the idea that their actions could constitute a conspiracy to commit fraud and racketeering under federal law.

[United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#)

## **U.S. Supreme Court**

### **Extract**

In order to secure a conviction under RICO, the Government must prove both the existence of an 'enterprise' and the connected 'pattern of racketeering activity.' The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. The pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute. 18 U.S.C. § 1961(1) (1976 ed., Supp. III). The former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.

### **Summary**

For a RICO violation, the government must demonstrate both an enterprise and a pattern of racketeering activity. The enterprise can be a group of individuals associated for a common criminal purpose, and the pattern of racketeering involves multiple criminal acts. This supports the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute a conspiracy to commit fraud and racketeering under federal law.

[Salinas v. U.S., 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 \(1997\)](#)

## **U.S. Supreme Court**

### **Extract**

To be convicted of conspiracy to violate RICO under §1962(d), the conspirator need not himself have committed or agreed to commit the two or more predicate acts, such as bribery, requisite for a substantive RICO offense under §1962(c). Section 1962(d)-which forbids 'any person to conspire to violate' §1962(c)-is even more comprehensive than the general conspiracy provision applicable to federal crimes, §371, since it contains no requirement of an overt or specific act to effect the conspiracy's object... A conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense... The partners in the criminal plan must agree to pursue the same criminal objective and may divide up the work, yet each is responsible for the acts of each other.

### **Summary**

Under 18 U.S.C. § 1962(d), a defendant can be convicted of conspiracy to violate RICO without having committed or agreed to commit the predicate

acts themselves. The statute is broader than the general conspiracy statute because it does not require an overt act. This means that if Myers and Branthoover coordinated and planned fraudulent acts as part of a scheme, they could be held liable for conspiracy under RICO even if they did not personally commit each act. The passage supports the idea that coordinated planning and execution of multiple predicate acts can constitute a conspiracy to commit fraud and racketeering.

[Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#)

## **U.S. Supreme Court**

### **Extract**

The evidence at petitioner Boyle's trial for violating the Racketeer Influenced and Corrupt Organizations Act (RICO) provision forbidding 'any person ... associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity,' 18 U.S.C. § 1962(c), was sufficient to prove, among other things, that Boyle and others committed a series of bank thefts in several States; that the participants included a core group, along with others recruited from time to time; and that the core group was loosely and informally organized, lacking a leader, hierarchy, or any long-term master plan... Given that it is also unlawful to conspire to violate § 1962(c), see § 1962(d)...

### **Summary**

The passage from "Boyle v. United States" illustrates how a group, even if loosely organized without a formal hierarchy, can be considered an "enterprise" under RICO if it engages in a pattern of racketeering activity. The case also highlights that it is unlawful to conspire to violate RICO provisions, as per 18 U.S.C. § 1962(d). This supports the proposition that coordinated planning and execution of multiple predicate acts, such as those alleged against Myers and Branthoover, can constitute a conspiracy to commit fraud and racketeering under federal law.

[United States v. Gurry, Criminal Action No. 16-cr-10343-ADB \(D. Mass. Jan 17, 2019\)](#)

## **U.S. District Court — District of Massachusetts**

### **Extract**

Courts have interpreted these statutory provisions to require that a RICO conspiracy indictment allege 'that the defendant knowingly joined a

conspiracy the objective of which was to operate that enterprise through an identified pattern of racketeering activity.' *United States v. Glecier*, 923 F.2d 496, 500 (7th Cir. 1991); see *Salinas v. United States*, 522 U.S. 52, 66 (1997) (holding that to prove a RICO conspiracy claim, it is sufficient to prove that the defendant 'knew about and agreed to facilitate the scheme'); *United States v. Ortiz*, No. C 12-00119 SI, 2013 WL 6842541, at \*3 (N.D. Cal. Dec. 27, 2013) (applying *Salinas* and stating that '[i]t is sufficient that the indictment alleges that [the defendant] knew about the enterprise's racketeering activities and agreed to help facilitate them'). This requires an allegation that the defendant agreed that a co-conspirator would commit at least two acts of racketeering activity.

## **Summary**

For a RICO conspiracy charge, it is necessary to allege that the defendant knowingly joined a conspiracy with the objective of operating an enterprise through a pattern of racketeering activity. The passage highlights that it is sufficient to prove that the defendant knew about and agreed to facilitate the scheme, and that an agreement to commit at least two acts of racketeering activity is required. This aligns with the proposition that Myers and Branthoover coordinated and planned fraudulent acts as part of an ongoing scheme, which would constitute a conspiracy under federal law.

[Morrow v. Black, 742 F.Supp. 1199 \(E.D. N.Y. 1990\)](#)

## **U.S. District Court — Eastern District of New York**

### **Extract**

Plaintiffs in their second claim allege that defendants violated § 1962(c) of the RICO statute. Section 1962(c) of the statute renders civilly liable any person who being employed by or associated with an enterprise engaged in interstate commerce conducts or participates, directly or indirectly, in the conduct of that enterprise's affairs through a 'pattern of racketeering activity'... Plaintiffs in their third claim allege that defendants violated § 1962(d) of the RICO statute. Section 1962(d) renders liable any person who 'conspires' to commit a RICO violation... The statute defines 'racketeering activity' as any act or threat involving specified state law crimes, any act indictable under various specified federal statutes, and certain federal offenses, including mail fraud (18 U.S.C. § 1341), and wire fraud (18 U.S.C. § 1343).

## **Summary**

The RICO statute, specifically sections 1962(c) and 1962(d), addresses the liability of individuals involved in a pattern of racketeering activity and those who conspire to commit such violations. The passage highlights that racketeering activity includes federal offenses like wire fraud, which is relevant to the proposition. The court's discussion of the continuity and

relatedness of predicate acts supports the idea that coordinated planning and execution of multiple acts can constitute a conspiracy under RICO.

[Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238 \(M.D. Fla. 2002\)](#)

## **U.S. District Court — Middle District of Florida**

### **Extract**

Congress designed the Federal Racketeering Influenced and Corrupt Organizations Act (RICO), Title 18, United States Code, Section 1961, et seq. as a flexible tool to fight organized crime. As such, it makes the following activities unlawful: ... (d) conspiring to violate any of the provisions of Section 1962(a)-(c). 18 U.S.C. § 1962. ... To engage in a 'pattern of racketeering activity,' the defendant must have participated in 'at least two acts of racketeering activity, one of which occurred after the effective date of [RICO] and the last of which occurred within ten years (excluding any term of imprisonment) after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5).

### **Summary**

The RICO statute is designed to combat organized crime by making it unlawful to conspire to violate its provisions. The statute requires participation in at least two acts of racketeering activity to establish a pattern, which aligns with the proposition that coordinated planning and execution of multiple predicate acts by the defendants constitutes conspiracy to commit fraud and racketeering under federal law.

[LD v. United Behavioral Health, CASE NO. 4:20-cv-02254 YGR \(N.D. Cal. Aug 26, 2020\)](#)

## **U.S. District Court — Northern District of California**

### **Extract**

Section 1962(d) provides, 'It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.' A defendant cannot be liable for a RICO conspiracy under Section 1962(d) if the defendant is not liable under the substantive RICO provisions, namely Sections 1962(a), (b), or (c). See *Howard v. Am. Online Inc.*, 208 F.3d 741, 751 (9th Cir. 2000) ('Plaintiffs cannot claim that a conspiracy to violate RICO existed if they do not adequately plead a substantive violation of RICO.').



## **Summary**

The passage explains that under Section 1962(d) of RICO, it is unlawful to conspire to violate any of the substantive provisions of RICO, which include Sections 1962(a), (b), and (c). This supports the proposition that a conspiracy to commit fraud and racketeering, as alleged against defendants Myers and Branthoover, would be unlawful if it involves a conspiracy to violate these substantive RICO provisions. The passage also highlights the necessity of establishing a substantive RICO violation to support a conspiracy claim under Section 1962(d).

[Said v. Chojnacki](#)

**U.S. District Court — Northern District of Illinois**

### **Extract**

Section 1962(d) makes it 'unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.' 18 U.S.C. § 1962(d). To state a claim under § 1962(d), a plaintiff 'must allege that the defendant (1) agreed to maintain an interest in or control of an enterprise, or to participate in an enterprise's affairs, (2) through a pattern of racketeering activity, and (3) that the defendant agreed that some member of the conspiracy (not necessarily the defendant herself) would commit at least two predicate acts in furtherance of those goals.'

## **Summary**

Elements necessary to establish a conspiracy under RICO, specifically under 18 U.S.C. § 1962(d). It explains that a defendant must agree to participate in an enterprise's affairs through a pattern of racketeering activity and that some member of the conspiracy would commit at least two predicate acts. This directly supports the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute a conspiracy to commit fraud and racketeering under federal law.

[Schwamborn v. U.S., 507 F.Supp.2d 229 \(E.D. N.Y. 2007\)](#)

**U.S. District Court — Eastern District of New York**

### **Extract**

Count 1 alleged racketeering in violation of the Racketeering Influenced Corrupt Organizations Act of 1970 ('RICO'), 18 U.S.C. § 1962(c), against all of the defendants, and identified a total of twenty-one predicate racketeering acts... Count 2 alleged racketeering conspiracy in violation of RICO, 18 U.S.C. § 1962(d), and incorporated by reference the predicate acts identified in Count 1... The remaining counts asserted in the Superseding

Indictment against Mr. Schwamborn were essentially coextensive with the acts alleged as RICO predicates: conspiracy to commit mail and wire fraud (Count 24), substantive wire fraud (Count 25), substantive mail fraud (Count 26), money laundering (Count 27)... RICO defines a 'pattern of racketeering activity,' a necessary element for liability under 18 U.S.C. § 1962(c), as 'requir[ing] at least two acts of racketeering activity... 'Racketeering activity' is defined as the violation of any one of a lengthy list of state or federal crimes, including, as relevant here, mail fraud, wire fraud, money laundering... In order to establish a RICO violation, the government must prove, inter alia, that the alleged predicate acts were 'related,' i.e., that they shared 'the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and [were] not isolated events.'

## **Summary**

The passage discusses the application of RICO statutes to a case involving multiple predicate acts, including wire fraud and money laundering. It explains the requirements for establishing a RICO violation, such as the need for related predicate acts and the definition of a "pattern of racketeering activity." This directly supports the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute a conspiracy to commit fraud and racketeering under federal law.

[U.S. v. Zemek, 634 F.2d 1159 \(9th Cir. 1980\)](#)

## **U.S. Court of Appeals — Ninth Circuit**

### **Extract**

RICO prohibits investment in, control, or operation of an 'enterprise' through a pattern of racketeering activity. See 18 U.S.C. §§ 1961-1968... Section 1962, the substantive portion of RICO, employs the foregoing definitions to create three offenses. See 18 U.S.C. § 1962(a)-(c). Pertinent to this appeal is subsection 1962(c) which prohibits any person employed by or associated with an enterprise from conducting its affairs through racketeering activity. Count I charged each appellant with a conspiracy to violate this subsection under 18 U.S.C. § 1962(d). The indictment alleged 107 overt acts in furtherance of this conspiracy... The essence of a RICO conspiracy is not an agreement to commit predicate crimes but an agreement to conduct or participate in the conduct of the affairs of an enterprise through a pattern of racketeering. 'Pattern' is expressly defined as two or more predicate offenses.

## **Summary**

The passage from "U.S. v. Zemek" provides a detailed explanation of how RICO statutes apply to conspiracies involving racketeering activities. It clarifies that RICO prohibits conducting an enterprise's affairs through a

pattern of racketeering activity and that a RICO conspiracy involves an agreement to conduct such affairs. The passage also highlights that a pattern of racketeering is defined as two or more predicate offenses, which aligns with the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute a conspiracy under RICO.

[Kruse v. Repp, 611 F.Supp.3d 666 \(S.D. Iowa 2020\)](#)

## **U.S. District Court — Southern District of Iowa**

### **Extract**

Those who conspire to violate RICO also fall within the statute's broad purview. 18 U.S.C. § 1962(d). ... Section 1962(d) makes it unlawful for any person to conspire to violate RICO's substantive provisions. To state an actionable RICO conspiracy, a plaintiff must plead facts that show (a) 'an enterprise existed'; (b) 'the enterprise affected interstate or foreign commerce'; (c) 'the defendant associated with the enterprise'; and (d) 'the defendant 'objectively manifested an agreement to participate ... in the affairs of [the] enterprise.' ... A conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense so long as [t]he partners in the criminal plan ... agree to pursue the same criminal objective.

### **Summary**

18 U.S.C. § 1962(d) criminalizes conspiracies to violate RICO's substantive provisions. The passage explains the elements required to establish a RICO conspiracy, including the existence of an enterprise, its effect on commerce, the defendant's association with the enterprise, and an agreement to participate in its affairs. The passage also clarifies that a conspiracy can exist even if not all conspirators agree to every part of the offense, as long as they share a common criminal objective.

[U.S. v. Glecier, 923 F.2d 496 \(7th Cir. 1991\)](#)

## **U.S. Court of Appeals — Seventh Circuit**

### **Extract**

All that 18 U.S.C. Sec. 1962(d), the 'RICO conspiracy statute,' provides is that it is unlawful 'to conspire to violate any of the provisions of subsections (a), (b) or (c) of this section.' Section 1962(c), the familiar 'substantive' RICO provision, criminalizes the participation in the affairs of an enterprise affecting interstate commerce through a pattern of racketeering activity. Section 1962(d), like all conspiracy provisions, has as its target the act of

agreement--here, the agreement to engage in activity that implicates section 1962(c).

## **Summary**

The focus of a RICO conspiracy charge is the agreement to engage in racketeering activity, which supports the idea that Myers and Branthoover's coordination and planning of fraudulent acts could be prosecuted under this statute.

[U.S. v. Hasson, 333 F.3d 1264 \(11th Cir. 2003\)](#)

### **U.S. Court of Appeals — Eleventh Circuit**

#### **Extract**

Following a seven-week trial, the jury returned a guilty verdict convicting Hasson of conspiracy to commit wire fraud, three counts of wire fraud, conspiracy to launder money, and conspiracy to obstruct justice. The jury found that the objects of the conspiracy to launder money were violations of 18 U.S.C. §§ 1956(a)(1)(A)(i) (promotion of unlawful activity), (a)(1)(B)(i) (concealment of unlawful activity), and 1957 (transaction involving more than \$10,000 in unlawful proceeds). The jury found that the object of the conspiracy to obstruct justice was a violation of 18 U.S.C. § 1503.

## **Summary**

The passage from "U.S. v. Hasson" demonstrates that a jury can convict individuals for conspiracy to commit wire fraud, money laundering, and obstruction of justice when there is evidence of coordinated planning and execution of these acts. The case illustrates that the government does not need to prove an agreement specifically to use interstate wires but rather that the defendants knowingly participated in a scheme to defraud, and the use of interstate wires was foreseeable. This supports the proposition that coordinated planning and execution of multiple predicate acts by defendants can constitute conspiracy under federal law.

[United States v. Zemlyansky, 908 F.3d 1 \(2nd Cir. 2018\)](#)

### **U.S. Court of Appeals — Second Circuit**

#### **Extract**

RICO conspiracy requires proof that the defendant 'agree[d] to conduct or to participate in the conduct of [an] enterprise's affairs through a pattern of racketeering activity.' United States v. Pizzonia, 577 F.3d 455, 462 (2d Cir. 2009). To prove the agreement element, the government must show that the defendant 'knew about and agreed to facilitate [a racketeering] scheme.'

Salinas, 522 U.S. at 66, 118 S.Ct. 469; see also Pizzonia, 577 F.3d at 459 ('[T]he object of a racketeering conspiracy is to conduct the affairs of a charged enterprise through a pattern of racketeering, not to commit discrete predicate acts.'). To prove the pattern element, the government must show that two or more 'predicate acts were, or were intended to be, committed as part of [the] conspiracy.'

## **Summary**

The focus is on the agreement to conduct the enterprise's affairs through a pattern of racketeering activity, rather than on committing specific acts. This supports the proposition that Myers and Branthoover's coordinated planning and execution of multiple predicate acts can constitute a conspiracy to commit fraud and racketeering.

### [18 U.S.C. § 1962 18 U.S.C. § 1962 Prohibited Activities](#)

## **Extract**

It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

## **Summary**

The passage from 18 U.S.C. § 1962(d) explicitly states that it is unlawful for any person to conspire to violate the provisions of subsections (a), (b), or (c). These subsections relate to engaging in, conducting, or participating in an enterprise's affairs through a pattern of racketeering activity. This directly supports the proposition that the coordinated planning and execution of multiple predicate acts by the defendants constitutes a conspiracy to commit fraud and racketeering under federal law.

### [18 U.S.C. § 1349 18 U.S.C. § 1349 Attempt and Conspiracy](#)

## **Extract**

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

## **Summary**

18 U.S.C. § 1349 explicitly criminalizes attempts and conspiracies to commit offenses under Chapter 63, which includes wire fraud. This means that individuals who conspire to commit wire fraud are subject to the same penalties as those who actually commit the offense. This supports the

proposition that the coordinated planning and execution of fraudulent acts by the defendants can be prosecuted under this statute as a conspiracy to commit wire fraud.

### [18 U.S.C. § 1961 18 U.S.C. § 1961 Definitions](#)

#### **Extract**

As used in this chapter- 'racketeering activity' means ... (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1503 (relating to obstruction of justice), ... section 1956 (relating to the laundering of monetary instruments), ... 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

#### **Summary**

The definition of "racketeering activity" includes acts such as wire fraud, obstruction of justice, and money laundering, which are relevant to the alleged activities of Myers and Branthoover. The passage also defines a "pattern of racketeering activity" as requiring at least two acts, which aligns with the proposition that the defendants coordinated multiple predicate acts. This supports the argument that their actions could constitute a conspiracy to commit fraud and racketeering under federal law.

### [18 U.S.C. § 1956 18 U.S.C. § 1956 Laundering of Monetary Instruments](#)

#### **Extract**

Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity... shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.

#### **Summary**

The passage from 18 U.S.C. § 1956 outlines the criminalization of conducting or attempting to conduct financial transactions involving proceeds from



unlawful activities. It specifies that such transactions are considered part of a single plan or arrangement if they are parallel or dependent, which aligns with the proposition that Myers and Branthoover coordinated and planned fraudulent acts as part of an ongoing scheme. This supports the notion of conspiracy to commit fraud and racketeering, as it highlights the legal framework for addressing coordinated financial crimes.

#### [Mail and wire fraud.](#)

**American Criminal Law Review - Georgetown University Law Center -  
Messier, Flo - 1999-06-22**

### **Extract**

The two statutes have been widely used to 'cover not only the full range of consumer frauds, stock frauds, land frauds, bank frauds, insurance frauds, and commodity frauds, but [also]... such areas as blackmail, counterfeiting, election fraud, and bribery.' Prosecutors have also used these statutes to prosecute money laundering and Racketeer Influenced and Corrupt Organizations Act ('RICO') violations. A violation of [sections] 1341 or [sections] 1343 can provide the unlawful act necessary to establish a RICO or money laundering violation. Once a mail fraud or wire fraud offense has been proven, then both the RICO and the money laundering statutes allow for more severe penalties.

### **Summary**

A proven mail or wire fraud offense can serve as a predicate act for RICO violations, which aligns with the proposition that coordinated fraudulent acts can constitute a conspiracy under federal law.

#### [Mail and wire fraud.](#)

**American Criminal Law Review - Georgetown University Law Center -  
Green, Christopher G. - 1998-03-22**

### **Extract**

The purpose of these two statutes is to prevent the use of the mails or wires in the furtherance of fraudulent activity... Prosecutors have also used these statutes to prosecute money laundering and Racketeer Influenced and Corrupt Organizations Act ('RICO') violations. A violation of [sections] 1341 or [sections] 1343 can provide the unlawful act necessary to establish a RICO or money laundering violation. Once a mail fraud or wire fraud offense has been proven, then both the RICO and the money laundering statutes allow for more severe penalties.

## Summary

Proving a mail or wire fraud offense can establish the basis for RICO or money laundering charges, which aligns with the proposition that coordinated fraudulent acts can constitute a conspiracy under federal law.

[Mail & wire fraud.](#)

**American Criminal Law Review - Georgetown University Law Center - Rosenblatt, Raphael - 1997-01-01**

## Extract

They have also been useful in prosecuting money laundering and violations of the Racketeer Influenced and Corrupt Organizations Act ('RICO'). Violating [sections] 1341 and/or [sections] 1343 can create the unlawful acts necessary to establish a RICO or money laundering violation. Once a mail fraud or wire fraud offense has been proven, both the RICO and the money laundering statutes allow for more severe penalties. ... In cases where mail and wire fraud is alleged as part of a conspiracy, the prosecution must show that the defendant was a member of the conspiracy at some point during the five years preceding the indictment.

## Summary

Mail and wire fraud statutes are instrumental in prosecuting money laundering and RICO violations. The passage explains that violations of sections 1341 and 1343 can establish the unlawful acts necessary for RICO or money laundering charges. It also highlights that mail and wire fraud can be part of a conspiracy, which aligns with the proposition that Myers and Branthoover coordinated fraudulent acts as part of an ongoing scheme. The passage supports the idea that such coordinated acts can lead to conspiracy charges under federal law.

[Mail and Wire Fraud](#)

**American Criminal Law Review - Georgetown University Law Center - Michael Bednarczyk - 2022-07-01**

## Extract

Mail and wire fraud are predicate felonies under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and are specified as unlawful activity for purposes of the federal money laundering statutes. ... *United States v. Goldin Indus., Inc.*, 219 F.3d 1271, 1274 (11th Cir. 2000) (defining racketeering activity as the commission of certain federal crimes, including mail fraud, pursuant to 18 U.S.C. § 1341); *Zichettello*, 208 F.3d at 79 (affirming multi-defendant convictions on counts including: (i) mail fraud in

connection with monthly bribes related to conspiracy to violate RICO and (ii) wire fraud in connection with campaign finance scheme).

## **Summary**

Mail and wire fraud are considered predicate felonies under RICO, which is relevant to the proposition that Myers and Branthoover's actions could constitute a conspiracy to commit fraud and racketeering. The reference to *United States v. Goldin Indus., Inc.* and *Zichettello* supports the idea that such activities can be part of a RICO conspiracy. This aligns with the proposition that the defendants' coordinated actions could be prosecuted under 18 U.S.C. § 1962(d) for conspiracy to violate RICO.

[Mail and wire fraud.](#)

**American Criminal Law Review - Georgetown University Law Center - Zelcer, Amy - 2012-03-22**

## **Extract**

This Article provides an overview of the prosecution of offenses under the federal mail and wire fraud statutes. Because the character, language, and scope of the mail and wire fraud statutes are similar, legal analysis and case law on mail fraud are equally applicable to wire fraud... Mail and wire fraud law has evolved through both congressional action and court decision. Currently, to be convicted of a mail or wire fraud offense, the government must show beyond a reasonable doubt that the defendant perpetrated: (i) a scheme to defraud that includes a material deception... *United States v. Goldin Indus.*, 219 F.3d 1271, 1274 (11th Cir. 2000) (defining racketeering activity as the commission of certain federal crimes, including crime of mail fraud, pursuant to 18 U.S.C. [section] 1341)... *Zichettello*, 208 F.3d at 79 (affirming multi-defendant convictions on counts including: (i) mail fraud in connection with monthly bribes related to conspiracy to violate RICO, and (ii) wire fraud in connection with campaign finance scheme).

## **Summary**

N overview of the prosecution of mail and wire fraud offenses, highlighting that the legal analysis and case law for mail fraud are applicable to wire fraud. It also discusses the elements required for conviction, including a scheme to defraud with material deception. The passage references case law that defines racketeering activity to include mail fraud and affirms convictions for conspiracy to violate RICO, which supports the proposition that coordinated fraudulent acts can constitute conspiracy under federal law.

[Mail and Wire Fraud](#)

## **American Criminal Law Review - Georgetown University Law Center - Todd Kowalski - 2023-07-01**

### **Extract**

Further, mail and wire fraud are predicate felonies under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and are specified as unlawful activity for purposes of the federal money laundering statutes.

### **Summary**

Mail and wire fraud are considered predicate felonies under RICO, which means they can be used as the basis for a RICO charge. This supports the proposition that the coordinated planning and execution of multiple predicate acts, such as wire fraud, by the defendants can constitute a conspiracy to commit fraud and racketeering under federal law. Additionally, the mention of these acts as unlawful activities for money laundering statutes further supports the involvement in a broader fraudulent scheme.

### [Civil Rico: A Tool of Advocacy](#)

## **The Brief - American Bar Association - 2024-01-01**

### **Extract**

RICO's broad definition of racketeering activity and the act's reference to mail and wire fraud as predicate offenses begs the question: Why not RICO? That is, should the plaintiff consider adding a RICO count to an existing state cause of action? Moreover, since an action under RICO arises under federal law, a plaintiff can elect to have access to federal court. Civil RICO is so broad and offers such a potentially broad pathway to pleading of such a claim in light of the inclusion of mail and wire fraud as predicate acts that a plaintiff can take almost any given set of facts and fashion their pleadings and be afforded the opportunity to plead a civil racketeering claim. The key is to make certain that each of the four critical elements previously set out is properly pleaded.

### **Summary**

RICO's broad definition allows for the inclusion of mail and wire fraud as predicate acts, which are relevant to the proposition. The passage suggests that RICO can be applied broadly to various sets of facts, including those involving coordinated fraudulent acts. This supports the idea that the defendants' actions could be framed as a RICO violation if the elements are properly pleaded.

### [CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN](#)

[FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ.](#)

**Suffolk Transnational Law Review - Suffolk University Law School - Callahan, Kathleen - 2021-01-01**

**Extract**

Under the RICO statute, it is unlawful for a person to engage in racketeering activity in connection with a criminal enterprise affecting interstate or foreign commerce. Id. at (a)-(c). The statute also criminalizes conspiracies to violate any of the subsections of 18 U.S.C [section] 1962. Id. at (d).

**Summary**

The RICO statute explicitly criminalizes not only the act of engaging in racketeering activity but also conspiracies to violate its provisions. This aligns with the proposition that coordinated planning and execution of multiple predicate acts, such as wire fraud and money laundering, can constitute a conspiracy to commit fraud and racketeering under federal law.

[Insurance Fraud is a Violent Crime.](#)

**Insurance Advocate - CINN Group, Inc. - 2024-03-01**

**Extract**

RICO CONSPIRACY The essence of a RICO conspiracy is the existence of an agreement to violate RICO's substantive provisions. RICO conspiracy was established by proof of: (a) of an agreement to join a racketeering scheme, (b) of the defendant's knowing engagement in the scheme with the intent that its overall goals be effectuated, and (c) that the scheme involved, or by agreement between any members of the conspiracy was intended to involve, two or more predicate acts of racketeering.

**Summary**

Essential elements required to establish a RICO conspiracy, which includes an agreement to join a racketeering scheme, knowing engagement in the scheme with intent, and involvement of two or more predicate acts of racketeering. This directly supports the proposition that Myers and Branthoover's coordinated planning and execution of multiple predicate acts could constitute a conspiracy to commit fraud and racketeering under federal law.

[PAYORS, PLAYERS, AND PROXIMATE CAUSE.](#)

**Notre Dame Law Review - University of Notre Dame Law School -  
Crusey, Elisabeth F. - 2022-05-01**

**Extract**

RICO is not just a tool for government control over organized crime. It is also a remedial statute for civil matters. (31) It 'authorize[s]... criminal or civil remedies on conduct already criminal, when performed in a specified fashion' as delineated by the statute. (32) Section 1962 provides civil remedies for four types of conduct: ... (4) conspiring to commit any of these offenses. (34)

**Summary**

The passage explains that RICO is a statute that provides both criminal and civil remedies for conduct that is already criminal when performed in a specified manner. It specifically mentions that Section 1962 provides remedies for conspiring to commit offenses related to racketeering activity. This directly supports the proposition that the coordinated planning and execution of multiple predicate acts by the defendants constitutes conspiracy to commit fraud and racketeering under federal law.

[Review of Criminal Penalties and Collateral Consequences for Antitrust and Related Violations](#)

**Antitrust Cartel Leniency and Sentencing Handbook - American Bar Association - 2023-05-07**

**Extract**

Previously, conspiracies to commit mail or wire fraud only carried a five-year maximum prison sentence under the general conspiracy statute, 18 U.S.C. § 371. Thus, the enactment of section 1349 ensured that conspiracies to commit mail and wire fraud would carry the same maximum prison terms as the enhanced maximums under the amended mail and wire fraud statutes. Section 1349 also filled a gap in the wire fraud statute, which did not cover attempts, as did the mail fraud statute. Further, section 1349, unlike 18 U.S.C. § 371, does not require proof of an overt act.

**Summary**

The passage highlights the significance of 18 U.S.C. § 1349 in addressing conspiracies to commit wire fraud by aligning the penalties with those for actual wire fraud offenses and eliminating the requirement for an overt act. This supports the proposition by emphasizing that coordinated planning and execution of fraudulent acts, such as those by Myers and Branthoover, fall under the purview of § 1349, which criminalizes such conspiracies.



## **Congressional Committee Reports**

### **Extract**

The conduct described in article 21 could be punishable under various Federal criminal theories, including but not limited to mail and wire fraud, antitrust violations, conspiracy, and securities fraud, depending upon the facts of a given case. Additionally, commercial bribery can be charged federally under 18 U.S.C. 1952(b)(2) (interstate and foreign travel or transportation in aid of racketeering enterprises)...

### **Summary**

Conduct involving wire fraud and conspiracy can be prosecuted under federal criminal theories, including 18 U.S.C. § 1349 for attempts and conspiracies to commit wire fraud. It also mentions the use of 18 U.S.C. 1952(b)(2) for racketeering-related activities, which aligns with the RICO statute's focus on racketeering enterprises. This supports the proposition that coordinated planning and execution of fraudulent acts can be prosecuted under these federal laws.

### [RICO: A Primer](#)

### **Extract**

Under Section 1962(d), it is a violation to conspire to commit any of the three substantive RICO offenses. To prove a violation of Section 1962(d), a plaintiff must prove the following elements: \* The existence of an enterprise (or that an enterprise would exist); \* That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce; and \* That each defendant knowingly agreed that a conspirator would commit a violation of 18 U.S.C. ' 1962(c). The Supreme Court held that to establish a RICO conspiracy offense under Section 1962(d), there is no requirement that the defendant 'himself committed or agreed to commit the two predicate acts requisite for a substantive RICO offense under ' 1962(c).' The Supreme Court explained: A conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense. The partners in the criminal plan must agree to pursue the same criminal objective and may divide up the work, yet each is responsible for the acts of each other. If conspirators have a plan which calls for some conspirators to perpetrate the crime and others to provide support, the supporters are as guilty as the perpetrators.

## Summary

The passage explains the elements required to prove a RICO conspiracy under Section 1962(d), emphasizing that a defendant does not need to commit or agree to commit the predicate acts themselves. Instead, it is sufficient for the defendant to knowingly agree to further the criminal objectives of the conspiracy. This supports the proposition that Myers and Branthoover's coordinated planning and execution of fraudulent acts could constitute a conspiracy to commit fraud and racketeering, even if they did not personally commit each predicate act.

[RICO: A Primer](#)

## Extract

Under Section 1962(d), it is a violation to conspire to commit any of the three substantive RICO offenses. To prove a violation of Section 1962(d), a plaintiff must prove the following elements: \* The existence of an enterprise (or that an enterprise would exist); \* That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce; and \* That each defendant knowingly agreed that a conspirator would commit a violation of 18 U.S.C. ' 1962(c). The Supreme Court held that to establish a RICO conspiracy offense under Section 1962(d), there is no requirement that the defendant 'himself committed or agreed to commit the two predicate acts requisite for a substantive RICO offense under ' 1962(c).' The Supreme Court explained: A conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense. The partners in the criminal plan must agree to pursue the same criminal objective and may divide up the work, yet each is responsible for the acts of each other. If conspirators have a plan which calls for some conspirators to perpetrate the crime and others to provide support, the supporters are as guilty as the perpetrators.

## Summary

The passage explains that under 18 U.S.C. § 1962(d), it is a violation to conspire to commit RICO offenses, and it is not necessary for a defendant to have committed the predicate acts themselves. The passage further clarifies that conspirators can be held responsible for the acts of others if they share a common criminal objective. This supports the proposition that Myers and Branthoover's coordinated planning and execution of fraudulent acts could constitute a conspiracy under RICO, even if they did not personally commit each act.

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

## **Extract**

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: ... Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c). ... Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud.

## **Summary**

RICO involves conduct associated with an enterprise and a pattern of racketeering activity, which requires long-term, organized conduct. Section 1962(d) specifically prohibits conspiracy to violate other sections of RICO, which aligns with the proposition that coordinated planning and execution of multiple predicate acts by the defendants could constitute a conspiracy to commit fraud and racketeering. The passage also highlights that wire fraud is a common qualifying criminal action under RICO, supporting the proposition's mention of wire fraud as part of the fraudulent acts.

This memo was compiled by Vincent AI based on vLex materials available as of June 20, 2025. [View full answer on vLex](#)