

Question

Defendants Myers and Branthoover agreed to work together to defraud Plaintiff and deprive him of his property and rights. Their coordinated actions, including fraudulent filings and financial transactions, demonstrate a shared intent to further the scheme. Under 18 U.S.C. § 1962(d), a RICO conspiracy claim requires proof that the defendants agreed to participate in the conduct of an enterprise through a pattern of racketeering activity, as held in **Salinas v. United States**, 522 U.S. 52 (1997). The facts demonstrate that Defendants conspired to violate RICO by agreeing to engage in a pattern of racketeering activity through their association-in-fact enterprise, satisfying the elements of a RICO conspiracy claim.

Answer (U.S. Federal)

Short response

Defendants Myers and Branthoover's coordinated actions in defrauding the Plaintiff fully satisfy the RICO conspiracy requirements under [18 U.S.C. § 1962\(d\)](#) as interpreted by the Supreme Court in [Salinas v. United States](#). Their agreement to participate in a fraud scheme through coordinated activities constitutes an association-in-fact enterprise engaged in a pattern of racketeering activity, even if they did not each personally commit all the predicate acts.

Summary

A conspiracy to violate the [Racketeer Influenced and Corrupt Organizations Act \(RICO\)](#) under [18 U.S.C. § 1962\(d\)](#) requires proof that defendants agreed to participate in the conduct of an enterprise through a pattern of racketeering activity. Based on the authorities reviewed, the coordinated actions of Defendants Myers and Branthoover, including their fraudulent filings and financial transactions demonstrating a shared intent to further a scheme to defraud the Plaintiff and deprive him of property and rights, satisfy the elements required for a RICO conspiracy claim.

The Supreme Court in [Salinas v. United States, 522 U.S. 52 \(1997\)](#) established that a RICO conspiracy does not require proof that each defendant personally committed or agreed to commit the predicate acts of racketeering. Rather, it is sufficient to show that the defendants knew about and agreed to facilitate the scheme with the intention of furthering the criminal endeavor. Myers and Branthoover's conduct demonstrates they formed an association-in-fact enterprise and knowingly agreed to pursue the common objective of defrauding the Plaintiff through a pattern of racketeering activity, thus fulfilling all required elements of a RICO conspiracy claim under § 1962(d).

Legal Framework for RICO Conspiracy Claims

Statutory Basis

The statutory foundation for RICO conspiracy claims is found in [18 U.S.C. § 1962\(d\)](#), which 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\(d\)](#) (2025). This provision forms the legal basis for asserting that a conspiracy to commit RICO violations is itself a violation under federal law.

In the present case, the conspiracy allegation relates to a violation of § 1962(c), which prohibits "any person employed by or 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." [Boyle v. United States, 556 U.S. 938, 948 \(2009\)](#) ("RICO makes it 'unlawful for any person employed by or 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.'").

Elements of a RICO Conspiracy Claim

To establish a RICO conspiracy under § 1962(d), the plaintiff must prove the following elements:

1. An agreement between two or more people to commit a substantive RICO offense;
2. Knowledge of and agreement to the overall objective of the RICO offense.

[United States v. Perry, 17-30610, 17-30611 \(5th Cir. May 12, 2022\)](#) ("The elements of a RICO conspiracy are: (1) an agreement between two or more people to commit a substantive RICO offense; and (2) knowledge of and agreement to the overall objective of the RICO offense.") (citing [United States v. Onyeri, 996 F.3d 274, 280 \(5th Cir. 2021\)](#)).

These elements need not be proven through direct evidence but can be established through circumstantial evidence. [United States v. Delgado, 401 F.3d 290, 296 \(5th Cir. 2005\)](#) ("These elements may be established by circumstantial evidence."). The agreement, a defendant's guilty knowledge, and a defendant's participation in the conspiracy may all be inferred from the "development and collocation of circumstances." [United States v. Posada-Rios, 158 F.3d 832, 857 \(5th Cir. 1998\)](#) ("The agreement, a defendant's guilty knowledge and a defendant's participation in the conspiracy all may be inferred from the 'development and collocation of circumstances.'").

Enterprise Requirement

A RICO conspiracy requires the existence (or potential existence) of an "enterprise." RICO: A Primer (2022-01-31) ("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)").

Under RICO, an "enterprise" is defined as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238, 1243 \(M.D. Fla. 2002\)](#).

The Supreme Court has recognized that "[t]he enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct." [U.S. v. International Longshoremen's Ass'n, 518 F.Supp.2d 422, 470 \(E.D.N.Y. 2007\)](#) (citing [Salinas v. United States, 522 U.S. 52, 62 \(1997\)](#)). The enterprise is "proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." *Id.*

For an association-in-fact enterprise, the Supreme Court has held that any type of association can satisfy the enterprise element as long as it consists of "a group of persons associated together for a common purpose of engaging in a course of conduct." [Racketeer influenced and corrupt organizations](#) (2008-03-22).

Pattern of Racketeering Activity

A "pattern of racketeering activity" requires "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." [Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238, 1243 \(M.D. Fla. 2002\)](#) (citing 18 U.S.C. § 1961(5)).

Unlike the general conspiracy statute, § 1962(d) requires no "overt act or specific act" in carrying it forward. [State Farm Mut. Auto. Ins. Co. v. Warren Chiropractic & Rehab Clinic P.C., Case No. 4:14-CV-11521 \(E.D. Mich. Aug 10, 2015\)](#) (citing [Salinas v. United States, 522 U.S. 52, 63 \(1997\)](#)).

The Seminal Case: [Salinas v. United States](#)

The Supreme Court's decision in [Salinas v. United States, 522 U.S. 52 \(1997\)](#) is central to the analysis of RICO conspiracy claims. In [Salinas](#), the Court held that a defendant can be convicted of conspiracy to violate RICO without personally committing or agreeing to commit the predicate acts of racketeering.

The Court stated: "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)." [Salinas v. U.S., 522 U.S. 52, 63 \(1997\)](#).

The Court further explained that § 1962(d) "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." *Id.* It is sufficient if "the defendant knew of and agreed to the overall objective of the RICO offense." [United States v. Jones, 873 F.3d 482, 489 \(5th Cir. 2017\)](#) ("A co-conspirator needs only to have known of, and agreed to, the overall objective of the RICO offense.").

In [Salinas](#), the Court found sufficient evidence to support a RICO conspiracy conviction where "the evidence showed that [another defendant] committed at least two acts of racketeering activity when he accepted numerous bribes and that [Salinas](#) knew about and agreed to facilitate the scheme." [Salinas v. U.S., 522 U.S. 52, 66 \(1997\)](#).

Analysis of Myers and Branthoover's Conduct

Agreement Between Myers and Branthoover

The facts indicate that "Defendants Myers and Branthoover agreed to work together to defraud Plaintiff and deprive him of his property and rights." This agreement satisfies the first element of a RICO conspiracy claim, which requires "an agreement between two or more people to commit a substantive RICO offense." [United States v. Perry, 17-30610, 17-30611 \(5th Cir. May 12, 2022\)](#).

Courts have consistently held that an agreement may be inferred from circumstances and the conduct of the defendants. [United States v. Posada-Rios, 158 F.3d 832, 857 \(5th Cir. 1998\)](#) ("The agreement, a defendant's guilty knowledge and a defendant's participation in the conspiracy all may be inferred from the 'development and collocation of circumstances.'"). Here, the "coordinated actions" of Myers and Branthoover, "including fraudulent filings and financial transactions," provide circumstantial evidence of their agreement to participate in a fraudulent scheme.

Knowledge and Intent

The facts state that Myers and Branthoover's actions "demonstrate a shared intent to further the scheme." This satisfies the second element of a RICO conspiracy claim, which requires "knowledge of and agreement to the overall objective of the RICO offense." [United States v. Perry, 17-30610, 17-30611 \(5th Cir. May 12, 2022\)](#).

The intent to join a RICO conspiracy "can be inferred from Defendants' subsequent conduct in light of evidence evincing their actual or constructive knowledge." [Kruse v. Repp, 543 F.Supp.3d 654 \(S.D. Iowa 2021\)](#). In this case, the "coordinated actions" of Myers and Branthoover, which include

"fraudulent filings and financial transactions," provide evidence of their knowledge and intent to participate in the fraudulent scheme.

Association-in-Fact Enterprise

Myers and Branthoover's coordinated efforts to defraud the Plaintiff constitute an association-in-fact enterprise under RICO. The Supreme Court has recognized that an enterprise can be "a group of persons associated together for a common purpose of engaging in a course of conduct." [U.S. v. International Longshoremen's Ass'n, 518 F.Supp.2d 422, 470 \(E.D.N.Y. 2007\)](#).

Their coordinated actions and shared intent to further the scheme demonstrate that they formed "a group with a common purpose and course of conduct." [Boyle v. United States, 129 S.Ct. 2237, 2245 \(2009\)](#). This association-in-fact enterprise satisfies the enterprise requirement for a RICO conspiracy claim.

Pattern of Racketeering Activity

The "fraudulent filings and financial transactions" described in the facts suggest a pattern of racketeering activity. A pattern of racketeering activity requires at least two acts of racketeering activity within a ten-year period. [Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238, 1243 \(M.D. Fla. 2002\)](#).

However, under § 1962(d), it is not necessary for each defendant to have committed or agreed to commit two predicate acts. [Salinas v. U.S., 522 U.S. 52, 63 \(1997\)](#) ("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."). It is sufficient that they agreed to participate in a scheme that would involve a pattern of racketeering activity.

Application of Post-[Salinas](#) Case Law

Numerous cases following [Salinas](#) have reinforced and clarified its holding. These cases provide additional support for the proposition that Myers and Branthoover's conduct satisfies the requirements for a RICO conspiracy claim.

No Need for Personal Commission of Predicate Acts

Courts have consistently held that a defendant need not personally commit or agree to commit predicate acts to be liable for a RICO conspiracy. [United States v. Fowler, 535 F.3d 408, 421 \(6th Cir. 2008\)](#) ("Unlike a substantive RICO charge, a RICO conspiracy charge does not require proof that the defendant committed any predicate acts. ... Indeed, a RICO conspiracy charge does not even require proof that the defendant 'agreed to commit two predicate acts himself, or even that any overt acts have been committed.'") (citing [Salinas, 522 U.S. at 63](#)).

This principle is directly applicable to Myers and Branthoover. Even if one of them did not personally commit predicate acts, they can still be liable for a RICO conspiracy if they knew about and agreed to facilitate the scheme.

Agreement to Overall Objective

Courts have emphasized that a RICO conspiracy requires only that the defendant knew of and agreed to the overall objective of the RICO offense. [United States v. Jones, 873 F.3d 482, 489 \(5th Cir. 2017\)](#) ("A co-conspirator needs only to have known of, and agreed to, the overall objective of the RICO offense.").

The facts indicate that Myers and Branthoover had a "shared intent to further the scheme," which demonstrates their knowledge of and agreement to the overall objective of the fraudulent enterprise.

Circumstantial Evidence

Courts have recognized that the elements of a RICO conspiracy can be established through circumstantial evidence. [United States v. Delgado, 401 F.3d 290, 296 \(5th Cir. 2005\)](#) ("These elements may be established by circumstantial evidence.").

The "coordinated actions" of Myers and Branthoover, "including fraudulent filings and financial transactions," provide circumstantial evidence of their agreement to participate in a RICO conspiracy.

Division of Labor

Courts have also recognized that conspirators can divide up the work while still being responsible for the acts of each other. RICO: A Primer (2022-01-31) ("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.").

This principle applies to Myers and Branthoover's "coordinated actions," which suggest a division of labor in furthering their fraudulent scheme.

Recent Developments in RICO Conspiracy Law

Recent cases have continued to apply and refine the principles established in [Salinas](#), providing additional support for the proposition that Myers and Branthoover's conduct constitutes a RICO conspiracy.

In [United States v. Householder, 1:20-cr-77 \(S.D. Ohio Jan 03, 2023\)](#), the court emphasized that "the focus of RICO conspiracy is the defendant's agreement to participate in the conduct of the affairs of the enterprise through a pattern of racketeering activity; not the defendant's agreement to commit a predicate racketeering act." This reinforces the principle that a

RICO conspiracy charge focuses on the agreement to participate in the enterprise's affairs, not on the commission of specific predicate acts.

The court also noted that "the RICO conspiracy statute in particular is intentionally drafted to cast a wider net than a general conspiracy charge." *Id.* This broad interpretation of the RICO conspiracy statute supports the conclusion that Myers and Branthoover's agreement to defraud the Plaintiff falls within the scope of § 1962(d).

Potential Challenges and Counterarguments

Sufficiency of the Enterprise

One potential challenge to a RICO conspiracy claim against Myers and Branthoover could be that their association does not constitute an enterprise under RICO. However, the Supreme Court has adopted a broad interpretation of the enterprise requirement, recognizing that an enterprise can be "a group of persons associated together for a common purpose of engaging in a course of conduct." [U.S. v. International Longshoremen's Ass'n, 518 F.Supp.2d 422, 470 \(E.D.N.Y. 2007\)](#).

In [Boyle v. United States, 129 S.Ct. 2237 \(2009\)](#), the Supreme Court clarified that an association-in-fact enterprise requires only "a group with a common purpose and course of conduct." The coordinated actions of Myers and Branthoover in furthering their fraudulent scheme satisfy this requirement.

Sufficiency of the Conspiracy

Another potential challenge could be that there is insufficient evidence of a conspiracy between Myers and Branthoover. However, courts have consistently held that a conspiracy can be proven through circumstantial evidence. [United States v. Delgado, 401 F.3d 290, 296 \(5th Cir. 2005\)](#) ("These elements may be established by circumstantial evidence.").

The "coordinated actions" of Myers and Branthoover, "including fraudulent filings and financial transactions," provide circumstantial evidence of their agreement to participate in a fraudulent scheme. Their "shared intent to further the scheme" further supports the existence of a conspiracy.

Interstate Commerce Requirement

A RICO enterprise must engage in or affect interstate commerce. [United States v. Nicholson, No. 15-1963, No. 15-1966, No. 15-1998 \(6th Cir. Nov 17, 2017\)](#) ("Therefore, to sustain these convictions, the government must have shown that each defendant agreed (1) to associate with an enterprise that has activities affecting interstate commerce...").

The facts do not explicitly address the interstate commerce requirement. However, courts have generally interpreted this requirement broadly, and it may be satisfied by minimal effects on interstate commerce. If the fraudulent scheme involved interstate communications, transactions, or

other activities that affect interstate commerce, this requirement would be met.

Subsequent Negative Treatment of Authorities

It is important to note that [Holmes v. Securities Investor Protection Corporation, 503 U.S. 258 \(1992\)](#) was stated as vacated by *State v. Swafford*, 654 S.E.2d 297, 375 S.C. 637 (S.C. App. 2007). However, this subsequent treatment does not significantly impact the analysis of the RICO conspiracy claim against Myers and Branthoover. Holmes primarily addressed the issue of proximate causation in RICO claims, which is not directly relevant to the elements of a RICO conspiracy under § 1962(d). The core principles of RICO conspiracy law established in [Salinas](#) and followed in subsequent cases remain valid and applicable to the present case.

Additionally, the materials indicate that the citations to [18 U.S.C. § 1962](#) in the provided cases rely on older versions of the statute, as the last amendment was made in 2025. However, the fundamental principles of RICO conspiracy law under § 1962(d) have remained consistent, and the 2025 version of the statute maintains the prohibition on conspiring to violate the substantive RICO provisions.

Conclusion

Based on the comprehensive examination of RICO conspiracy law, Defendants Myers and Branthoover's coordinated actions in defrauding the Plaintiff satisfy the elements required for a RICO conspiracy claim under [18 U.S.C. § 1962\(d\)](#).

Under the Supreme Court's interpretation in [Salinas v. United States, 522 U.S. 52 \(1997\)](#), a RICO conspiracy requires only that the defendants agreed to facilitate a scheme that would involve the operation of an enterprise through a pattern of racketeering activity. It is not necessary for each defendant to have committed or agreed to commit the predicate acts themselves.

The coordinated actions of Myers and Branthoover, including fraudulent filings and financial transactions, provide circumstantial evidence of their agreement to participate in a fraudulent scheme. Their shared intent to further the scheme demonstrates their knowledge of and agreement to the overall objective of the RICO offense.

Their association for the purpose of defrauding the Plaintiff constitutes an association-in-fact enterprise under RICO, and their fraudulent activities suggest a pattern of racketeering activity. Even if one of them did not personally commit predicate acts, they can still be liable for a RICO conspiracy based on their knowledge of and agreement to facilitate the scheme.

Numerous cases following [Salinas](#) have reinforced and clarified its holding, providing additional support for the proposition that Myers and Branthoover's conduct satisfies the requirements for a RICO conspiracy claim. Recent developments in RICO conspiracy law have continued to apply and refine these principles, further supporting this conclusion.

While potential challenges exist, including questions about the sufficiency of the enterprise, the conspiracy, and the interstate commerce requirement, the weight of legal authority supports the conclusion that Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity through their association-in-fact enterprise, thus satisfying the elements of a RICO conspiracy claim under § 1962(d).

Legal Authorities

[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... In the case before us, even if Salinas did not accept or agree to accept two bribes, there was ample evidence that he conspired to violate subsection (c). The evidence showed that Marmolejo committed at least two acts of racketeering activity when he accepted numerous bribes and that Salinas knew about and agreed to facilitate the scheme. This is sufficient to support a conviction under §1962(d).

Summary

Under 18 U.S.C. § 1962(d), a defendant can be convicted of a RICO conspiracy without personally committing or agreeing to commit the predicate acts of racketeering. It is sufficient if the defendant agreed to the overall objective of the conspiracy and knew about the scheme. This supports the proposition that Myers and Branthoover could be found liable for a RICO conspiracy if they agreed to the fraudulent scheme, even if they did not personally commit all the predicate acts.

[State Farm Mut. Auto. Ins. Co. v. Warren Chiropractic & Rehab Clinic P.C., Case No. 4:14-CV-11521 \(E.D. Mich. Aug 10, 2015\)](#)

U.S. District Court — Eastern District of Michigan

Extract

Pursuant to 18 U.S.C. § 1962(d), a defendant may be liable for RICO conspiracy if he or she 'conspire[s] to violate any of the provisions of subsection (a), (b), or (c) of this section,' i.e., the substantive RICO offenses. 'Unlike the general conspiracy statute, § 1962(d) requires no 'overt act or specific act' in carrying it forward.' *United States v. Corrado*, 227 F.3d 543, 553-554 (6th Cir. 2000) (citing *Salinas v. United States*, 522 U.S. 52, 63 (1997)). '[S]upporters are as guilty as... perpetrators... [S]o long as they share a common purpose, conspirators are liable for the acts of their co-conspirators.'

Summary

The passage explains that under 18 U.S.C. § 1962(d), a RICO conspiracy does not require an overt act, only an agreement to participate in the conduct of an enterprise through a pattern of racketeering activity. The reference to **Salinas v. United States** supports the idea that conspirators are liable if they share a common purpose, even if they do not commit overt acts themselves. This aligns with the proposition that Myers and Branthoover conspired to violate RICO by agreeing to engage in racketeering activity.

[United States v. Nicholson, No. 15-1963, No. 15-1966, No. 15-1998 \(6th Cir. Nov 17, 2017\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

To be convicted of RICO conspiracy, a defendant must intend to further an endeavor that, if completed, would satisfy all elements of a RICO offense. *Salinas v. United States*, 522 U.S. 52, 65 (1997); *United States v. Fowler*, 535 F.3d 408, 421 (6th Cir. 2008). Defendants were charged with conspiring to violate § 1962(c). Therefore, to sustain these convictions, the government must have shown that each defendant agreed (1) to associate with an enterprise that has activities affecting interstate commerce; (2) to participate in the conduct of the enterprise's affairs; and (3) that either he or another conspirator would engage in a pattern of racketeering activity. See *Fowler*, 535 F.3d at 418; see also 18 U.S.C. § 1962(c)-(d).

Summary

For a RICO conspiracy conviction under 18 U.S.C. § 1962(d), it is necessary to show that the defendants agreed to associate with an enterprise affecting interstate commerce, participate in its affairs, and that either they or another conspirator would engage in a pattern of racketeering activity. This aligns with the proposition that Defendants Myers and Branthoover

conspired to violate RICO by engaging in a pattern of racketeering activity through their association-in-fact enterprise.

[U.S. v. Hewes, 729 F.2d 1302 \(11th Cir. 1984\)](#)

U.S. Court of Appeals — Eleventh Circuit

Extract

The allegation in the RICO conspiracy count was that the defendant[s] agreed to further a racketeering enterprise through a pattern of racketeering activity. The diverse parties were tied together through the overall scheme and the concept of the illegal enterprise. The overt acts and substantive predicate crimes that were alleged in the indictment to have furthered the pattern of racketeering were sufficiently connected that their interrelationship constituted an offense of a series of acts or transactions.

Summary

The passage from "U.S. v. Hewes" discusses the requirements for a RICO conspiracy, emphasizing that defendants must agree to further a racketeering enterprise through a pattern of racketeering activity. It highlights that the diverse parties involved in the conspiracy are connected through the overall scheme and the illegal enterprise. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by engaging in a pattern of racketeering activity. The passage supports the idea that their coordinated actions and shared intent to further the scheme satisfy the elements of a RICO conspiracy claim.

[United States v. Rodriguez-Torres, 939 F.3d 16 \(1st Cir. 2019\)](#)

U.S. Court of Appeals — First Circuit

Extract

RICO makes it a crime 'for any person employed by or 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 [an] enterprise's affairs through a pattern of racketeering activity' — or to conspire to do so. See 18 U.S.C. § 1962(c), (d). Broadly speaking (we will have more to say on this below), a RICO-conspiracy conviction requires proof that the defendant knowingly joined the conspiracy, agreeing with one or more coconspirators 'to further [the] endeavor which, if completed, would satisfy all the elements of a substantive [RICO] offense.'

Summary

Elements required for a RICO-conspiracy conviction, emphasizing that a defendant must knowingly join a conspiracy with the intent to further an endeavor that would satisfy the elements of a substantive RICO offense. This aligns with the proposition that Defendants Myers and Branthoover conspired to engage in a pattern of racketeering activity, as it highlights the necessity of an agreement to participate in the conduct of an enterprise through such activity.

[U.S. v Tocco, 135 F.3d 116 \(2000\)](#)

U.S. Supreme Court

Extract

Proof of a charge under § 1962(d) requires proof that the association or enterprise existed and that the named defendants were associated with and agreed to participate in the conduct of its affairs, which affect interstate commerce, through a pattern of racketeering activity... Tocco claims that the evidence did not show a pattern of racketeering. To show a pattern of racketeering activity conspiracy, a defendant need not personally agree to commit two predicate acts; rather, he need only 'kn[ow] about and agree[] to facilitate the scheme.' *Salinas v. United States*, 522 U.S. 52, 66 (1997). Further, a defendant need not know about every member and component of the enterprise; he need only know 'the general nature of the enterprise and that the enterprise extends beyond his role.'

Summary

A defendant does not need to personally commit predicate acts but must know about and agree to facilitate the scheme. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by engaging in a pattern of racketeering activity.

[United States v. Perry, 17-30610, 17-30611 \(5th Cir. May 12, 2022\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

Several defendants challenge their RICO conspiracy convictions on appeal. [] 'Conspiracy to violate any of RICO's substantive provisions is a crime.' *United States v. Jones*, 873 F.3d 482, 489 (5th Cir. 2017) [hereinafter *Jones I*] (citing 18 U.S.C. § 1962(d)). 'The elements of a RICO conspiracy are: (1) an agreement between two or more people to commit a substantive RICO offense; and (2) knowledge of and agreement to the overall objective of the RICO offense.' *United States v. Onyeri*, 996 F.3d 274, 280 (5th Cir. 2021)

(citing *United States v. Rosenthal*, 805 F.3d 523, 530 (5th Cir. 2015); 18 U.S.C. § 1962). 'These elements may be established by circumstantial evidence.' *United States v. Delgado*, 401 F.3d 290, 296 (5th Cir. 2005); see also *United States v. Posada-Rios*, 158 F.3d 832, 857 (5th Cir. 1998) ('The agreement, a defendant's guilty knowledge and a defendant's participation in the conspiracy all may be inferred from the development and collocation of circumstances.' (internal quotation marks and citation omitted)). [] 'A co-conspirator needs only to have known of, and agreed to, the overall objective of the RICO offense.' *Jones I*, 873 F.3d at 489 (citing *Salinas v. United States*, 522 U.S. 52, 61-66 (1997)).

Summary

Elements required to establish a RICO conspiracy, which include an agreement between two or more people to commit a substantive RICO offense and knowledge of and agreement to the overall objective of the RICO offense. It also emphasizes that these elements can be established through circumstantial evidence, and a co-conspirator only needs to have known of and agreed to the overall objective of the RICO offense. This supports the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

[Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#)

U.S. District Court — Southern District of Texas

Extract

In order to demonstrate a RICO conspiracy under § 1962(d), a plaintiff must demonstrate that (1) two or more people agreed to commit a substantive RICO offense, and (2) the defendant knew of and agreed to the overall objective of the RICO offense. *Chaney v. Dreyfus Serv. Corp.*, 595 F.3d 219, 239 (5th Cir.2010) (internal citation and quotation marks omitted). In the RICO criminal context, a person need not commit or agree to commit predicate acts to be held liable. *Salinas v. United States*, 522 U.S. 52, 63-64, 118 S.Ct. 469, 139 L.Ed.2d 352.

Summary

Requirements for establishing a RICO conspiracy under § 1962(d), which include an agreement between two or more people to commit a substantive RICO offense and knowledge of the overall objective of the RICO offense. It references **Salinas v. United States**, which supports the notion that a person need not commit predicate acts to be held liable in a RICO conspiracy. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

[Kruse v. Repp, 543 F.Supp.3d 654 \(S.D. Iowa 2021\)](#)

U.S. District Court — Southern District of Iowa

Extract

The decision to actively agree to further the endeavors of a racketeering enterprise only requires knowledge of the conspiracy's general objective and the intent to join the conspiracy. See Aguilar, 853 F.3d at 403. While knowledge can be shown by actual knowledge or willful blindness, intent to agree to join the conspiracy can be inferred from Defendants' subsequent conduct in light of evidence evincing their actual or constructive knowledge.

Summary

To establish a RICO conspiracy, it is sufficient to show that the defendants had knowledge of the conspiracy's general objective and intended to join it. This can be demonstrated through their conduct and evidence of their knowledge, whether actual or constructive. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

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

U.S. District Court — Southern District of Iowa

Extract

In Salinas, the Supreme Court held the defendant-deputy could be found guilty of a RICO conspiracy by merely facilitating a known bribery scheme directed by his boss, the county sheriff: [E]ven if [the defendant] did not accept or agree to accept two bribes, there was ample evidence that he conspired to violate 18 U.S.C. § 1962(c). The evidence showed that [the sheriff] committed at least two acts of racketeering activity when he accepted numerous bribes and that [the defendant] knew about and agreed to facilitate the scheme. This is sufficient to support a conviction under § 1962(d).

Summary

A RICO conspiracy claim under 18 U.S.C. § 1962(d) does not require proof that a defendant agreed to commit specific predicate acts. Instead, it is sufficient to show that the defendant agreed to facilitate the general criminal objective of the racketeering scheme. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity, as their coordinated actions demonstrate a shared intent to further the scheme.

[U.S. v. International Longshoremen's Ass'n, 518 F.Supp.2d 422 \(E.D. N.Y. 2007\)](#)

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

Extract

The Supreme Court has recognized that '[t]he elements predominant in a [§ 1962] subsection (c) violation are: (1) the conduct (2) of an enterprise (3) through a pattern of racketeering activity' *Salinas v. United States*, 522 U.S. 52, 62, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997)... 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. 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

Elements required to establish a RICO violation under § 1962(c), as recognized by the Supreme Court in **Salinas v. United States**. It emphasizes the need to prove both the existence of an enterprise and a pattern of racketeering activity. The passage further explains that an enterprise can be a group of individuals associated for a common purpose, and the pattern of racketeering activity involves a series of criminal acts. This directly supports the proposition that Defendants Myers and Branthoover conspired to violate RICO by engaging in a pattern of racketeering activity through their association-in-fact enterprise.

[Smith v. Berg, 247 F.3d 532 \(3rd Cir. 2001\)](#)

U.S. Court of Appeals — Third Circuit

Extract

Moreover, the Supreme Court provided an extensive discussion indicating that RICO's conspiracy section-- section 1962(d) -- is to be interpreted in light of the common law of criminal conspiracy and that all that is necessary for such a conspiracy is that the conspirators share a common purpose. ... In accord with the general principles of criminal conspiracy law, a defendant may be held liable for conspiracy to violate section 1962(c) if he knowingly agrees to facilitate a scheme which includes the operation or management of a RICO enterprise.

Summary

The passage from "*Smith v. Berg*" clarifies that under 18 U.S.C. § 1962(d), a RICO conspiracy does not require each conspirator to participate in the

operation or management of the enterprise. Instead, it is sufficient if the conspirators share a common purpose and knowingly agree to facilitate a scheme involving a RICO enterprise. This aligns with the proposition that Defendants Myers and Branthoover conspired to engage in a pattern of racketeering activity, as it emphasizes the shared intent and agreement to further the scheme, which is central to establishing a RICO conspiracy.

[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

RICO makes it 'unlawful for any person employed by or 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) (emphasis added). ... Given that it is also unlawful to conspire to violate § 1962(c), see § 1962(d), this comment provides no assurance that RICO and § 371 offenses remain distinct. Only if proof of the enterprise element—the 'group with a common purpose and course of conduct'—requires evidence of activity or organization beyond that inherent in the pattern of predicate acts will RICO offenses retain an identity distinct from § 371 offenses.

Summary

The passage from "Boyle v. United States" clarifies that for a RICO violation under § 1962(c), there must be an enterprise engaged in activities affecting interstate commerce, and the conduct must involve a pattern of racketeering activity. Furthermore, § 1962(d) makes it unlawful to conspire to violate § 1962(c). The passage emphasizes the need for a "group with a common purpose and course of conduct," which aligns with the proposition that Myers and Branthoover conspired to engage in racketeering activity through an association-in-fact enterprise.

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#)

U.S. Supreme Court

Extract

RICO renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an

enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates in the conduct of its affairs 'through a pattern of racketeering activity,' § 1962(c); or, finally, who conspires to violate the first three subsections of § 1962, § 1962(d).

Summary

Liability under RICO is not limited to organized crime but extends to any person or entity engaged in such activities. This supports the proposition that Defendants Myers and Branthoover could be held liable under RICO for conspiring to engage in a pattern of racketeering activity.

[Holmes v. Securities Investor Protection Corporation, 503 U.S. 258, 112 S.Ct. 1311, 117 L.Ed.2d 532 \(1992\)](#)

U.S. Supreme Court

Extract

Finally, the complaint concluded that their acts amounted to a 'pattern of racketeering activity' within the meaning of the RICO statute, 18 U.S.C. §§ 1962, 1961(1) and (5) (1988 ed. and Supp. I), so as to entitle the plaintiffs to recover treble damages, § 1964(c). ... Section 1962 lists 'prohibited activities.' Before this Court, SIPC invokes only subsections (c) and (d). ... Subsection (d) makes it unlawful to conspire to violate subsection (c). The RICO statute defines 'pattern of racketeering activity' as 'requir[ing] at least two acts of racketeering activity. .. the last of which occurred within ten years. .. after the commission of a prior act of racketeering activity.' § 1961(5).

Summary

Requirements for a RICO claim, including the need for a "pattern of racketeering activity" and the unlawful nature of conspiring to violate RICO provisions under subsection (d). This aligns with the proposition that Defendants Myers and Branthoover conspired to engage in racketeering activity, as the passage outlines the legal framework for such a conspiracy under RICO.

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

U.S. Court of Appeals — Second Circuit

Extract

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.'... Assuming that a RICO enterprise exists, the government must prove only 'that the defendant[s]... know the general nature of the conspiracy and that the conspiracy extends beyond [their] individual role[s].'... see also *Salinas*, 118 S. Ct. at 478 (upholding conviction under Section 1962(d) where defendant 'knew about and agreed to facilitate the scheme').

Summary

A RICO conspiracy charge can be proven if the defendants embraced the objective of the conspiracy and agreed to commit predicate acts in furtherance of it. The passage also clarifies that the government only needs to prove that the defendants knew the general nature of the conspiracy and that it extended beyond their individual roles. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

[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').

Summary

For a RICO conspiracy claim, it is sufficient to show that the defendants knowingly joined a conspiracy with the objective of operating an enterprise through a pattern of racketeering activity. The passage references the **Salinas v. United States** case, which supports the proposition that an agreement to facilitate a scheme is sufficient for a RICO conspiracy claim. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

[United States v. Householder, 1:20-cr-77 \(S.D. Ohio Jan 03, 2023\)](#)

U.S. District Court — Southern District of Ohio

Extract

The Government notes that 'the focus of RICO conspiracy is the defendant's agreement to participate in the conduct of the affairs of the enterprise through a pattern of racketeering activity; not the defendant's agreement to commit a predicate racketeering act.' ... the Indictment alleges that the Co-Defendants and others all constituted an 'enterprise' and further alleges that the Co-Defendants 'did knowingly and intentionally conspire with each other and with others known and unknown ... to conduct and participate directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering.' ... the RICO conspiracy statute in particular is intentionally drafted to cast a wider net than a general conspiracy charge. ... For purposes of a RICO conspiracy, what matters is that 'the defendant intended to further an endeavor which, if completed, would satisfy all of the elements of a substantive [RICO] criminal offense [and] it suffices that he adopt the goal of furthering or facilitating the criminal endeavor.'

Summary

The focus of a RICO conspiracy charge is on the agreement to participate in the conduct of an enterprise through a pattern of racketeering activity. The passage emphasizes that the RICO conspiracy statute is broader than a general conspiracy charge, as it does not require an overt act. The passage also highlights that the intent to further a criminal endeavor that satisfies the elements of a substantive RICO offense is sufficient for a RICO conspiracy charge. This supports the proposition that Defendants Myers and Branthoover's coordinated actions and shared intent to further a fraudulent scheme could satisfy the elements of a RICO conspiracy claim.

[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). Finally, 'enterprise' is defined under the statute as 'any individual, partnership, corporation, association, or

other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Id. § 1961(c).

Summary

Elements of a RICO violation, including the unlawful act of conspiring to violate provisions of Section 1962, which is directly relevant to the proposition. It also explains the requirement of a "pattern of racketeering activity" and defines "enterprise," both of which are necessary components to establish a RICO conspiracy claim. This supports the proposition that Defendants Myers and Branthoover's actions could be seen as a conspiracy to violate RICO by engaging in a pattern of racketeering activity through their association-in-fact enterprise.

[U.S. v. Delgado, 401 F.3d 290 \(5th Cir. 2005\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

The RICO Act criminalizes conspiracy to violate any of its substantive provisions. 18 U.S.C. § 1962(d). 'To prove a RICO conspiracy, the government must establish (1) that two or more people agreed to commit a substantive RICO offense and (2) that the defendant knew of and agreed to the overall objective of the RICO offense.' Posada-Rios, 158 F.3d at 857-58. These elements may be established by circumstantial evidence. Id. Each requirement is met here. First, there is sufficient evidence for a jury to find that two or more people agreed to violate § 1962(c), which criminalizes racketeering activity and the collection of unlawful debts. Evidence presented at trial showed that TMM had many members, including Delgado, who met frequently to discuss the interests of their organization and plan its activities, including drug trafficking, the collection of drug debts, murder, and robbery, as prohibited by RICO. Such evidence supports the jury's determination that two or more people agreed to violate § 1962(c). Second, there is ample evidence that Delgado agreed to the overall objective of the conspiracy.

Summary

Legal framework that supports the proposition that Myers and Branthoover could be found to have conspired to violate RICO if there is evidence of their agreement to engage in a pattern of racketeering activity.

[United States v. Onyeri, 996 F.3d 274 \(5th Cir. 2021\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

Onyeri's challenge is specific to one offense of conviction: conspiring to violate the RICO statute. The elements of a RICO conspiracy are: (1) an agreement between two or more people to commit a substantive RICO offense; and (2) knowledge of and agreement to the overall objective of the RICO offense. *United States v. Rosenthal*, 805 F.3d 523, 530 (5th Cir. 2015); see 18 U.S.C. § 1962. These elements may be established by circumstantial evidence. *United States v. Delgado*, 401 F.3d 290, 296 (5th Cir. 2005). First, there is sufficient evidence to find that two or more people agreed to violate § 1962(c), which criminalizes racketeering activity. Evidence presented at trial showed that Onyeri engaged associates to assist him in carrying out his many fraudulent schemes. They met to discuss the organization and plan activities in furtherance of the enterprise, including mail fraud, wire fraud, and murder, as prohibited by RICO.

Summary

The elements of a RICO conspiracy include an agreement between two or more people to commit a substantive RICO offense and knowledge of and agreement to the overall objective of the RICO offense. These elements can be established by circumstantial evidence, as demonstrated in the Onyeri case, where associates were engaged to assist in fraudulent schemes. This supports the proposition that Defendants Myers and Branthoover could be found to have conspired to violate RICO if similar evidence of agreement and intent is present.

[United States v. Rosenthal, 805 F.3d 523 \(5th Cir. 2015\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

Under 18 U.S.C. § 1962(d), at issue here, prohibits conspiracy to violate any part of § 1962. 'The elements of a conspiracy under § 1962(d) are simply (1) that two or more people agreed to commit a substantive RICO offense and (2) that the defendant knew of and agreed to the overall objective of the RICO offense.' *United States v. Pratt*, 728 F.3d 463, 477 (5th Cir.2013) (emphasis added) (internal quotation marks omitted). ... 'One can be a conspirator by agreeing to facilitate only some of the acts leading to the substantive offense.... [A] conspiracy may exist and be punished whether or not the substantive crime ensues, for the conspiracy is a distinct evil, dangerous to the public, and so punishable in itself.' *Salinas v. United States*, 522 U.S. 52, 65, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997).

Summary

Elements required to establish a RICO conspiracy under 18 U.S.C. § 1962(d), which are that two or more people agreed to commit a substantive RICO

offense and that the defendant knew of and agreed to the overall objective of the RICO offense. It also references **Salinas v. United States**, which supports the notion that a conspiracy can exist even if the substantive crime does not occur, emphasizing the distinct and punishable nature of the conspiracy itself. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

[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

Under 18 U.S.C. § 1962(d), a RICO conspiracy involves an agreement to violate the provisions of subsections (a), (b), or (c), specifically targeting the act of agreement to engage in racketeering activity. This aligns with the proposition that Defendants Myers and Branthoover conspired to engage in a pattern of racketeering activity, as the statute and the court's interpretation focus on the agreement to participate in such conduct.

[United States v. Jones, 873 F.3d 482 \(5th Cir. 2017\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

The evidence is sufficient on the RICO convictions. Conspiracy to violate any of RICO's substantive provisions is a crime. See 18 U.S.C. § 1962(d). 'To prove a RICO conspiracy, the government must establish (1) that two or more people agreed to commit a substantive RICO offense and (2) that the defendant knew of and agreed to the overall objective of the RICO offense.' *Posada-Rios*, 158 F.3d at 857-58. 'The agreement, a defendant's guilty knowledge and a defendant's participation in the conspiracy all may be inferred from the development and collocation of circumstances.' *Id.* at 857. A co-conspirator needs only to have known of, and agreed to, the overall objective of the RICO offense.

Summary

The passage provides a clear explanation of the elements required to establish a RICO conspiracy claim. It emphasizes that an agreement between two or more people to commit a RICO offense and the defendant's knowledge and agreement to the overall objective are necessary. This directly supports the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

[U.S. v. Fowler, 535 F.3d 408 \(6th Cir. 2008\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

Fowler was not entitled to a directed verdict on the RICO conspiracy charge either. His willful participation in the robbery and murder of Charles Hurst alone satisfies the requirements for a RICO conspiracy conviction because it shows that he 'intended to further `an endeavor which, if completed, would satisfy all of the elements of a substantive [RICO] criminal offense....'" United States v. Saadey, 393 F.3d 669, 676 (6th Cir.2005) (quoting Salinas v. United States, 522 U.S. 52, 65, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997)). ... Unlike a substantive RICO charge, a RICO conspiracy charge does not require proof that the defendant committed any predicate acts. See id. (citing Salinas, 522 U.S. at 63, 118 S.Ct. 469). Indeed, a RICO conspiracy charge does not even require proof that the defendant 'agreed to commit two predicate acts himself, or even that any overt acts have been committed.' Id. (citing Salinas, 522 U.S. at 63, 118 S.Ct. 469). To the contrary, it merely requires proof that the defendant 'intended to further `an endeavor which, if completed, would satisfy all of the elements of a substantive [RICO] criminal offense [and] it suffices that he adopt the goal of furthering or facilitating the criminal endeavor.'" Id. (quoting Salinas, 522 U.S. at 65, 118 S.Ct. 469).

Summary

A RICO conspiracy charge does not require proof of the commission of predicate acts or even an agreement to commit them. Instead, it requires proof of intent to further an endeavor that would satisfy the elements of a substantive RICO offense. This aligns with the proposition that Myers and Branthoover's coordinated actions and shared intent to defraud the Plaintiff could satisfy the elements of a RICO conspiracy claim under 18 U.S.C. § 1962(d).

[U.S. v. Corrado, 227 F.3d 543 \(6th Cir. 2000\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

Salinas, moreover, summarizes these conspiracy principles applicable to the RICO charges in counts one and two: 'A conspiracy may exist even if a conspirator does not agree to commit or facilitate every part of the substantive offense. See *United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 253-54 (1940).' *Id.* at 63 (emphasis added). We agree that 'it is not determinative that the defendant committed the crime to further his own agenda, if indeed he was only able to commit the crime by virtue of his position within the enterprise.' *Id.*; see also *United States v. Indelicato*, 865 F.2d 1370, 1383 (2d Cir. 1989) (en banc).

Summary

The passage from "*U.S. v. Corrado*" references the principles established in **Salinas v. United States**, which are directly relevant to RICO conspiracy claims. It emphasizes that a conspiracy can exist even if a conspirator does not agree to commit every part of the substantive offense, aligning with the proposition that Myers and Branthoover conspired to violate RICO. The passage supports the idea that their coordinated actions, even if not directly linked to every part of the scheme, demonstrate a shared intent to further the conspiracy.

[U.S. v. Posada-Rios, 158 F.3d 832 \(5th Cir. 1998\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

To prove a RICO conspiracy the government must establish (1) that two or more people agreed to commit a substantive RICO offense and (2) that the defendant knew of and agreed to the overall objective of the RICO offense. See *Marmolejo*, 89 F.3d at 1196-97. The government is not required to prove a conspiracy through direct evidence. Because conspirators normally attempt to conceal their conduct, the elements of a conspiracy offense may be established solely by circumstantial evidence. See *United States v. Espinoza-Seanez*, 862 F.2d 526, 537 (5th Cir.1988). 'The agreement, a defendant's guilty knowledge and a defendant's participation in the conspiracy all may be inferred from the 'development and collocation of circumstances.'

Summary

Elements required to prove a RICO conspiracy, which include an agreement between two or more people to commit a substantive RICO offense and the defendant's knowledge and agreement to the overall objective. It also emphasizes that direct evidence is not necessary, and circumstantial evidence can be used to establish the elements of a conspiracy. This supports the proposition that Defendants Myers and Branthoover could be

found to have conspired to violate RICO based on their coordinated actions and shared intent, even if direct evidence of their agreement is not available.

[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

Legal basis for asserting that a conspiracy to commit RICO violations is itself a violation under federal law.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Douglass, Sean M. - 2011-03-22

Extract

In *Beck v. Prupis*, (316) the Supreme Court considered the issue of standing where the underlying violation is an alleged RICO conspiracy prohibited by [section] 1962(d). The Court held that an injury caused by an overt act that is not an act of racketeering nor otherwise unlawful under RICO is not sufficient to bring a civil RICO suit. (317) Therefore, a plaintiff bringing a civil RICO claim for injuries sustained from a violation of [section] 1962(d) must demonstrate that the injuries arose from a predicate act that is itself wrongful... *Salinas*, 522 U.S. at 63... *Id.* at 65... *Id.* ('[A] conspiracy may ... be punished whether or not the substantive crime ensues, for the conspiracy is ... punishable in itself'); see, e.g., *Smith v. Berg*, 247 F.3d 532, 534 (3d Cir. 2001) (holding defendant could be convicted of conspiracy to violate RICO even though he...

Summary

Requirements for a RICO conspiracy claim under 18 U.S.C. § 1962(d), emphasizing that a conspiracy can be punished even if the substantive crime does not occur, as long as there is an agreement to engage in a pattern of racketeering activity. The reference to **Salinas v. United States** supports the idea that a shared intent to further a scheme can satisfy the elements of a RICO conspiracy claim. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center -
Mecone, James Morrison - 2006-03-22**

Extract

The existence of racketeering activity and enterprise are distinct elements of a RICO charge, (102) but the proof necessary to establish either can coincide. (103) ... The Supreme Court recently resolved the split among the circuits as to standing where the underlying violation is an alleged RICO conspiracy prohibited by [section] 1962(d). (307) In *Beck v. Prupis*, (308) the Court rejected the approach taken by the Third, Fifth, and Seventh Circuits, and held that an injury caused by an overt act that is not an act of racketeering or otherwise unlawful under RICO is not sufficient to bring a civil RICO suit. (309) Therefore, a plaintiff bringing a civil RICO claim for injuries sustained from a violation of [section] 1962(d) must demonstrate that the injuries arose from a predicate act that is independently wrongful under...

Summary

The passage explains that the existence of racketeering activity and an enterprise are distinct but related elements of a RICO charge. It also clarifies that for a RICO conspiracy claim under § 1962(d), the plaintiff must demonstrate that the injuries arose from a predicate act that is independently wrongful. This supports the proposition by highlighting the need for a shared intent to engage in a pattern of racketeering activity, which is central to proving a RICO conspiracy.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center -
Argust, Corey P. - 2010-03-22**

Extract

In *Beck v. Prupis*, (315) the Supreme Court considered the issue of standing where the underlying violation is an alleged RICO conspiracy prohibited by [section] 1962(d). The Court held that an injury caused by an overt act that is not an act of racketeering nor otherwise unlawful under RICO is not sufficient to bring a civil RICO suit. (316) Therefore, a plaintiff bringing a civil RICO claim for injuries sustained from a violation of [section] 1962(d) must demonstrate that the injuries arose from a predicate act that is... (172.) *Salinas*, 522 U.S. at 63. (173.) *Id.* at 65. (174.) *Id.* ('[A] conspiracy may ... be punished whether or not the substantive crime ensues, for the conspiracy is ... punishable in itself'); see, e.g., *Smith v. Berg*, 247 F.3d 532, 534 (3d Cir. 2001) (holding defendant could be convicted of conspiracy to violate RICO even though he could not be charged with

Summary

Requirements for a RICO conspiracy claim under 18 U.S.C. § 1962(d), emphasizing that a conspiracy can be punished even if the substantive crime does not occur, as long as there is an agreement to engage in a pattern of racketeering activity. The reference to **Salinas v. United States** supports the proposition that an agreement to participate in the conduct of an enterprise through racketeering activity is sufficient for a RICO conspiracy claim.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Franklin, Amy - 2008-03-22

Extract

The existence of an association-in-fact requires the more difficult showing that 'a group of persons associated together for a common purpose of engaging in a course of conduct.' According to the Supreme Court, any type of association can satisfy the enterprise element as long as it meets this definition. As a result, courts have found a broad array of groups and organizations to constitute associations-in-fact... See *Salinas v. United States*, 522 U.S. 52, 61-66 (1997) (upholding conspiracy conviction where defendant did not accept or agree to accept two bribes but still knew about and agreed to facilitate a racketeering scheme involving bribery).

Summary

The existence of an association-in-fact enterprise under RICO requires showing that a group of persons is associated for a common purpose of engaging in a course of conduct. The Supreme Court has recognized that any type of association can satisfy this element if it meets the definition. The passage also references **Salinas v. United States**, which supports the idea that a defendant can be convicted of a RICO conspiracy even if they did not directly commit the racketeering acts, as long as they agreed to facilitate the scheme. This aligns with the proposition that Defendants Myers and Branthoover conspired to engage in a pattern of racketeering activity.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Bagley, Ross - 2007-03-22

Extract

See *Salinas v. United States*, 522 U.S. 52, 61-66 (1997) (upholding conspiracy conviction where defendant did not accept or agree to accept

two bribes but still knew about and agreed to facilitate a racketeering scheme involving bribery... pattern of racketeering activity is committed, rather than the victim of that activity. Subsection (c) makes it unlawful for 'any person employed by or associated with any enterprise ... to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity' Consequently, since the enterprise in subsection (c) is not being acquired, it need not have a property interest that can be acquired nor an economic motive for engaging in illegal activity; it need only be an association-in-fact that engages in a pattern of racketeering activity.

Summary

The passage references the Supreme Court case **Salinas v. United States**, which is directly relevant to RICO conspiracy claims. It highlights that a defendant can be convicted of a RICO conspiracy even if they did not commit or agree to commit the predicate acts themselves, as long as they knew about and agreed to facilitate the scheme. This supports the proposition that Defendants Myers and Branthoover could be found to have conspired to violate RICO by agreeing to engage in a pattern of racketeering activity through their association-in-fact enterprise.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Holt, Michael W. - 2009-03-22

Extract

A RICO offense requires two or more predicate acts of 'racketeering activity.' (31) RICO defendants need not be convicted of each underlying offense before a RICO offense is charged. (32) In fact, offenses of which the defendant has been acquitted nonetheless may serve as the basis of a RICO offense. (33)... See *Salinas v. United States*, 522 U.S. 52, 61-66 (1997) (upholding conspiracy conviction where defendant did not accept or agree to accept two bribes but still knew about and agreed to facilitate a racketeering scheme involving bribery); see also *United States v. Zichettello*, 208 F.3d 72, 100 (2d Cir. 2000) ('To be convicted as a conspirator, one must be shown to have possessed knowledge of only the general contours of the conspiracy').

Summary

A RICO offense requires two or more predicate acts of racketeering activity, and a defendant can be charged with a RICO offense even if not convicted of each underlying offense. The passage also references **Salinas v. United States**, which supports the idea that a defendant can be convicted of conspiracy if they knew about and agreed to facilitate a racketeering scheme, even if they did not directly commit the acts. This aligns with the proposition that Defendants Myers and Branthoover conspired to engage in a pattern of racketeering activity.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center -
Phillips, Eleanor T. - 2015-09-22**

Extract

See *Salinas v. United States*, 522 U.S. 52, 61-66 (1997) (upholding conspiracy conviction where defendant did not accept or agree to accept two bribes but still knew about and agreed to facilitate a racketeering scheme involving bribery); see also *United States v. Zichettello*, 208 F.3d 72, 100 (2d Cir. 2000) ('To be convicted as a conspirator, one must be shown to have possessed knowledge of only the general contours of the conspiracy.').

Summary

The passage from **Salinas v. United States** supports the proposition by illustrating that a RICO conspiracy conviction does not require a defendant to have directly engaged in all acts of racketeering. Instead, it is sufficient for the defendant to have knowledge of the conspiracy's general contours and to agree to facilitate the scheme. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center -
Bourgeois, Richard L., Jr. - 2000-03-22**

Extract

Prosecutors prove the existence of an enterprise 'by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.'... The Eighth Circuit requires the government to demonstrate that the alleged enterprise functions as a continuing unit, has an 'ascertainable structure' distinct from that inherent in the conduct of a pattern of racketeering activity, and has associates who have a common or shared purpose.

Summary

Requirements for proving an enterprise, which aligns with the proposition that Defendants Myers and Branthoover conspired to engage in a pattern of racketeering activity through an association-in-fact enterprise.

[RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#)

Extract

Section 1962(d) prohibits 'any person' from conspiring to violate any provision of § 1962.165 A defendant does not need to commit an overt act to be found liable for conspiracy.166 Rather, as the Supreme Court held in *Salinas v. United States*, 522 U.S. 52, 66 (holding that even though the defendant did not commit the two predicate acts required to violate § 1962(c), he still violated § 1962(d) because he knowingly facilitated the racketeering activity and 'conspired to violate subsection (c)').

Summary

The passage explains that under 18 U.S.C. § 1962(d), a defendant can be found liable for a RICO conspiracy even if they did not commit the predicate acts themselves, as long as they knowingly facilitated the racketeering activity. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity. The reference to **Salinas v. United States** supports the idea that an agreement to participate in the conduct of an enterprise through racketeering activity is sufficient for a RICO conspiracy claim.

[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 include 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 Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity.

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

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

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity... A plaintiff only has standing to sue if they have been injured in their business or property by conduct constituting the violation. To establish a § 1962(c) RICO claim, the following elements must be proven: • Enterprise: A structured group of individuals associated for a common purpose. • Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years. • Conduct: Directly or indirectly conducting the enterprise's affairs through racketeering. • Injury: An injury to business or property due to the racketeering activity.

Summary

Essential elements required to establish a RICO claim under § 1962(c), which includes conduct of an enterprise through a pattern of racketeering activity. It emphasizes the need for a structured group of individuals associated for a common purpose, which aligns with the proposition that Defendants Myers and Branthoover conspired to defraud the Plaintiff. The passage also highlights the necessity of proving injury to business or property, which supports the claim that the Plaintiff was deprived of his property and rights. The requirement for particularity in pleading fraud underlines the need for detailed allegations, which is relevant to the proposition's assertion of fraudulent filings and transactions.

[Matter of \[Name redacted\]](#)

Decisions of the Administrative Appeals Office AAO

Extract

Count 2 of the Information, conspiracy to commit racketeering, charges the applicant with having, unlawfully and knowingly combined, conspired, confederated and agreed to violate the laws of the State of Florida by conducting or participating in the affairs of her employer through a continuous pattern of racketeering activity, contrary to Florida Statutes § 895.03 or by intending to participate in the affairs of her employer with the knowledge and intent that other employees would engage in at least two incidents of racketeering activity as defined by Florida Statutes § 895.02.

Summary

Concrete example of how such conspiracies are structured and charged, supporting the proposition that Defendants Myers and Branthoover could similarly be charged under federal RICO statutes.

[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

Under Section 1962(d), a RICO conspiracy claim does not require each defendant to commit or agree to commit the predicate acts themselves. Instead, it requires proof of an agreement to pursue a shared criminal objective, which aligns with the proposition that Defendants Myers and Branthoover conspired to defraud the Plaintiff. The passage also highlights that conspirators can divide roles, with some providing support, which supports the idea of coordinated actions between the defendants.

[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

Elements required to prove a RICO conspiracy under Section 1962(d), emphasizing that a defendant does not need to commit the predicate acts themselves but must agree to the criminal objective. This aligns with the proposition that Defendants Myers and Branthoover conspired to violate RICO by agreeing to engage in a pattern of racketeering activity. The passage also references the Supreme Court's interpretation in **Salinas v. United States**, which supports the idea that conspirators can be held liable even if they did not commit every part of the substantive offense.

This memo was compiled by Vincent AI based on vLex materials available as of June 18, 2025. [View full answer on vLex](#)