

Question

Myers, Branthoover, and Wilson engaged in multiple predicate acts, including: 1. Mail fraud (using the U.S. Mail Service to effectuate service with false statements in legal documents). 2. Wire fraud (using text messages and electronic communications to further their schemes). 3. Extortion (threatening Plaintiff with eviction and other consequences to coerce compliance). The predicate acts occurred over a period of time, beginning in December 2023 and continuing through at least May 2025. A "pattern of racketeering activity" requires at least two predicate acts of racketeering activity within a 10-year period, and these acts must be related and amount to or pose a threat of continued criminal activity (*H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229 (1989)). The repeated acts of mail fraud, wire fraud, and extortion over an extended period demonstrate a pattern of racketeering activity under RICO.

Answer (U.S. Federal)

Short response

Yes, the alleged actions of Myers, Branthoover, and Wilson constitute a pattern of racketeering activity under RICO, as they involve multiple predicate acts of mail fraud, wire fraud, and extortion occurring over an extended period from December 2023 through May 2025. The activities satisfy the statutory requirement of at least two predicate acts within a 10-year period and meet the relatedness and continuity requirements established by the Supreme Court in [H.J. Inc. v. Northwestern Bell Telephone Co.](#)

Summary

Based on the relevant statutory provisions and case law, the alleged conduct of Myers, Branthoover, and Wilson constitutes a pattern of racketeering activity under the [Racketeer Influenced and Corrupt Organizations](#) (RICO) Act. The individuals allegedly engaged in multiple predicate acts recognized under RICO, including mail fraud ([18 U.S.C. § 1341](#)), wire fraud ([18 U.S.C. § 1343](#)), and extortion ([18 U.S.C. § 1951](#)), over a period extending from December 2023 through May 2025. These actions satisfy the statutory requirement of at least two predicate acts within a 10-year period established by [18 U.S.C. § 1961\(5\)](#).

Furthermore, the conduct meets both the "relationship" and "continuity" requirements established by the Supreme Court in [H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 \(1989\)](#). The predicate acts appear to be related as they involve similar purposes, methods, and victims, and demonstrate continuity through their occurrence over approximately 18 months. This extended timeframe is sufficient to establish "closed-ended continuity" as a pattern of repeated criminal conduct over a substantial

period, rather than isolated or sporadic incidents. As such, the alleged actions form a pattern of racketeering activity that would support a RICO claim.

Background and Relevant Law

Legislative Framework

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) provides both criminal penalties and civil remedies for certain prohibited activities carried out as part of an ongoing criminal organization. To establish a RICO violation, it is necessary to prove both the existence of an "enterprise" and a connected "pattern of racketeering activity."

Under [18 U.S.C. § 1961](#)(1), "racketeering activity" encompasses a wide range of criminal offenses, including mail fraud, wire fraud, and extortion. According to [18 U.S.C. § 1961](#): "'racketeering activity' means... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud),... section 1951 (relating to interference with commerce, robbery, or extortion)..."

The statute further defines a "pattern of racketeering activity" in [18 U.S.C. § 1961](#)(5): "'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."

The substantive prohibition relevant to this analysis is found in [18 U.S.C. § 1962](#)(c), which states: "It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

The predicate acts alleged in this case are defined in the following statutes:

1. Mail Fraud: [18 U.S.C. § 1341](#) prohibits the use of the postal service to execute "any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises."
2. Wire Fraud: [18 U.S.C. § 1343](#) prohibits the use of "wire, radio, or television communication in interstate or foreign commerce" to execute a scheme to defraud.
3. Extortion: [18 U.S.C. § 1951](#) defines extortion as "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right."

Case Law

The statutory definition of a "pattern of racketeering activity" has been extensively interpreted by courts. In the seminal case of [H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 \(1989\)](#), the Supreme Court held that "in order to prove a pattern of racketeering activity, a plaintiff or prosecutor must show at least two racketeering predicates that are related and that amount to, or threaten the likelihood of, continued criminal activity."

The Court clarified that relationship and continuity are separate requirements: "'Continuity' is both a closed- and open-ended concept, referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition." The Court further explained that "a party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time. Predicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement: Congress was concerned in RICO with long-term criminal conduct."

This interpretation has been consistently applied by lower courts. For instance, in [Price v. Rampersad, 22-cv-03131-DG-SJB \(E.D. N.Y. Jan 03, 2023\)](#), the court reiterated that "To state a claim under RICO's civil provision, [18 U.S.C. § 1962\(c\)](#), a plaintiff must allege (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains [an] interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce." The court also affirmed that "For acts to form a 'pattern' of racketeering activity, there must be at least two acts, and they must be related and 'amount to, or pose a threat of, continuing criminal activity.'"

Similarly, in [Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#), the court explained that a "pattern of racketeering activity" requires at least two acts of racketeering activity that are "related" and "amount to or pose a threat of continued criminal activity."

The "relationship" prong has been defined in [Wisdom v. First Midwest Bank, of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#), which states that this element is satisfied if the predicate acts "have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events."

With respect to the "continuity" requirement, courts have recognized two types of continuity. In [Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#), the court explained that "continuity means that plaintiffs must allege 'more than sporadic or isolated activity.'" This case was declined to extend by Yucaipa Am. All. Fund I, LP v. Ehrlich, No. 16-3664 (3rd Cir. Nov 15, 2017), but the core principles regarding continuity remain valid.

The [Heinrich v. Waiting Angels Adoption Servs., Inc.](#), 668 F.3d 393 (6th Cir. 2012) decision further clarified that while the statute requires a minimum of two predicate acts, "the Supreme Court has held that the minimum two acts are not necessarily sufficient. In order to show a 'pattern' of racketeering activity, a plaintiff must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity."

Regarding the specific predicate acts, [U.S. v. International Longshoremen's Ass'n](#), 518 F.Supp.2d 422 (E.D. N.Y. 2007) explained that "The essential elements of a mail [or wire] fraud violation are (1) a scheme to defraud, (2) money or property [as the object of the scheme], and (3) use of the mails [or wires] to further the scheme."

It's worth noting that [United States v. Turkette](#), 452 U.S. 576 (1981) was abrogated by United States v. Lane, 474 U.S. 438 (1986), but the abrogation was on grounds unrelated to the core principles of RICO discussed here. Similarly, [US v. LOCAL 1804-1, INTERN. LONGSHOREMEN'S ASS'N](#), 812 F. Supp. 1303 (S.D. N.Y. 1993) was stated as abrogated by United States v. Philip Morris USA, Inc., 907 F.Supp.2d 1 (D. D.C. 2012), but the fundamental elements of establishing a pattern of racketeering activity were not affected.

Secondary Materials

Secondary sources further elucidate the requirements for establishing a pattern of racketeering activity under RICO. According to [Civil Rico: A Tool of Advocacy](#) (2024), "A violation of § 1962(c)... requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." The source also notes that "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."

RICO: A Primer (2022) confirms that "Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, [18 U.S.C. § 1951](#) (extortion); [18 U.S.C. § 1341](#) (mail fraud) and 1343 (wire fraud)... Mail and wire fraud are the most common predicate acts..."

On the issue of continuity, [Racketeer Influenced and Corrupt Organizations](#) (2022) explains that "A plaintiff can satisfy RICO's pattern requirement two ways: (1) by alleging a long-running series of interrelated predicate acts constituting a closed-ended conspiracy; or (2) by alleging at least two interrelated predicate acts and the distinct threat of continued racketeering activities, demonstrating an open-ended conspiracy."

RECONCEIVING COERCION-BASED CRIMINAL DEFENSES (2022) further elaborates on the relationship requirement, noting that "criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events."

Analysis

The Alleged Predicate Acts Constitute "Racketeering Activity" Under RICO

The first step in determining whether the actions of Myers, Branthoover, and Wilson constitute a pattern of racketeering activity is to establish that the alleged acts qualify as "racketeering activity" under the statute.

According to [18 U.S.C. § 1961](#)(1), "racketeering activity" includes acts indictable under specific federal statutes, including mail fraud ([18 U.S.C. § 1341](#)), wire fraud ([18 U.S.C. § 1343](#)), and extortion ([18 U.S.C. § 1951](#)). This is confirmed by multiple authorities, including RICO: A Primer (2022), which states that "racketeering activities" include violations of "the Hobbs Act, [18 U.S.C. § 1951](#) (extortion); [18 U.S.C. § 1341](#) (mail fraud) and 1343 (wire fraud)."

The alleged acts in this case clearly fall within these statutory definitions:

1. Mail Fraud: Myers, Branthoover, and Wilson allegedly used "the U.S. Mail Service to effectuate service with false statements in legal documents." Under [18 U.S.C. § 1341](#), this conduct is prohibited when it is part of "any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises."
2. Wire Fraud: The individuals allegedly used "text messages and electronic communications to further their schemes." [18 U.S.C. § 1343](#) prohibits the use of wire communications "for the purpose of executing such scheme or artifice" to defraud.
3. Extortion: They allegedly engaged in "threatening Plaintiff with eviction and other consequences to coerce compliance." Under [18 U.S.C. § 1951](#), extortion is defined as "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear."

As clarified in [U.S. v. International Longshoremen's Ass'n](#), 518 F.Supp.2d 422 (E.D. N.Y. 2007), the essential elements of mail and wire fraud are "(1) a scheme to defraud, (2) money or property [as the object of the scheme], and (3) use of the mails [or wires] to further the scheme." Based on the facts presented, the alleged use of false statements in legal documents sent through U.S. Mail and the use of electronic communications to further fraudulent schemes appear to satisfy these elements.

The Alleged Acts Form a "Pattern" Under RICO's Statutory Definition

Having established that the alleged acts qualify as "racketeering activity," the next question is whether they form a "pattern" as defined by the statute and interpreted by the courts.

Under [18 U.S.C. § 1961](#)(5), a "'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." The facts indicate that Myers, Branthoover, and Wilson engaged in "multiple predicate acts" from December 2023 through May 2025, a period of approximately 18 months. This clearly satisfies the minimum statutory requirement of at least two predicate acts within a ten-year period.

However, as noted in [Heinrich v. Waiting Angels Adoption Servs., Inc.](#), 668 F.3d 393 (6th Cir. 2012), "while the statute defines the minimum number of acts necessary to establish a pattern of racketeering activity, the Supreme Court has held that the minimum two acts are not necessarily sufficient." The Supreme Court in [H.J. Inc. v. Northwestern Bell Telephone Co.](#), 492 U.S. 229 (1989) established that to constitute a "pattern," the predicate acts must be both (1) related and (2) continuous.

The Alleged Acts Satisfy the "Relationship" Requirement

The "relationship" requirement is satisfied when the predicate acts "have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events," as explained in [Wisdom v. First Midwest Bank, of Poplar Bluff](#), 167 F.3d 402 (8th Cir. 1999).

In this case, the alleged acts of mail fraud, wire fraud, and extortion appear to be related as they:

- Involve the same participants (Myers, Branthoover, and Wilson)
- Target the same victim (the Plaintiff)
- Share a similar purpose (to coerce compliance from the Plaintiff)
- Employ related methods (use of legal documents with false statements, electronic communications, and threats)

This conclusion is supported by RECONCEIVING COERCION-BASED CRIMINAL DEFENSES (2022), which notes that "criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events."

The Alleged Acts Satisfy the "Continuity" Requirement

The "continuity" requirement can be established in one of two ways: through "closed-ended continuity" (a series of related predicates extending over a substantial period) or "open-ended continuity" (a threat of continued criminal activity), as outlined in [H.J. Inc. v. Northwestern Bell Telephone Co.](#), 492 U.S. 229 (1989).

In this case, the alleged acts occurred "over a period of time, beginning in December 2023 and continuing through at least May 2025," a period of approximately 18 months. This timeframe appears sufficient to establish

"closed-ended continuity." The Supreme Court in [H.J. Inc.](#) indicated that "Predicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement," suggesting that a period of 18 months would be considered "a substantial period of time."

This conclusion is supported by [Racketeer Influenced and Corrupt Organizations](#) (2022), which explains that a plaintiff can satisfy RICO's pattern requirement by "alleging a long-running series of interrelated predicate acts constituting a closed-ended conspiracy."

Even if closed-ended continuity were not established, the facts suggest that "open-ended continuity" might also be present. The alleged pattern of conduct extending from December 2023 through May 2025 suggests ongoing activity that, at the time of the last act, might have posed "a threat of continuing criminal activity extending indefinitely into the future," as described in [RICO: A Primer](#) (2022).

As noted in [Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#), continuity can be established when the commission of the predicate acts is "a regular way of conducting defendant's ongoing legitimate business." Though this case was declined to extend by [Yucaipa Am. All. Fund I, LP v. Ehrlich, No. 16-3664 \(3rd Cir. Nov 15, 2017\)](#), the principle remains valid in assessing continuity. If the alleged acts were part of a regular pattern of conduct by Myers, Branthoover, and Wilson, this would further support a finding of continuity.

The Alleged Acts Constitute a "Pattern of Racketeering Activity" Under RICO

Based on the above analysis, the alleged actions of Myers, Branthoover, and Wilson appear to constitute a "pattern of racketeering activity" under RICO. They engaged in multiple predicate acts recognized as "racketeering activity" under [18 U.S.C. § 1961\(1\)](#), including mail fraud, wire fraud, and extortion. These acts occurred over a period of approximately 18 months, satisfying the statutory requirement of at least two predicate acts within a ten-year period. Furthermore, the acts appear to be related, sharing similar participants, victims, purposes, and methods, and demonstrate continuity through their occurrence over a substantial period.

As summarized in [Price v. Rampersad, 22-cv-03131-DG-SJB \(E.D. N.Y. Jan 03, 2023\)](#), to state a claim under RICO, a plaintiff must allege "(1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains [an] interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce." The alleged conduct of Myers, Branthoover, and Wilson satisfies at least elements (2), (3), and (4) of this test.

Exceptions and Caveats

While the alleged conduct appears to satisfy the requirements for a "pattern of racketeering activity," several caveats should be noted:

1. Specificity of Allegations: As noted in [Civil Rico: A Tool of Advocacy](#) (2024), "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." The success of any RICO claim would depend on the specific details of the alleged fraudulent statements and schemes.
2. Enterprise Requirement: A full RICO violation requires not only a pattern of racketeering activity but also an "enterprise." As explained in [United States v. Turkette, 452 U.S. 576 \(1981\)](#), an enterprise is "a group of persons associated together for a common purpose of engaging in a course of conduct" and is proved by "evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." Although this case was abrogated by [United States v. Lane, 474 U.S. 438 \(1986\)](#), the abrogation did not affect the definition of an enterprise. The facts provided do not specify whether Myers, Branthoover, and Wilson constituted an "enterprise" for RICO purposes.
3. Interstate Commerce: As noted in [Civil Rico: A Tool of Advocacy](#) (2024), RICO requires that the activities of the enterprise "affect interstate or foreign commerce." The facts provided do not address this jurisdictional requirement.
4. Specific Intent: The predicate acts of mail fraud and wire fraud require proof of specific intent to defraud. While the facts allege "false statements in legal documents" and the use of electronic communications "to further their schemes," a successful RICO claim would require evidence of fraudulent intent.

Conclusion

Based on the legislative framework, case law, and secondary materials provided, the alleged actions of Myers, Branthoover, and Wilson constitute a pattern of racketeering activity under RICO. The conduct involves multiple predicate acts recognized under [18 U.S.C. § 1961\(1\)](#), including mail fraud, wire fraud, and extortion. These acts occurred over an extended period from December 2023 through May 2025, satisfying the statutory requirement of at least two predicate acts within a ten-year period.

Furthermore, the alleged acts meet the "relationship" and "continuity" requirements established by the Supreme Court in [H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 \(1989\)](#). They are related, sharing common participants, victims, purposes, and methods, and demonstrate continuity through their occurrence over approximately 18 months, a substantial period sufficient to establish "closed-ended continuity."

While additional elements would need to be established for a complete RICO violation—including the existence of an enterprise and an effect on interstate commerce—the facts presented are sufficient to conclude that the alleged actions demonstrate a pattern of racketeering activity as defined by [18 U.S.C. § 1961\(5\)](#) and interpreted by the courts.

Legal Authorities

[Wisdom v. First Midwest Bank, of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

Section 1962(c) of the RICO Act makes it 'unlawful for any person employed by or associated with any enterprise engaged in ... interstate ... commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' ... The pattern element 'requires at least two acts of racketeering activity.' [18 U.S.C. § 1961\(5\)](#); see also [H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 237-38, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#). However, a mere allegation of two or more acts is insufficient to state a RICO claim; the predicate acts must be related and must 'amount to or pose a threat of continued criminal activity.' ... The relationship prong of the pattern element is satisfied if the predicate acts 'have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' ... The second prong, continuity, can be either closed-ended or open-ended. Closed-ended continuity involves 'a series of related predicates extending over a substantial period of time;' open-ended continuity involves acts which, by their nature, threaten repetition into the future.

Summary

Legal framework for understanding how multiple acts of mail fraud, wire fraud, and extortion could constitute a pattern of racketeering activity if they are related and continuous.

[HJ INC. v. Northwestern Bell Telephone Co., 653 F. Supp. 908 \(D. Minn. 1987\)](#)

U.S. District Court — District of Minnesota

Extract

The RICO act defines 'pattern of racketeering activity' in the following terms: '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... As the Court noted in its November 21 order, continuity presents a more problematic analysis, both on the facts of this case and in general. At a minimum, continuity means that plaintiffs must allege 'more than sporadic or isolated activity.' ... The term pattern 'connote[s] a multiplicity of events: ... The continuity inherent in the term presumes repeated criminal activity, not merely repeated acts to carry out the same criminal activity.' ... In this respect, ongoing criminal activity or at least a threat of ongoing criminal activity is a key indicium of continuity.

Summary

Definition of "pattern of racketeering activity" under RICO, requiring at least two acts of racketeering within a ten-year period. It emphasizes the need for continuity, which involves more than sporadic or isolated activity, and suggests that ongoing or threatened ongoing criminal activity is a key indicator of continuity. This supports the proposition that the repeated acts of mail fraud, wire fraud, and extortion over an extended period demonstrate a pattern of racketeering activity.

[Heinrich v. Waiting Angels Adoption Servs., Inc., 668 F.3d 393 \(6th Cir. 2012\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

To establish a substantive RICO violation, a plaintiff must show "a pattern of racketeering activity." 18 U.S.C. § 1962(c). A pattern of racketeering activity requires, at minimum, two acts of racketeering activity within ten years of each other. 18 U.S.C. § 1961(5). While the statute defines the minimum number of acts necessary to establish a pattern of racketeering activity, the Supreme Court has held that the minimum two acts are not necessarily sufficient. In order to show a "pattern" of racketeering activity, a plaintiff must show "that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity." *H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 237-39, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989).

Summary

Requirements for establishing a pattern of racketeering activity under RICO, which includes at least two predicate acts within a ten-year period that are related and pose a threat of continued criminal activity. This directly supports the proposition that Myers, Branhoover, and Wilson's actions could constitute a pattern of racketeering activity if they engaged in multiple predicate acts like mail fraud, wire fraud, and extortion over an extended period.

[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

Held: 1. In order to prove a pattern of racketeering activity, a plaintiff or prosecutor must show at least two racketeering predicates that are related and that amount to, or threaten the likelihood of, continued criminal activity. Proof of neither relationship nor continuity requires a showing that the racketeering predicates were committed in furtherance of multiple criminal schemes. Pp. 236-249. ... 'Continuity' is both a closed- and open-ended concept, referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition. ... A party alleging a RICO violation may demonstrate continuity over a closed period by proving a series of related predicates extending over a substantial period of time. Predicate acts extending over a few weeks or months and threatening no future criminal conduct do not satisfy this requirement: Congress was concerned in RICO with long-term criminal conduct.

Summary

To establish a pattern of racketeering activity under RICO, there must be at least two related predicate acts that either amount to or pose a threat of continued criminal activity. The concept of continuity can be demonstrated through a closed period of repeated conduct or conduct that projects into the future with a threat of repetition. This aligns with the proposition that Myers, Branhoover, and Wilson engaged in multiple predicate acts over an extended period, demonstrating a pattern of racketeering activity.

[Sedima v. Imrex Company, Inc, 473 U.S. 479, 105 S.Ct. 3275, 87 L.Ed.2d 346 \(1985\)](#)

U.S. Supreme Court

Extract

RICO takes aim at 'racketeering activity,' which it defines as any act 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud... Section 1961 defines 'racketeering activity' to mean any of numerous acts 'chargeable' or 'indictable' under enumerated state and federal laws, including... federal mail and wire fraud statutes... It states that 'a pattern' of racketeering activity requires proof of at least two acts of racketeering within 10 years.

Summary

The RICO statute defines racketeering activity to include acts such as mail and wire fraud. The statute requires at least two acts of racketeering within a 10-year period to establish a pattern. This aligns with the proposition that Myers, Branthover, and Wilson engaged in multiple predicate acts of mail and wire fraud, which could constitute a pattern of racketeering activity under RICO.

[Tabas v. Tabas, 47 F.3d 1280 \(3rd Cir. 1995\)](#)

U.S. Court of Appeals — Third Circuit

Extract

Central to the dispute in this case is the question whether defendants participated in 'a pattern of racketeering activity.' The RICO statute defines a 'pattern' of racketeering activity as requiring 'at least two acts of racketeering activity' within a ten year period. 18 U.S.C. Sec. 1961(5)... From this review, the Court concluded that 'to prove a pattern of racketeering activity a plaintiff must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' Id. at 239, 109 S.Ct. at 2900... The question remains, then, what more is required in order to evaluate whether continuity has been established when predicate acts have occurred over a period of several years. One helpful consideration can be found in the Court's requirements for open-ended continuity. In H.J. Inc. the Court states that open-ended continuity is established when the commission of the predicate acts is 'a regular way of conducting defendant's ongoing legitimate business.' 492 U.S. at 243, 109 S.Ct. at 2902.

Summary

The RICO statute requires at least two acts of racketeering activity within a ten-year period, and these acts must be related and pose a threat of continued criminal activity. The passage also discusses the concept of continuity, which can be established if the predicate acts are a regular way of conducting the defendant's business. This aligns with the proposition that Myers, Branthover, and Wilson engaged in a pattern of racketeering activity through repeated acts of mail fraud, wire fraud, and extortion over an extended period.

[Sedima, S.P.R.L. v. Imrex Co., Inc., 741 F.2d 482 \(2nd Cir. 1984\)](#)

U.S. Court of Appeals — Second Circuit

Extract

Two of the RICO counts allege that the fraudulent purchase orders, invoices and credit memoranda constitute a pattern of racketeering activity, the predicate acts being separate and numerous violations of the Mail Fraud Act, 18 U.S.C. Sec. 1341 (1982) and the Wire Fraud Act, 18 U.S.C. Sec. 1343 (1982)... Section 1964(c) states that anyone 'injured' 'by reason of' a violation of section 1962 is entitled to treble damages. Section 1962 'violations' include conducting 'enterprises' 'through a pattern of racketeering'; a 'pattern of racketeering' is defined by section 1961(5) as two or more 'acts of racketeering' occurring within a given time. 'Acts of racketeering' are defined by section 1961(1), *inter alia*, as any of a number of acts 'chargeable under State law,' acts 'indictable' under a variety of federal laws, or an 'offense' under the federal securities law.

Summary

The court discusses the requirements for establishing a pattern of racketeering activity under RICO. It highlights that predicate acts such as mail fraud and wire fraud can constitute a pattern of racketeering activity if they occur within a specified time frame. This supports the proposition that Myers, Branthover, and Wilson's actions could be considered a pattern of racketeering activity if they engaged in multiple predicate acts like mail and wire fraud.

[Reynolds v. Condon, 908 F.Supp. 1494 \(N.D. W.Va. 1996\)](#)

U.S. District Court — Northern District of West Virginia

Extract

Thus, to establish a RICO violation under 18 U.S.C. § 1962(c) a plaintiff must demonstrate '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity that must include at least two racketeering acts.' ... The requirements that the acts be related and amount to or pose a threat of continued criminal activity are also essential. ... If the misconduct has been sufficiently long-lived, and involved sufficient and sufficiently-related acts to constitute a pattern of, not just sporadic, criminal conduct, it meets the requirements of the statute.

Summary

Requirements for establishing a RICO violation, emphasizing the need for a pattern of racketeering activity that includes at least two acts. It also highlights the importance of the acts being related and posing a threat of continued criminal activity. This supports the proposition by providing a legal framework for demonstrating a pattern of racketeering activity through multiple predicate acts, such as mail fraud, wire fraud, and extortion, over an extended period.

[US v. LOCAL 1804-1, INTERN. LONGSHOREMEN'S ASS'N, 812 F. Supp. 1303 \(S.D. N.Y. 1993\)](#)

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

Extract

To satisfy the 'pattern' requirement of RICO, the government must demonstrate that each defendant committed at least two acts of racketeering activity, 'one of which occurred after the effective date of this chapter October 15, 1970 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(5). The Supreme Court has stated that a plaintiff alleging a pattern of racketeering activity must demonstrate (1) that there is a 'relationship' between the predicate acts and (2) that the predicates themselves amount to, or that they otherwise constitute a threat of, continuing racketeering activity.

Summary

To establish a pattern of racketeering activity under RICO, it is necessary to demonstrate at least two predicate acts of racketeering activity within a ten-year period. Additionally, there must be a relationship between the acts, and they must pose a threat of continued criminal activity. This aligns with the proposition that Myers, Branthover, and Wilson engaged in multiple predicate acts, including mail fraud, wire fraud, and extortion, over an extended period, thereby demonstrating a pattern of racketeering activity.

[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

A substantial number of, the predicate acts alleged in the Amended Complaint are asserted to be violations of the federal mail and wire fraud statutes, 18 U.S.C. §§ 1341, 1343. As the Second Circuit has repeatedly recognized, '[t]he essential elements of a mail [or wire] fraud violation are (1) a scheme to defraud, (2) money or property [as the object of the scheme], and (3) use of the mails [or wires] to further the scheme.'

Summary

The essential elements of mail and wire fraud under RICO are a scheme to defraud, the object being money or property, and the use of mails or wires to further the scheme. This directly supports the proposition that Myers,

Branthroover, and Wilson engaged in mail and wire fraud as part of a pattern of racketeering activity.

[U.S. v. Shifman, 124 F.3d 31 \(1st Cir. 1997\)](#)

U.S. Court of Appeals — First Circuit

Extract

In order to have engaged in a 'pattern' of racketeering activity, a defendant must have committed at least two racketeering acts within ten years of one another. See 18 U.S.C. § 1961(5). These acts must be related and 'amount to or pose a threat of continued criminal activity.' H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 239, 109 S.Ct. 2893, 2900, 106 L.Ed.2d 195 (1989).

Summary

To establish a pattern of racketeering activity under RICO, there must be at least two related acts of racketeering within a ten-year period that pose a threat of continued criminal activity. This aligns with the proposition that Myers, Branthoover, and Wilson engaged in multiple predicate acts over an extended period, demonstrating a pattern of racketeering activity.

[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. The latter is proved by evidence of the requisite number of acts of racketeering committed by the participants in the enterprise.

Summary

To establish a RICO violation, there must be proof of both an "enterprise" and a "pattern of racketeering activity." The 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 supports the

proposition by indicating that Myers, Branthoover, and Wilson's actions could constitute a RICO violation if they formed an enterprise and engaged in a pattern of racketeering activity, such as mail fraud, wire fraud, and extortion.

[Torwest DBC, Inc. v. Dick, 810 F.2d 925 \(10th Cir. 1987\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

A violation of section 1962(c) thus 'requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346 (1985). RICO defines racketeering activity as, *inter alia*, any act that is indictable under 18 U.S.C. Sec. 1341 (mail fraud) or 18 U.S.C. Sec. 1343 (wire fraud). See 18 U.S.C. Sec. 1961(1)(B). RICO also states that a 'pattern of racketeering activity' requires at least two acts of racketeering activity.

Summary

A RICO violation requires conduct of an enterprise through a pattern of racketeering activity, which includes acts such as mail and wire fraud. The passage confirms that these acts are considered racketeering activities under RICO, and a pattern requires at least two such acts. This aligns with the proposition that Myers, Branthoover, and Wilson engaged in multiple predicate acts of mail and wire fraud, which could constitute a pattern of racketeering activity.

[Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#)

U.S. District Court — District of Arizona

Extract

RICO makes it unlawful for 'any person employed by or associated with any enterprise engaged in...interstate or foreign commerce, to conduct or participate...in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). 'Racketeering activity' includes any of several listed crimes 'which is chargeable under State law and punishable by imprisonment for more than one year,' as well as any act chargeable under one of several enumerated federal statutes. § 1961(1). A 'pattern of racketeering activity' requires at least two acts of racketeering activity, § 1961(5), which must be 'related' and 'amount to or pose a threat of continued criminal activity.'

Summary

Clear explanation of what constitutes a "pattern of racketeering activity" under RICO, which includes the requirement of at least two related acts that pose a threat of continued criminal activity. This directly supports the proposition that Myers, Branthoover, and Wilson's repeated acts of mail fraud, wire fraud, and extortion over an extended period could demonstrate a pattern of racketeering activity under RICO.

[Price v. Rampersad, 22-cv-03131-DG-SJB \(E.D. N.Y. Jan 03, 2023\)](#)

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

Extract

RICO provides a private right of action for '[a]ny person injured in his business or property by reason of a violation of section 1962.' 18 U.S.C. § 1964(c). 'To state a claim under RICO's civil provision, 18 U.S.C. § 1962(c), a plaintiff must allege (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains [an] interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce. Section 1961(1), in turn, identifies predicate 'acts' that can form a pattern of racketeering activity, which include mail fraud, wire fraud, and extortion[.]' Liang v. Home Reno Concepts, LLC, 803 Fed.Appx. 444, 447 (2d Cir. 2020) (first alteration in original) (internal citations and quotations omitted). For acts to form a 'pattern' of racketeering activity, there must be at least two acts, and they must be related and 'amount to, or pose a threat of, continuing criminal activity.' Schlaifer Nance & Co. v. Est. of Warhol, 119 F.3d 91, 97 (2d Cir. 1997) (citing H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 239 (1989)).

Summary

The passage outlines the requirements for a RICO claim under 18 U.S.C. § 1962(c), which includes the commission of two or more predicate acts such as mail fraud, wire fraud, and extortion. It also emphasizes the need for these acts to form a pattern of racketeering activity, which must be related and pose a threat of continued criminal activity. This directly supports the proposition that Myers, Branthoover, and Wilson's actions could constitute a pattern of racketeering activity under RICO if they engaged in multiple predicate acts over an extended period.

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

Extract

As used in this chapter- 'racketeering activity' means ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), ... section 1951 (relating to interference with commerce, robbery, or extortion), ... '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 passage defines "racketeering activity" to include acts of mail fraud, wire fraud, and extortion, which are the specific acts alleged in the proposition. It also defines a "pattern of racketeering activity" as requiring at least two acts within a ten-year period, aligning with the proposition's claim of a pattern of such activities. This supports the proposition that the alleged acts by Myers, Branthoover, and Wilson could constitute a pattern of racketeering activity under RICO.

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

Extract

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Summary

Legal basis for considering their actions as part of a pattern of racketeering activity, which is essential for a RICO claim.

[18 U.S.C. § 1951](#) [18 U.S.C. § 1951 Interference With Commerce By Threats Or Violence](#)

Extract

The term 'extortion' means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

Summary

Extortion, as defined in 18 U.S.C. § 1951, involves obtaining property through wrongful use of force, violence, or fear. This definition aligns with

the proposition that Myers, Branthoover, and Wilson engaged in extortion by threatening the Plaintiff with eviction and other consequences to coerce compliance. The passage supports the claim that extortion is a predicate act under RICO, contributing to a pattern of racketeering activity.

[18 U.S.C. § 1343](#) [18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television](#)

Extract

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

The passage from 18 U.S.C. § 1343 outlines the federal crime of wire fraud, which involves using wire communications to execute a scheme to defraud. This directly supports the proposition that Myers, Branthoover, and Wilson engaged in wire fraud by using electronic communications to further their schemes. The statute provides the legal basis for considering such actions as predicate acts under RICO.

[18 U.S.C. § 1341](#) [18 U.S.C. § 1341 Frauds and Swindles](#)

Extract

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service... shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

The passage from 18 U.S.C. § 1341 outlines the federal crime of mail fraud, which involves using the postal service to execute a scheme to defraud. This directly supports the proposition that Myers, Branthoover, and Wilson engaged in mail fraud as a predicate act under RICO, as it describes the illegal use of mail to further fraudulent schemes.

[RICO - the rejection of an economic motive requirement.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Randolph, Jennifer G. - 1995-03-22

Extract

Finally, in H.J. Inc. v. Northwestern Bell Telephone Co.,(35) the Supreme Court made an express decision not to limit RICO strictly to organized crime.(36) ... The Court rejected a narrow reading of the phrase 'pattern of racketeering activity,' holding that it does not require proof of 'multiple illegal schemes'(39) or that the predicate acts be 'indicative of an organized crime perpetrator.'(40) Instead, the Court settled on a broad meaning for 'pattern of racketeering' that requires a 'plaintiff or prosecutor [merely to] prove [a] continuity of racketeering activity, or its threat, simpliciter.'(41)

Summary

The Supreme Court has interpreted RICO broadly, not limiting it to organized crime or requiring multiple illegal schemes. The Court emphasized that a pattern of racketeering activity can be established by showing continuity or the threat of such activity. This supports the proposition that the repeated acts of mail fraud, wire fraud, and extortion by Myers, Branthover, and Wilson over an extended period can demonstrate a pattern of racketeering activity under RICO.

[Chapter 4. Elements of Cause of Action](#)

Civil RICO: A Definitive Guide. Fifth Edition - American Bar Association - Gregory P. Joseph

Extract

The raw number of mail or wire fraud violations may not reflect accurately the extent of deceptive conduct. Under §§ 1341 and 1343, each mailing and interstate wire communication is a separate offense, even if each relates to the same scheme to defraud... The existence of a multiplicity of predicate acts consisting of mail and wire fraud may be no indication of the requisite continuity of the underlying fraudulent activity... 'pattern of racketeering activity' requires at least two acts of racketeering activity... the continuity requirement, according to Sedima, consists of a 'threat of continuing activity.'

Summary

Legal basis for considering multiple acts of mail and wire fraud as part of a pattern, even if they are related to the same scheme.

Racketeer influenced and corrupt organizations.

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

Extract

A RICO offense requires two or more predicate acts of 'racketeering activity.' (27) ... Under [section] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes. These crimes include: ... acts that are indictable under specified provisions of Title 18; (31) ... This includes acts relating to: ... extortion; ... mail fraud; wire fraud; ... RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (43) ... The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated. (46) Thus, 'two isolated acts of racketeering do not constitute a pattern.' (47) ... In H.J. Inc. v. Northwestern Bell Telephone Co., (48) the Court held that the government must establish both a relationship between the predicate acts and ...

Summary

Requirements for a RICO offense, which includes the commission of two or more predicate acts of racketeering activity. It specifies that mail fraud, wire fraud, and extortion are considered racketeering activities under Title 18. Additionally, it emphasizes the need for these acts to form a pattern, which requires continuity and interrelation, as established in H.J. Inc. v. Northwestern Bell Telephone Co. This directly supports the proposition that the actions of Myers, Branthroover, and Wilson could constitute a pattern of racketeering activity under RICO.

Chapter Five: The Racketeer Influenced and Corrupt Organizations (RICO) Statute, 18 U.S.C. §§ 1961-1968

Business Torts Litigation. Fifth Edition - American Bar Association - Robert W. Dibert

Extract

The most commonly charged RICO predicate acts are mail fraud and wire fraud, 18 U.S.C. §§ 1341, 1343. The elements of proof necessary to establish mail or wire fraud predicates are set forth in Section 5.10, infra... A pattern of racketeering activity requires at least two acts of racketeering activity within ten years of each other... Those acts must be related to each other, and must also amount to, or pose a threat of, continuing criminal activity.

Summary

The RICO statute identifies mail fraud and wire fraud as common predicate acts. The statute requires at least two related acts within a ten-year period that pose a threat of continued criminal activity to establish a pattern of racketeering activity. This aligns with the proposition that Myers, Branthover, and Wilson engaged in such acts over an extended period, demonstrating a pattern of racketeering activity.

Racketeer influenced and corrupt organizations.

American Criminal Law Review - Georgetown University Law Center - Allison, Bridget - 1998-03-22

Extract

The first element of RICO requires two or more predicate acts of 'racketeering activity.' RICO defendants need not be convicted of each 'racketeering activity' before a substantive RICO offense is charged. Under [sections] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes... The Supreme Court made a second attempt to clarify the 'pattern' concept in *H.J., Inc. v. Northwestern Bell Telephone Co.* In that case, the Court held that when proving a 'pattern of racketeering activity,' RICO requires both relationship and continuity of predicate acts as separate elements. However, the Court recognized that proof of these factors will often overlap. The relationship prong is defined by the connection of the defendant's criminal acts to one another: 'continuity' is successfully proved if a prosecutor can show actual continuity during a past, closed period of repeated conduct or an open-ended threat of continued racketeering activity in the future.

Summary

Requirements for establishing a "pattern of racketeering activity" under RICO, which includes committing at least two predicate acts of racketeering activity. It also emphasizes the need for these acts to be related and to demonstrate continuity, either through repeated conduct over a closed period or an ongoing threat of future criminal activity. This directly supports the proposition that Myers, Branthover, and Wilson's actions could constitute a pattern of racketeering activity if they engaged in multiple related predicate acts over an extended period.

Racketeer Influenced and Corrupt Organizations Act.

American Criminal Law Review - Georgetown University Law Center - Bailey, Lisa Pritchard - 1999-06-22

Extract

The predicate acts may also be acts indictable under federal law, including ... wire fraud; mail fraud; ... extortionate credit transactions; ... (36.) See H.J., Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 230 (1989) (holding that two acts may not be sufficient to establish RICO violation); ... (64.) See United States v. Shifman, 124 F.3d 31, 36 (1st Cir. 1997) (holding that two predicate acts committed within ten year period must be related and (a) amount to or (b) pose a threat of continued criminal activity per H.J., Inc.); ... (254.) As defined by the statute, '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 predicate acts of mail fraud, wire fraud, and extortion are recognized under federal law as potential RICO violations. The passage also confirms the requirement of at least two related predicate acts within a ten-year period that amount to or pose a threat of continued criminal activity, as established in H.J. Inc. v. Northwestern Bell Telephone Co. This aligns with the proposition that Myers, Branhoover, and Wilson's actions could constitute a pattern of racketeering activity under RICO.

Racketeer influenced and corrupt organizations.

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

Extract

RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (48) While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering that occur within ten years of each other, (49) proof of such acts, without more, may not suffice to establish a RICO violation. (50) There must also be proof that the predicate acts are continuous and interrelated. (51) Thus, 'two isolated acts of racketeering do not constitute a pattern.' (52) In H.J. Inc. v. Northwestern Bell Telephone Co., (53) the Court held that the government must establish both a relationship between the predicate acts and continuity of those acts to prove a 'pattern of racketeering activity' for RICO purposes. (54)

Summary

To establish a RICO violation, there must be at least two predicate acts of racketeering within a ten-year period. Additionally, these acts must be continuous and interrelated, as established in H.J. Inc. v. Northwestern Bell

Telephone Co. The passage supports the proposition by confirming that mail fraud, wire fraud, and extortion can be considered predicate acts under RICO if they meet the continuity and relationship requirements.

[Racketeer Influenced and Corrupt Organizations](#)

American Criminal Law Review - Georgetown University Law Center - Adam Governale, Keyes Gilmer, Elizabeth Hadley, Caroline Lagumina, Omoyle Okunola - 2022-07-01

Extract

A 'pattern of racketeering activity' also requires evidence that the predicate acts are continuous and interrelated, rather than isolated and sporadic. A plaintiff can satisfy RICO's pattern requirement two ways: (1) by alleging a long-running series of interrelated predicate acts constituting a closed-ended conspiracy; or (2) by alleging at least two interrelated predicate acts and the distinct threat of continued racketeering activities, demonstrating an open-ended conspiracy.

Summary

To establish a pattern of racketeering activity under RICO, there must be at least two predicate acts that are continuous and interrelated. The passage provides two ways to satisfy this requirement: through a closed-ended conspiracy with a long-running series of interrelated acts or an open-ended conspiracy with at least two interrelated acts and a threat of continued activity. This directly supports the proposition that the actions of Myers, Branthoover, and Wilson, if proven to be continuous and interrelated, could constitute a pattern of racketeering activity.

[RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#)

American Criminal Law Review - Georgetown University Law Center - 2021-07-01

Extract

The statutory definition of 'pattern of racketeering activity' requires at least two predicate acts occurring within ten years of each other. A 'pattern of racketeering activity' also requires evidence that the predicate acts are continuous and interrelated, rather than isolated and sporadic. A plaintiff can satisfy RICO's pattern requirement two ways: by alleging a long-running series of interrelated predicate acts constituting a closed-ended conspiracy; or by alleging at least two interrelated predicate acts and the distinct threat of continued racketeering activities, demonstrating an open-ended conspiracy.

Summary

The definition of a "pattern of racketeering activity" under RICO requires at least two predicate acts within a ten-year period. These acts must be continuous and interrelated, which aligns with the proposition that Myers, Branhoover, and Wilson engaged in multiple predicate acts over an extended period. The passage also explains the concept of closed-ended and open-ended conspiracies, which supports the argument that the acts in question demonstrate 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. The practitioner through their pleadings must articulate with great care and attention a viable racketeering claim. In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement.

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 particularity in pleading fraud-related RICO claims, aligning with the proposition's assertion of mail and wire fraud. The passage also notes the requirement for the enterprise's activities to affect interstate commerce, which is a jurisdictional requirement for RICO claims. This supports the proposition by providing a legal framework for establishing a pattern of racketeering activity involving mail and wire fraud.

[RECONCEIVING COERCION-BASED CRIMINAL DEFENSES.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Galoob, Stephen R. - 2022-03-22

Extract

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further requires a 'continuity' element, 'referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

Detailed explanation of what constitutes a "pattern of racketeering activity" under RICO. It highlights the need for criminal acts to have similar purposes, results, participants, victims, or methods of commission, and to be interrelated by distinguishing characteristics. Additionally, it emphasizes the requirement of a "continuity" element, which can be demonstrated by repeated conduct over a closed period or conduct that poses a threat of future repetition. This directly supports the proposition that the repeated acts of mail fraud, wire fraud, and extortion by Myers, Branthover, and Wilson over an extended period demonstrate a pattern of racketeering activity.

[RICO: A Primer](#)

Extract

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. § 1951 (extortion); 18 U.S.C. § 1341 (mail fraud) and 1343 (wire fraud)... Mail and wire fraud are the most common predicate acts... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time... The racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: * Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' * Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

Summary

The passage outlines that mail fraud, wire fraud, and extortion are recognized as predicate acts under RICO. It also explains the concept of a "pattern of racketeering activity," which requires at least two predicate acts that are related and pose a threat of continued criminal activity. The passage further clarifies that the acts need not be similar but must be related to the enterprise's affairs. This supports the proposition that the repeated acts of mail fraud, wire fraud, and extortion by Myers, Branthoover, and Wilson over an extended period demonstrate a pattern of racketeering activity under RICO.

[RICO: A Primer](#)

Extract

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. § 1951 (extortion); 18 U.S.C. § 1341 (mail fraud) and 1343 (wire fraud)... Mail and wire fraud are the most common predicate acts... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time... The racketeering acts need not be similar or directly related to each other; rather, it is sufficient that the racketeering acts are related in some way to the affairs of the charged enterprise... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: * Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' * Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

Summary

The passage outlines that racketeering activities under RICO include mail fraud, wire fraud, and extortion, which are the predicate acts alleged in the proposition. It also explains the concept of a "pattern of racketeering activity," which requires at least two predicate acts that are related and pose a threat of continued criminal activity. The passage further clarifies that the acts need not be similar but must be related to the enterprise's affairs, and continuity can be demonstrated through closed-ended or open-ended continuity. This directly supports the proposition that the alleged acts by Myers, Branthoover, and Wilson constitute a pattern of racketeering activity under RICO.