

## Question

- A woman (the Petitioner) opened a private bank account, transferred \$1,576 from the marital estate to a third party across state lines using PayPal, then back to herself. - She used the proceeds to purchase a second phone, which was used in paperwork prepared in Oklahoma with another individual residing there. - The fraudulent documents were transported back to Texas and submitted to the 322nd District Court of Tarrant County, with the purpose of removing the father from his home and business. - The court ordered the father to vacate without a hearing, findings, or protective order on January 16, 2024. - The court was notified of the alleged enterprise but ignored the claims and, through Associate Judge Jeffrey Kaitcer, compelled the father to agree to the situation, denied his emergency motion, and rendered a fraudulent agreement into effect. - The judge had no jurisdiction as he was presiding over a de novo request, and the agreement was prepared by the mother's attorney, who was also allegedly part of the scheme. - Child support payments were added to the agreement, which the father claims is an unlawful debt. - Under 18 U.S.C. § 1961(1), predicate acts for RICO include wire fraud (18 U.S.C. § 1343), mail fraud (18 U.S.C. § 1341), and extortion (Hobbs Act, 18 U.S.C. § 1951). - Wire fraud occurs when someone uses interstate wire communications to further a scheme to defraud. - Extortion under the Hobbs Act includes obtaining property from another, with their consent, induced by wrongful use of actual or threatened force, violence, fear, or under color of official right. - Texas Penal Code § 32.46 criminalizes securing execution of a document by deception, and § 37.10 criminalizes tampering with governmental records. - Judicial immunity does not protect judges for nonjudicial (administrative) acts or acts taken in the complete absence of jurisdiction (see *Malina v. Gonzales*, 994 F.2d 1121 (5th Cir. 1993); *Wilder v. Merritt*, NO. 02-16-00477-CV (Tex. App. Nov 16, 2017)). - A RICO "enterprise" can be any group of individuals associated in fact, and a "pattern of racketeering activity" requires at least two related predicate acts within ten years (18 U.S.C. § 1961(4)-(5)). - RICO liability attaches to those who conduct or participate, directly or indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity (18 U.S.C. § 1962(c)). - The transfer of marital funds across state lines using PayPal, with the intent to defraud the marital estate, constitutes wire fraud under 18 U.S.C. § 1343. - The use of proceeds to purchase a second phone, and the preparation and interstate transport of fraudulent documents, further supports the wire fraud and mail fraud predicates. - Submitting fraudulent documents to a Texas court to obtain an order removing the father from his home and business, if done under false pretenses and with intent to deprive him of property, may constitute extortion under the Hobbs Act and Texas law. - If the court, after being notified of the alleged enterprise, ignored the claims and took further action (such as compelling the father's agreement to a fraudulent order, denying emergency relief, and awarding property and child support based on fraudulent documents), these acts could be seen as furthering the enterprise's scheme. - If Associate Judge Kaitcer acted without jurisdiction and compelled the father's signature on a fraudulent document, this may fall outside judicial immunity and constitute a predicate act (see *Malina v. Gonzales*, *Wilder v. Merritt*). -

The involvement of the mother's attorney in preparing the fraudulent agreement, and the addition of child support as an "unlawful debt," could be further predicate acts if done with intent to defraud or extort. - The pattern of conduct—wire fraud, extortion, tampering with governmental records, and securing execution of documents by deception—satisfies the RICO requirement of at least two related predicate acts. - The enterprise requirement is met if the mother, her attorney, the Oklahoma individual, and court officials acted in concert to further the scheme. - The effect on interstate commerce is established by the interstate transfer of funds, use of interstate communications, and impact on the father's business with clients in multiple states and countries. - Therefore, all participants—including the court, if it acted outside its judicial capacity or jurisdiction—could be liable under RICO for conducting the affairs of an enterprise through a pattern of racketeering activity.

## **Answer (Fifth Circuit)**

### **Short response**

The facts described could potentially support a civil RICO claim under 18 U.S.C. § 1962(c) if the alleged conduct—wire fraud, mail fraud, and extortion—can be substantiated as predicate acts forming a pattern of racketeering activity by an enterprise affecting interstate commerce. However, significant legal and evidentiary hurdles exist, particularly regarding judicial immunity, the distinctness of the enterprise, and the sufficiency of the alleged predicate acts.

### **Summary**

The scenario presents a complex set of facts involving alleged fraudulent transfers, document tampering, and judicial actions, all potentially implicating federal RICO statutes and related Texas criminal provisions. Under established Fifth Circuit and federal authority, a viable RICO claim requires proof of a pattern of racketeering activity (such as wire fraud, mail fraud, or extortion) conducted through an enterprise that affects interstate commerce, with at least two predicate acts within ten years.

While the described conduct—interstate wire transfers, preparation and submission of fraudulent documents, and alleged extortionate court orders—could, if proven, satisfy the elements of RICO, several legal obstacles must be addressed. These include the need to show the requisite intent for each predicate act, the distinctness between the "person" and the "enterprise," the applicability of judicial immunity to the judge's actions, and whether the facts support a pattern of racketeering rather than isolated incidents. The involvement of attorneys and court officials further complicates the analysis, especially regarding the boundaries of legitimate legal advocacy and judicial conduct.

# Background and Relevant Law

## Federal RICO Statute and Predicate Acts

The Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. §§ 1961–1968, provides both criminal and civil remedies for persons injured by a pattern of racketeering activity conducted through an enterprise affecting interstate commerce. The statute defines "racketeering activity" to include a range of federal crimes, notably wire fraud (18 U.S.C. § 1343), mail fraud (18 U.S.C. § 1341), and extortion under the Hobbs Act (18 U.S.C. § 1951) (RICO: A Primer (2022-01-31); [Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#)).

To establish a civil RICO claim under 18 U.S.C. § 1962(c), a plaintiff must show: (1) a person, (2) who engages in a pattern of racketeering activity, (3) connected to the conduct of an enterprise's affairs, (4) which affects interstate or foreign commerce ([Allstate Ins. Co. v. Benhamou, 190 F.Supp. 3d 631 \(S.D. Tex. 2016\)](#); [St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)). A "pattern" requires at least two predicate acts within ten years that are related and pose a threat of continued criminal activity ([Word of Faith World Outreach Center Church, Inc. v. Sawyer, 90 F.3d 118 \(5th Cir. 1996\)](#); [JMF Med., LLC v. Team Health, LLC, 490 F.Supp.3d 947 \(M.D. La. 2020\)](#)).

## Elements of Predicate Acts

**Wire Fraud:** To prove wire fraud under 18 U.S.C. § 1343, the government (or a civil RICO plaintiff) must show: (1) a scheme to defraud, (2) use of interstate wire communications in furtherance of the scheme, and (3) intent to defraud or cause harm ([U.S. v. Keller, 14 F.3d 1051 \(5th Cir. 1994\)](#); [U.S. v. Powers, 168 F.3d 741 \(5th Cir. 1999\)](#); Mail and Wire Fraud (2023-07-01)). The interstate element is satisfied by electronic transfers (e.g., PayPal) crossing state lines (Mail and wire fraud. (1999-06-22)).

**Mail Fraud:** Similar to wire fraud, mail fraud under 18 U.S.C. § 1341 requires a scheme to defraud and use of the mails to further the scheme ([Dale v. Ala Acquisitions, Inc., 203 F.Supp.2d 694 \(S.D. Miss. 2002\)](#)).

**Extortion (Hobbs Act):** Extortion under 18 U.S.C. § 1951 includes obtaining property from another, with their consent, induced by wrongful use of actual or threatened force, violence, fear, or under color of official right (RICO: A Primer (2022-01-31)).

## RICO Enterprise and Pattern

A RICO "enterprise" can be any group of individuals associated in fact, not necessarily a formal legal entity (RICO: A Primer (2022-01-31)). The "person" and the "enterprise" must be distinct ([Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#); [Mortgage v. Flores, 735 F.Supp.2d 679 \(S.D. Tex. 2010\)](#)). The pattern requirement is met by at least two related predicate acts within ten years that show relatedness and

continuity ([Word of Faith World Outreach Center Church, Inc. v. Sawyer](#), 90 F.3d 118 (5th Cir. 1996)).

## **Judicial Immunity**

Judges are generally immune from civil liability for acts taken in their judicial capacity, but this immunity does not extend to nonjudicial acts or acts taken in the complete absence of jurisdiction (*Malina v. Gonzales*, 994 F.2d 1121 (5th Cir. 1993); *Wilder v. Merritt*, NO. 02-16-00477-CV (Tex. App. Nov 16, 2017)). The scope of immunity is a critical issue when considering whether judicial conduct can serve as a RICO predicate act.

## **Texas Law**

Texas Penal Code § 32.46 criminalizes securing execution of a document by deception, and § 37.10 criminalizes tampering with governmental records. These state law violations can serve as predicate acts for RICO if they are indictable under federal law or otherwise incorporated by reference ([U.S. v. Marmolejo](#), 86 F.3d 404 (5th Cir. 1996)).

## **Analysis**

### **Application of RICO Elements to the Facts**

#### **1. Predicate Acts: Wire Fraud, Mail Fraud, and Extortion**

The facts allege that the petitioner transferred marital funds across state lines using PayPal, with the intent to defraud the marital estate. This conduct, if proven, aligns with the elements of wire fraud: a scheme to defraud, use of interstate wire communications, and intent to cause harm ([U.S. v. Keller](#), 14 F.3d 1051 (5th Cir. 1994); [U.S. v. Powers](#), 168 F.3d 741 (5th Cir. 1999)). The use of proceeds to purchase a second phone, and the preparation and interstate transport of fraudulent documents, could further support wire fraud and potentially mail fraud if the mails were used ([Dale v. Ala Acquisitions, Inc.](#), 203 F.Supp.2d 694 (S.D. Miss. 2002)).

Submitting fraudulent documents to a Texas court to obtain an order removing the father from his home and business, if done under false pretenses and with intent to deprive him of property, may constitute extortion under the Hobbs Act, especially if the deprivation was induced under color of official right (RICO: A Primer (2022-01-31)). The addition of child support as an "unlawful debt" could also be relevant if it was imposed as part of the fraudulent scheme, though courts are generally reluctant to treat court-ordered child support as an "unlawful debt" under RICO absent clear evidence of fraud or extortion.

#### **2. Pattern of Racketeering Activity**

A pattern requires at least two related predicate acts within ten years that are related and pose a threat of continued criminal activity ([Word of Faith](#)

[World Outreach Center Church, Inc. v. Sawyer, 90 F.3d 118 \(5th Cir. 1996\)](#)). The described conduct—wire fraud (interstate transfer of funds), mail fraud (if the mails were used for the documents), and extortion (court order obtained by fraud)—could, if proven, satisfy this requirement. The acts appear related in purpose, participants, and method, and the alleged scheme appears ongoing rather than isolated.

### **3. Existence of an Enterprise**

A RICO enterprise can be any group of individuals associated in fact, including informal associations (RICO: A Primer (2022-01-31)). The facts allege a coordinated effort involving the petitioner, her attorney, an Oklahoma individual, and possibly court officials. If these individuals acted in concert to further the scheme, the enterprise requirement could be met ([Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#)).

However, RICO requires that the "person" and the "enterprise" be distinct ([Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#); [Mortgage v. Flores, 735 F.Supp.2d 679 \(S.D. Tex. 2010\)](#)). If the only alleged participants are the petitioner and her attorney, courts may find insufficient distinctness. The inclusion of court officials complicates the analysis, as their participation must be outside the scope of legitimate judicial functions.

### **4. Effect on Interstate Commerce**

RICO applies only to enterprises whose activities affect interstate or foreign commerce ([U.S. v. Cauble, 706 F.2d 1322 \(5th Cir. 1983\)](#)). The interstate transfer of funds via PayPal, the preparation of documents in Oklahoma, and the alleged impact on the father's business with clients in multiple states and countries likely satisfy this requirement.

### **5. Judicial Immunity**

Judicial immunity generally shields judges from civil liability for acts taken in their judicial capacity, even if those acts are alleged to be in error or done maliciously (*Malina v. Gonzales*, 994 F.2d 1121 (5th Cir. 1993)). However, immunity does not apply to nonjudicial acts or acts taken in the complete absence of jurisdiction. If Associate Judge Kaitcer acted entirely outside his jurisdiction or performed nonjudicial acts (such as compelling a party to sign a fraudulent agreement), immunity may not apply. The facts would need to show that the judge's actions were not judicial in nature or were taken without any subject-matter jurisdiction (*Wilder v. Merritt*, NO. 02-16-00477-CV (Tex. App. Nov 16, 2017)).

### **6. Conspiracy**

RICO also prohibits conspiracy to violate its substantive provisions ([United States v. Rosenthal, 805 F.3d 523 \(5th Cir. 2015\)](#); [United States v. Pratt, 728 F.3d 463 \(5th Cir. 2013\)](#)). To establish a RICO conspiracy, it must be shown that two or more people agreed to commit a substantive RICO offense and knew of the overall objective. The facts suggest possible agreement among

the petitioner, her attorney, and others, but clear evidence of such agreement is required.

**Note:** [United States v. Pratt, 728 F.3d 463 \(5th Cir. 2013\)](#) has been stated as abrogated by *Widmer v. Smith*, Civil Action 21-381 (E.D. La. Sep 16, 2021) on certain points, but the basic elements of RICO conspiracy remain consistent with other Fifth Circuit authority.

## 7. State Law Predicate Acts

Texas Penal Code §§ 32.46 and 37.10 criminalize securing execution of documents by deception and tampering with governmental records, respectively. If these acts are part of the alleged scheme, they may serve as predicate acts for RICO if they are indictable under federal law or otherwise incorporated ([U.S. v. Marmolejo, 86 F.3d 404 \(5th Cir. 1996\)](#)).

## Potential Obstacles and Defenses

- **Judicial Immunity:** As noted, judicial immunity is a significant barrier to RICO liability for judges unless the acts were nonjudicial or taken in the complete absence of jurisdiction. The facts must clearly establish that the judge's conduct falls outside protected judicial functions.
- **Distinctness Requirement:** The "person" and the "enterprise" must be distinct. If the alleged enterprise is simply the petitioner and her attorney, courts may find insufficient distinctness ([Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#)).
- **Sufficiency of Predicate Acts:** Each predicate act must be proven with evidence of intent to defraud or extort. Mere irregularities or errors in court proceedings, without fraudulent intent, are unlikely to suffice.
- **Pattern and Continuity:** The acts must be related and pose a threat of continued criminal activity. Isolated incidents or a single scheme with no threat of repetition may not meet this standard ([Word of Faith World Outreach Center Church, Inc. v. Sawyer, 90 F.3d 118 \(5th Cir. 1996\)](#)).
- **Unlawful Debt:** RICO's "unlawful debt" provision is typically applied to debts arising from illegal gambling or usurious lending, not to court-ordered child support unless the order itself was obtained by fraud or extortion (RICO: A Primer (2022-01-31)).

## Exceptions and Caveats

- **Judicial Immunity:** As discussed, most judicial acts are immune from civil liability, including under RICO, unless the judge acted in a nonjudicial capacity or in the complete absence of jurisdiction. The facts must be clear and specific to overcome this defense.
- **Attorney Conduct:** Attorneys are generally immune from civil liability for conduct within the scope of legitimate advocacy, unless they actively participate in fraudulent or criminal acts.
- **Proof of Intent:** RICO claims require clear evidence of intent to defraud or extort. Mere negligence, poor judgment, or even gross procedural errors are insufficient.

- **Abrogation of Authority:** The abrogation of [United States v. Pratt, 728 F.3d 463 \(5th Cir. 2013\)](#) by *Widmer v. Smith*, Civil Action 21-381 (E.D. La. Sep 16, 2021) may affect the precise articulation of RICO conspiracy elements, but the core requirements remain supported by other Fifth Circuit cases.

## Conclusion

The described conduct, if substantiated with evidence, could potentially support a civil RICO claim under 18 U.S.C. § 1962(c) by alleging a pattern of racketeering activity—specifically, wire fraud, mail fraud, and extortion—conducted through an enterprise affecting interstate commerce. However, the success of such a claim would depend on overcoming significant legal hurdles, including judicial immunity, the distinctness of the enterprise, and the sufficiency and continuity of the alleged predicate acts. The facts must clearly demonstrate fraudulent intent, coordinated action among multiple parties, and conduct falling outside the protections of judicial and attorney immunity. Without such evidence, courts are likely to dismiss RICO claims as insufficiently pled or legally barred.

## Legal Authorities

[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(c), it is a crime for “any person employed by or associated with any enterprise engaged in, [or affecting] interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of [the] enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt”. 18 U.S.C. § 1962(c). Section 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).

#### Summary

The passage from *United States v. Rosenthal* outlines the elements required to establish a RICO conspiracy under 18 U.S.C. § 1962(d), which includes an agreement between two or more people to commit a RICO offense and knowledge of the overall objective. This supports the proposition by providing a legal framework for understanding how the alleged actions of the woman, her attorney, and others could constitute a RICO conspiracy if they agreed to engage in racketeering activities such as wire fraud and extortion. The passage also highlights the requirement of affecting



interstate commerce, which is relevant given the interstate nature of the alleged activities.

[U.S. v. Welch, 656 F.2d 1039 \(5th Cir. 1981\)](#)

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

#### **Extract**

The RICO count charged that the four defendants violated 18 U.S.C.A. § 1962(c) by conducting the affairs of the Sheriff's Office through a pattern of racketeering activity. Engaging in a 'pattern of racketeering activity' requires at least two acts of racketeering within a ten-year period. Finally, racketeering activity is expressly defined to include only certain types of conduct, including acts indictable under 18 U.S.C.A. § 1511. Here, the Cantrell's game conspiracy (Count III) and the fairgrounds conspiracy (Count IV) were each alleged to constitute one of the required two acts of racketeering activity necessary for the substantive RICO violation. Including both conspiracies as predicate acts under the substantive RICO count served as an allegation that the purpose of both conspiracies was to conduct the affairs of the Sheriff's Office through a pattern of racketeering activity.

#### **Summary**

The RICO statute requires at least two predicate acts of racketeering activity within a ten-year period to establish a pattern of racketeering activity. The passage illustrates how multiple conspiracies can be used as predicate acts to support a RICO charge. This is relevant to the proposition as it involves allegations of multiple predicate acts (wire fraud, extortion, etc.) that could form a pattern of racketeering activity under RICO.

[Mortgage v. Flores, 735 F.Supp.2d 679 \(S.D. Tex. 2010\)](#)

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

#### **Extract**

RICO provides an exhaustive definition of 'racketeering activity,' which includes numerous federal crimes. 18 U.S.C. § 1961(1) ('racketeering activity' means....); Johnson v. Hoffa, 196 Fed.Appx. 88, 90 n. 3 (3d Cir.2006) ('18 U.S.C. § 1961(1) catalogues an exhaustive list of 'racketeering activities' RICO encompasses.'). Intervenor's allege multiple violations in support of their RICO 'racketeering activity' allegations, including: 18 U.S.C. § 1028 (fraudulent identification documents), 1341 (mail fraud), 1343 (wire fraud), 1344 (bank fraud), 1956 (money laundering), and securities fraud. (D.E. 98, p. 30.) ... As such, the wire and mail fraud were the proximate cause of Intervenor's injury to property. ... Section 1962(c) prohibits any person employed by or associated with any enterprise from participating in or



conducting the affairs of the enterprise through a pattern of racketeering activity. Abraham, 480 F.3d at 357. 'For purposes of § 1962(c) ... the plaintiff must demonstrate not only that the enterprise is distinct from the series of predicate acts constituting racketeering activity, but also that the RICO 'person' who commits the predicate acts is distinct from the enterprise. It is not enough to establish that a defendant corporation through its agents committed the predicate acts in the conduct of its own business.' Whelan v. Winchester Production Co., 319 F.3d 225, 229 (5th Cir.2003) (internal citations omitted); see also Abraham, 480 F.3d at 357.

## **Summary**

The passage discusses the definition of "racketeering activity" under RICO, which includes wire fraud and mail fraud. It also explains the requirements for establishing a RICO claim under Section 1962(c), emphasizing the need for a distinct enterprise and a pattern of racketeering activity. This supports the proposition by highlighting the legal framework for RICO claims, which is relevant to the alleged activities in the proposition.

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

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

## **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 or collection of unlawful debt.' Boyle v. United States, 556 U.S. 938, 943-45, 129 S.Ct. 2237, 173 L.Ed.2d 1265 (2009) (quoting 18 U.S.C. § 1962(c) ) (internal quotation marks omitted). Thus, to establish liability under § 1962(c) one must allege and prove the existence of two distinct entities: (1) a 'person'; and (2) an 'enterprise' that is not simply the same 'person' referred to by a different name.

## **Summary**

Requirements for establishing a RICO claim under § 1962(c), which includes proving the existence of a "person" and an "enterprise" engaged in a pattern of racketeering activity. This directly supports the proposition by providing a legal framework for alleging RICO violations based on the described activities, such as wire fraud and extortion, which are considered predicate acts under RICO.

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

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

## **Extract**

The government, as the proponent of the otherwise privileged evidence, 'has the burden of establishing a prima facie case that the attorney-client relationship was intended to further criminal or fraudulent activity.' ... the district court instructed the jury that it could convict the defendants on Count 34 if it found, in part, that he knowingly conducted a financial transaction involving the proceeds of extortion, mail fraud or wire fraud. ... the jury was instructed that it could convict the defendants on Count 34 if it found that they knowingly conducted a financial transaction involving the proceeds of a 'license as property' fraud.

## **Summary**

The court in *U.S. v. Edwards* dealt with RICO charges involving wire fraud, mail fraud, and extortion. The passage highlights the importance of establishing a prima facie case for fraudulent activity and the use of financial transactions involving proceeds from such activities. This is relevant to the proposition as it involves similar allegations of wire fraud, extortion, and fraudulent transactions.

[JMF Med., LLC v. Team Health, LLC, 490 F.Supp.3d 947 \(M.D. La. 2020\)](#)

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

## **Extract**

RICO imposes civil liability on those who engage in certain 'prohibited activities,' which are defined as requiring proof of either 'a pattern of racketeering activity' or 'collection of an unlawful debt.' 18 U.S.C. § 1962(c). A pattern of racketeering activity requires at least two predicate acts of racketeering activity which are related and pose a threat of continued criminal activity. 18 U.S.C. § 1961(5) ; *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989) ; *Howell Hydrocarbons, Inc. v. Adams*, 897 F.2d 183, 191 (5th Cir. 1991). 'Racketeering activity' means any act indictable under various specified federal statutes, and certain federal offenses.

## **Summary**

RICO liability requires a pattern of racketeering activity, which involves at least two related predicate acts. The passage supports the proposition by explaining the legal framework for RICO claims, which is relevant to the alleged actions of wire fraud, mail fraud, and extortion in the proposition. The passage also highlights the requirement for these acts to pose a threat of continued criminal activity, which aligns with the ongoing nature of the alleged scheme in the proposition.

[U.S. v. Mills, 199 F.3d 184 \(5th Cir. 1999\)](#)

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

**Extract**

To establish wire fraud, the government must prove (1) that the defendant knowingly participated in a scheme to defraud; (2) that interstate wire communications were used to further the scheme; and (3) that the defendant intended that some harm result from the fraud. See *United States v. Powers*, 168 F.3d 741, 746 (5th Cir. 1999). For purposes of jurisdiction, the first and third elements (knowingly participating in a harmful fraudulent scheme) were established by the allegations of the indictment as a whole, the plea agreement, and the resume of stipulated facts. Whether the second element (that interstate wire communications were used to further the scheme) was established is a more complex question.

**Summary**

The elements required to establish wire fraud include knowingly participating in a scheme to defraud, using interstate wire communications to further the scheme, and intending harm to result from the fraud. This aligns with the proposition that the transfer of marital funds across state lines using PayPal, with the intent to defraud, constitutes wire fraud. The passage supports the notion that the use of interstate wire communications (such as PayPal) to further a fraudulent scheme can meet the criteria for wire fraud under 18 U.S.C. § 1343.

[U.S. v. Keller, 14 F.3d 1051 \(5th Cir. 1994\)](#)

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

**Extract**

To sustain a conviction for wire fraud under 18 U.S.C. Sec. 1343, the government must present evidence of (1) a scheme to defraud, and (2) the use of, or causing the use of, wire communications in furtherance of the scheme. *United States v. Dula*, 989 F.2d 772, 778 (5th Cir.), cert. denied, --- U.S. ---, 114 S.Ct. 172, 126 L.Ed.2d 131 (1993). The government also must prove that defendant intended to defraud or deceive his victims. *United States v. St. Gelais*, 952 F.2d 90, 95 (5th Cir.), cert. denied, --- U.S. ---, 113 S.Ct. 439, 121 L.Ed.2d 358 (1992).

**Summary**

To establish wire fraud under 18 U.S.C. § 1343, there must be evidence of a scheme to defraud and the use of wire communications in furtherance of that scheme. Additionally, there must be an intent to defraud or deceive the victims. This directly supports the proposition that the transfer of marital

funds across state lines using PayPal, with the intent to defraud the marital estate, constitutes wire fraud. The passage provides the legal framework necessary to argue that the actions described in the proposition meet the criteria for wire fraud.

[Word of Faith World Outreach Center Church, Inc. v. Sawyer, 90 F.3d 118 \(5th Cir. 1996\)](#)

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

#### **Extract**

The Church alleges the defendants violated 18 U.S.C. § 1962(c) and (d) of the Racketeer Influence and Corrupt Organization Act (RICO), 18 U.S.C. §§ 1961-1968. Subsection 1962(c) prohibits persons employed by or associated with any enterprise from conducting or participating in the enterprise's affairs through a pattern of racketeering. ... To establish a pattern of racketeering activity, the Supreme Court explained in *H.J. Inc. v. Northwestern Bell Telephone, Co.* 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989), that a plaintiff 'must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' ... The element of relatedness is established if the acts have the 'same or similar purposes, results, participants, victims, or methods of commission.'

#### **Summary**

Requirements for establishing a RICO claim, specifically the need for a pattern of racketeering activity, which includes related predicate acts that pose a threat of continued criminal activity. This is relevant to the proposition as it involves allegations of wire fraud, extortion, and other predicate acts that could form a pattern of racketeering activity under RICO. The passage also highlights the importance of relatedness and continuity in establishing a RICO claim, which aligns with the proposition's description of a coordinated scheme involving multiple parties and actions.

[Abraham v. Singh, 480 F.3d 351 \(5th Cir. 2007\)](#)

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

#### **Extract**

Plaintiffs allege that Defendants violated 18 U.S.C. § 1962(a), (b), (c), and (d). These RICO subsections state, in their simplest terms, that: (a) a person who has received income from a pattern of racketeering activity cannot invest that income in an enterprise; (b) a person cannot acquire or maintain an interest in an enterprise through a pattern of racketeering; (c) a person who is employed by or associated with an enterprise cannot conduct the

affairs of the enterprise through a pattern of racketeering activity; and (d) a person cannot conspire to violate subsections (a), (b), or (c). ... Subsection (c) prohibits any 'person employed by or associated with any enterprise' from participating in or conducting the affairs of the enterprise through a pattern of racketeering activity. ... Plaintiffs specifically alleged that the Defendants entered into an agreement and that each agreed to commit at least two predicate acts of racketeering. These allegations are specific enough to state a claim that the Defendants conspired to violate § 1962(c).

## **Summary**

The Fifth Circuit recognizes the applicability of RICO claims when there is a pattern of racketeering activity, which includes wire fraud, mail fraud, and extortion. The passage supports the proposition by illustrating that a RICO claim can be made when individuals conspire to commit predicate acts of racketeering, which aligns with the alleged actions in the proposition. The case demonstrates that a pattern of racketeering activity involving multiple parties can form the basis of a RICO claim, similar to the alleged scheme involving the mother, her attorney, and court officials.

[U.S. v. Elliott, 571 F.2d 880 \(5th Cir. 1978\)](#)

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

### **Extract**

The substantive proscriptions of the RICO statute apply to insiders and outsiders those merely 'associated with' an enterprise who participate directly and indirectly in the enterprise's affairs through a pattern of racketeering activity. 18 U.S.C. § 1962(c). ... Thus, the RICO net is woven tightly to trap even the smallest fish, those peripherally involved with the enterprise. ... Undeniably, then, under the RICO conspiracy provision, remote associates of an enterprise may be convicted as conspirators on the basis of purely circumstantial evidence.

## **Summary**

The RICO statute is designed to encompass a wide range of participants in a criminal enterprise, including those who are only peripherally involved. The passage emphasizes that RICO can apply to both insiders and outsiders who participate in the enterprise's affairs through a pattern of racketeering activity. This supports the proposition that the individuals involved in the alleged scheme, including the mother, her attorney, and potentially court officials, could be liable under RICO if they participated in the enterprise's affairs through predicate acts like wire fraud and extortion.

[Dale v. Ala Acquisitions, Inc., 203 F.Supp.2d 694 \(S.D. Miss. 2002\)](#)

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

### **Extract**

Defendants further argue that plaintiffs have failed to state a claim against them under RICO. Plaintiffs have alleged that defendants are liable under RICO pursuant to 18 U.S.C. § 1962(c) and (d). Generally, to state a prima facie claim under RICO, plaintiffs must allege that there is '(1) a person who engages in (2) a pattern of racketeering activity (3) connected to the acquisition, establishment, conduct, or control of an enterprise.' *St. Paul Mercury Ins. Co. v. Williamson*, 224 F.3d 425, 439 (5th Cir.2000) (quoting *Delta Truck & Tractor, Inc. v. J.I. Case Co.*, 855 F.2d 241, 242 (5th Cir. 1988)). ... Plaintiffs argue that a 'pattern of racketeering activity' has been pled based on defendants' alleged violations of 18 U.S.C. §§ 1341 and 1343, the federal wire and mail fraud statutes, respectively. Under RICO, racketeering activity is defined as two or more predicate acts, which include acts of wire and mail fraud. 18 U.S.C. § 1961(1)(B) & (5); *Word of Faith World Outreach Ctr. Church, Inc. v. Sawyer*, 90 F.3d 118, 122 (5th Cir. 1996). ... Construing the complaint in the light most favorable to plaintiffs, the court concludes that plaintiffs have sufficiently pled that defendants were involved in a scheme to defraud using both the interstate wires and mails for the purpose of executing a scheme that would result in some intended harm. Consequently, plaintiffs have adequately pled the requisite predicate acts to maintain their RICO claims against defendants.

### **Summary**

To establish a RICO claim, plaintiffs must allege a pattern of racketeering activity connected to an enterprise. The passage confirms that wire and mail fraud are recognized predicate acts under RICO, and a pattern can be established by showing related acts that threaten continued criminal activity. This aligns with the proposition's claim of wire fraud and other predicate acts as part of a scheme to defraud.

[Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#)

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

### **Extract**

In 1970, Congress enacted RICO as Title IX of the Organized Crime Control Act to combat organized crime through both criminal prosecutions and private actions. See 18 U.S.C. § 1961 et seq. The 'legislative history forcefully supports the view that the major purpose of Title IX is to address the infiltration of legitimate business by organized crime.' *United States v. Turkette*, 452 U.S. 576, 591, 101 S.Ct. 2524, 2532, 69 L.Ed.2d 246 (1981). A private right of action is provided under 18 U.S.C. § 1964(c), which states in pertinent part: Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate



United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee.

## **Summary**

RICO provides a private right of action for individuals injured in their business or property due to a violation of section 1962. This supports the proposition that the father could potentially bring a RICO claim if he can demonstrate that the actions of the mother, her attorney, and others constituted a pattern of racketeering activity that injured his business or property.

[U.S. v. Marmolejo, 86 F.3d 404 \(5th Cir. 1996\)](#)

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

#### **Extract**

A jury found Marmolejo guilty of violating RICO, in violation of 18 U.S.C. § 1962(c), RICO conspiracy, in violation of 18 U.S.C. § 1962(d)... At trial, the government alleged that the defendants violated TEX.PENAL CODE ANN. § 36.02(a)(1), which constituted 'predicate acts establishing a pattern of racketeering activity' in violation of RICO. See 18 U.S.C. § 1962(c)... the object of a RICO conspiracy is to violate a substantive RICO provision--here, to conduct or participate in the affairs of an enterprise through a pattern of racketeering activity--and not merely to commit each of the predicate crimes necessary to demonstrate a pattern of racketeering activity.... Under the statute, it is irrelevant that each defendant participated in the enterprise's affairs through different, even unrelated crimes, so long as we may reasonably infer that each crime was intended to further the enterprise's affairs.

## **Summary**

The case of U.S. v. Marmolejo illustrates how RICO can be applied to a pattern of racketeering activity involving multiple predicate acts. The passage highlights that a RICO violation involves conducting or participating in an enterprise's affairs through a pattern of racketeering activity, which can include different crimes as long as they further the enterprise's affairs. This supports the proposition by showing that the alleged actions of the woman, her attorney, and others could constitute a RICO violation if they engaged in a pattern of racketeering activity to further their scheme.

[U.S. v. Bright, 630 F.2d 804 \(5th Cir. 1980\)](#)

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

## **Extract**

The gist of the RICO offense, however, is that the defendant, through a pattern of predicate crimes, furthered a racketeering enterprise. ... Section 1962(c) of Title 18 provides: It shall be 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 or collection of unlawful debt. ... The final element of a RICO violation is proof that the defendant participated in the affairs of the enterprise through a pattern of racketeering activity. ... The RICO conspiracy statute provides: 'It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.' 18 U.S.C. § 1962(d). To be convicted of conspiracy to violate RICO there must be proof that the individual, by his words or actions, objectively manifested an agreement to participate, directly or indirectly, in the affairs of the enterprise, through the commission of two or more predicate crimes.

## **Summary**

The RICO statute requires proof of an enterprise, association with the enterprise, participation in its affairs, and a pattern of racketeering activity. The passage supports the proposition by illustrating how a pattern of predicate crimes, such as wire fraud and extortion, can further a racketeering enterprise. The case also highlights the necessity of demonstrating an agreement to participate in the enterprise's affairs through predicate crimes, which aligns with the alleged actions in the proposition.

[U.S. v. Cauble, 706 F.2d 1322 \(5th Cir. 1983\)](#)

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

## **Extract**

RICO's purpose is 'the imposition of enhanced criminal penalties and new civil sanctions to provide new legal remedies for all types of organized criminal behavior, that is, enterprise criminality--from simple political corruption to sophisticated white-collar crime schemes to traditional Mafia-type endeavors.' RICO does not, however, criminalize conduct that was legal before its enactment. Its application depends on the existence of racketeering activity violating some other criminal statute, state or federal. Section 1962(a) of the statute prohibits the use of illegally-derived funds to acquire or maintain an interest in an enterprise by legal means. Section 1962(c) proscribes the illegal use of an enterprise. Section 1962(d) makes illegal a conspiracy to violate RICO's substantive provisions, requiring the government to prove that the defendant agreed to participate in the enterprise's affairs through a pattern of racketeering. Each section requires that the enterprise affect interstate commerce. ... RICO criminalizes the conduct of an enterprise through a pattern of racketeering activity and not

merely the defendant's engaging in racketeering activity. Therefore, there must be a nexus between the enterprise, the defendant, and the pattern of racketeering activity. The mere fact that a defendant works for a legitimate enterprise and commits racketeering acts while on the business premises does not establish that the affairs of the enterprise have been conducted 'through' a pattern of racketeering activity. Similarly, a defendant's mere association with a lawful enterprise whose affairs are conducted through a pattern of racketeering activity in which he is not personally engaged does not establish his guilt under RICO.

## **Summary**

RICO is designed to address organized criminal behavior through enhanced penalties and civil sanctions. The statute requires a pattern of racketeering activity that affects interstate commerce. The passage highlights the necessity of a nexus between the enterprise, the defendant, and the racketeering activity, which aligns with the proposition's claim of a coordinated scheme involving multiple parties and interstate activities. The passage also emphasizes that RICO does not criminalize legal conduct, underscoring the need for predicate acts that violate other criminal statutes, which the proposition outlines through wire fraud, mail fraud, and extortion.

[U.S. v. Dula, 989 F.2d 772 \(5th Cir. 1993\)](#)

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

### **Extract**

Evidence of an uncharged offense arising out of the same transaction or series of transactions as the charged offense is not an 'extrinsic' offense within the meaning of Rule 404(b), and is therefore not barred by the rule. See, e.g., *United States v. Simpson*, 709 F.2d 903, 907 (5th Cir.1983), cert. denied, 464 U.S. 942, 104 S.Ct. 360, 78 L.Ed.2d 322. The defendants were charged with conducting a continuing scheme to defraud, characterized by the substitution of products, and it was necessary for the government to prove that the defendants had intentionally devised a scheme and artifice to defraud. In developing proof of intent and motive, the prosecution may offer all of the surrounding circumstances that were relevant. ... In this case, the existence of a scheme to defraud is an element of the offense of wire fraud under 18 U.S.C. § 1343. Although Pan Metals' order was not one of those charged in the indictment, it was relevant to the existence of a scheme and therefore was independently admissible as direct proof of the scheme charged. *United States v. Santagata*, 924 F.2d 391, 393-394 (1st Cir.1991). In addition, the admission of the testimony did not violate Rule 403, which allows a trial judge to exclude probative evidence that is substantially outweighed by its prejudicial effect. The balancing of probative value against prejudicial effect is committed to the sound discretion of the trial judge, a decision that is final in the absence of abuse of discretion. ... To obtain Dula's convictions for the crimes of wire fraud alleged in the indictment, the government was required to prove beyond a reasonable

doubt that he aided and abetted the use of the wires in furtherance of a scheme to defraud. *United States v. Shively*, 927 F.2d 804 (5th Cir.1991), cert. denied sub nom. *Johnson v. United States*, --- U.S. ---, 111 S.Ct. 2806, 115 L.Ed.2d 979 (to obtain mail fraud conviction, government must prove scheme or artifice to defraud, specific intent to defraud, and use of mails for purpose of executing scheme); *United States v. Shaw*, 555 F.2d 1295 (5th Cir.1977) (same elements as to wire fraud).

## **Summary**

The existence of a scheme to defraud is a critical element in proving wire fraud under 18 U.S.C. § 1343. The passage highlights that evidence of a scheme, even if not directly charged, can be admissible to prove the existence of a fraudulent scheme. This supports the proposition that the actions described, such as transferring funds and submitting fraudulent documents, could be part of a scheme to defraud, thus constituting wire fraud.

[Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#)

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

### **Extract**

Congress enacted RICO in order to prohibit conduct involving a pattern of racketeering activity. ... One of RICO's enforcement mechanisms is a private right of action, available to '[a]ny person injured in his business or property by reason of a violation' of the RICO's substantive restrictions. ... To state a civil RICO claim under 18 U.S.C. § 1962, a plaintiff must allege three common elements: (1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise. ... An act of 'racketeering activity,' commonly referred to as a 'predicate act,' is defined to include certain criminal acts, including mail and wire fraud.

## **Summary**

The passage outlines the elements required to establish a RICO claim, which includes engaging in a pattern of racketeering activity connected to an enterprise. The passage specifically mentions wire fraud as a predicate act, which is relevant to the proposition's claim of wire fraud through the transfer of marital funds using PayPal. The passage also highlights the private right of action under RICO for those injured in their business or property, which aligns with the father's claim of being deprived of his home and business.

[U.S. v. St. Gelais, 952 F.2d 90 \(5th Cir. 1992\)](#)

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

### **Extract**

"A wire fraud offense under § 1343 requires proof of (1) a scheme to defraud and (2) the use of, or causing the use of, wire communications in furtherance of the scheme." *United States v. Shively*, 927 F.2d 804, 813 (5th Cir.) cert. denied sub nom., *Johnson v. United States*, --- U.S. ----, 111 S.Ct. 2806, 115 L.Ed.2d 979 (1991). Not only must a defendant intend to defraud or deceive, but he must intend for some harm to result from the deceit. *United States v. Starr*, 816 F.2d 94, 98 (5th Cir.1987) ("Only a showing of intended harm will satisfy the element of fraudulent intent.").

### **Summary**

Legal basis for arguing that the actions described in the proposition meet the criteria for wire fraud, which is a predicate act under RICO.

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

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

### **Extract**

Counts 8 through 15 of the indictment charged Powers with executing a scheme to defraud by use of the wires, i.e., telephone calls, in violation of 18 U.S.C. § 1343, '[o]n or about' June 16, 1992, July 23, 1992, August 21, 1992, September 8, 1992, October 21, 1992, November 17, 1992, December 15, 1992, and January 6, 1993, respectively. In order to establish wire fraud, the Government must prove that a defendant knowingly participated in a scheme to defraud, that interstate wire communications were used to further the scheme, and that the defendants intended that some harm result from the fraud.

### **Summary**

The elements required to establish wire fraud include knowingly participating in a scheme to defraud, using interstate wire communications to further the scheme, and intending that some harm result from the fraud. This directly supports the proposition that the transfer of marital funds across state lines using PayPal, with the intent to defraud the marital estate, constitutes wire fraud under 18 U.S.C. § 1343.

[United States v. Pratt, 728 F.3d 463 \(5th Cir. 2013\)](#)

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

## **Extract**

Pratt was charged under 18 U.S.C. § 1962(d) with conspiring to violate a substantive RICO provision, § 1962(c). 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.” The defendant need not be one of the people who agreed to commit the substantive offense. Section 1962(c) makes it “unlawful for any person employed by or associated with any enterprise ... to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.” ... A “‘pattern of racketeering activity’ requires at least two acts of racketeering activity” that occur within ten years of each other. 18 U.S.C. § 1961(5). An act of racketeering activity is defined in part as any act that is indictable under enumerated provisions of the criminal code. Id. § 1961(1)(B). In this case, the indictment alleges that the “pattern of racketeering activity” consisted of multiple, specific acts of mail fraud, in violation of 18 U.S.C. § 1341, and of money laundering, in violation of § 1956. In order to constitute a pattern, the predicated acts must also be connected in a way that shows a “threat of continuing activity.”

## **Summary**

The elements of a RICO conspiracy under § 1962(d) require an agreement to commit a substantive RICO offense and knowledge of the overall objective. The passage also clarifies that a pattern of racketeering activity requires at least two acts within ten years, which aligns with the proposition's claim of multiple predicate acts (wire fraud, mail fraud, extortion). The passage supports the idea that the alleged actions in the proposition could form a RICO pattern if they are connected and show a threat of continuing activity.

[St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)

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

## **Extract**

RICO creates a civil cause of action for '[a]ny person injured in his business or property by reason of a violation of section 1962.' ... Under all those subsections, to state a RICO claim, there must be: '(1) a person who engages in (2) a pattern of racketeering activity (3) connected to the acquisition, establishment, conduct, or control of an enterprise.' ... Despite the problems, we believe that St. Paul has sufficiently distinguished and established a genuine issue of material fact as to the existence of a prior pattern of racketeering activity, which may have produced income that was invested into a RICO enterprise, causing injuries to St. Paul in the form of legal costs.



## Summary

The court outlines the elements necessary to establish a RICO claim, which includes a person engaging in a pattern of racketeering activity connected to an enterprise. The passage also discusses the sufficiency of evidence to establish a genuine issue of material fact regarding a pattern of racketeering activity. This supports the proposition by providing a legal framework for establishing a RICO claim, which is relevant to the alleged activities described in the proposition.

### [Mail and Wire Fraud](#)

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

## Extract

Additionally, the wire fraud statute requires proof of an interstate nexus because Congress relied solely on its Commerce Clause power to enact the statute. Internet communications satisfy this requirement, even in the absence of proof that a fraudulent communication traveled through out-of-state servers. Each use of the mail or wires constitutes a separate offense and can be charged as a separate count in an indictment. In addition, mail and wire fraud charges can be brought in conjunction with other or more specific fraud charges to prosecute similar underlying conduct. Under the first element of both the mail and wire fraud statutes, the government must prove that the defendant engaged in a scheme to defraud by means of material deception. The third element the government must prove for a mail or wire fraud conviction is that the defendant used or caused to be used: (i) the U.S. mails; (ii) any private or commercial interstate carrier; and/or (iii) interstate wires in furtherance of, or for the purpose of, executing the scheme to defraud.

## Summary

The passage explains the requirements for establishing wire fraud, including the need for an interstate nexus and the use of interstate communications to further a scheme to defraud. This directly supports the proposition that the transfer of marital funds across state lines using PayPal, with the intent to defraud, constitutes wire fraud. The passage also notes that each use of the wires can be charged separately, which aligns with the multiple acts described in the proposition.

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

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

## **Extract**

The wire fraud statute, [sections] 1343, further requires that the communication cross state lines.(20) This interstate requirement arises because Congress relied on its Commerce Clause powers to assert jurisdiction over wire fraud... The elements of wire fraud under [sections] 1343 directly parallel those of the mail fraud statute, but require the use of a telephone call or electronic communication made in furtherance of the scheme. See, e.g., *United States v. Keller*, 14 F.3d 1051, 1056 (5th Cir. 1994) (describing required elements of proof for wire fraud)...

## **Summary**

Elements required to establish wire fraud under 18 U.S.C. § 1343, which includes the use of interstate wire communications to further a scheme to defraud. This directly supports the proposition that the transfer of marital funds across state lines using PayPal, with the intent to defraud, constitutes wire fraud. The passage also highlights the requirement for the communication to cross state lines, which aligns with the facts of the case where funds were transferred across state lines.

## [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)... A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises... 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... The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity... Section 1962(c), it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce 'through' a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt.

## Summary

Elements of a RICO violation, including the definition of racketeering activities, the broad interpretation of an enterprise, and the requirements for establishing a pattern of racketeering activity. It supports the proposition by explaining how wire fraud, mail fraud, and extortion can be considered predicate acts under RICO. It also clarifies that a RICO enterprise can include any group of individuals associated in fact, and that a pattern of racketeering activity can be established through related acts that affect interstate commerce.

### [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)... A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises... 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... The continuity requirement is likewise satisfied where the predicates are a regular way of conducting the defendant's ongoing legitimate business... Section 1962(c), it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce 'through' a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt.

## Summary

Elements of racketeering activities under RICO, including wire fraud, mail fraud, and extortion, which are relevant to the proposition. It explains the broad definition of a RICO enterprise and the pattern of racketeering activity, which supports the claim that the actions described in the proposition could constitute a RICO violation. The passage also highlights the requirement of affecting interstate commerce, which is met by the interstate transfer of funds and communications in the proposition.

This memo was compiled by Vincent AI based on vLex materials available as of September 06, 2025. [View full answer on vLex](#)