

Question

The complaint alleges that Defendants knowingly agreed to participate in the racketeering enterprise and took overt actions in furtherance of the conspiracy, such as filing false legal documents and coordinating eviction proceedings. Under 18 U.S.C. § 1962(d), a RICO conspiracy claim requires proof that the defendants knowingly agreed to participate in the conduct of an enterprise through a pattern of racketeering activity. The detailed allegations of coordinated actions and shared objectives among the Defendants support the claim of a RICO conspiracy under § 1962(d).

Answer (U.S. Federal)

Short response

RICO conspiracy under [18 U.S.C. § 1962](#)(d) requires proof that defendants knowingly agreed to participate in the conduct of an enterprise through a pattern of racketeering activity, without requiring proof of overt acts or personal commission of predicate acts. The complaint's allegations of coordinated actions (filing false legal documents and coordinating eviction proceedings) and shared objectives among the Defendants sufficiently support a RICO conspiracy claim under § 1962(d).

Summary

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) makes it unlawful under [18 U.S.C. § 1962](#)(d) to conspire to violate the substantive provisions of RICO, which include conducting an enterprise's affairs through a pattern of racketeering activity. For a RICO conspiracy claim to succeed, the prosecution must demonstrate that the defendants knowingly agreed to participate in a racketeering enterprise and its pattern of racketeering activity, although importantly, the defendants need not personally commit or agree to commit the predicate acts themselves.

The complaint's detailed allegations that the Defendants knowingly agreed to participate in the racketeering enterprise and took overt actions in furtherance of the conspiracy, such as filing false legal documents and coordinating eviction proceedings, are sufficient to support a RICO conspiracy claim. This is because RICO conspiracy focuses on the agreement to participate in the enterprise's affairs through a pattern of racketeering activity, not on the commission of specific predicate acts. The coordinated actions and shared objectives alleged in the complaint demonstrate the existence of an agreement among the Defendants to participate in the enterprise's affairs, which is the essence of a RICO conspiracy under § 1962(d).

Background and Relevant Law

Legislation

RICO was enacted as a flexible tool to combat organized crime, with section 1962(d) specifically targeting conspiracies to violate RICO's substantive provisions. According to [18 U.S.C. § 1962\(d\)](#) as amended in 2025, "It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section." [18 U.S.C. § 1962 Prohibited Activities, 18 U.S.C. § 1962](#). This language establishes the basis for RICO conspiracy claims, making it illegal to agree to participate in prohibited RICO activities.

Key Case Law on RICO Conspiracy Requirements

The Agreement Element

The central element of a RICO conspiracy is the agreement to participate in the affairs of a racketeering enterprise. As clarified in [United States v. Denava](#), U.S. District Court — Northern District of Illinois (2023): "A RICO conspiracy has three elements: (1) an agreement to conduct or participate in the affairs (2) of an enterprise (3) through a pattern of racketeering activity." This clearly establishes that the core of a RICO conspiracy claim is the agreement itself.

The Second Circuit further elaborated in [United States v. Delgado](#), 972 F.3d 63 (2nd Cir. 2020) that "[t]he conspiracy provision of RICO, [18 U.S.C. § 1962\(d\)](#), 'proscribes an agreement to conduct or to participate in the conduct of an enterprise's affairs through a pattern of racketeering activity.'" The court emphasized that "the crime of RICO conspiracy 'centers on the act of agreement.'" This focus on the agreement rather than specific acts is crucial to understanding RICO conspiracy claims.

The First Circuit similarly explained in [United States v. Rodríguez-Torres](#), 939 F.3d 16 (1st Cir. 2019) that "a RICO-conspiracy conviction requires proof that the defendant knowingly joined the conspiracy, agreeing with one or more coconspirators 'to further [the] endeavor which, if completed, would satisfy all the elements of a substantive [RICO] offense.'" The court further noted that "Each RICO-conspiracy defendant must have knowingly joined the conspiracy" and "[a]ll that is necessary to prove this RICO-conspiracy element is to show 'that the defendant agreed with one or more coconspirators to participate in the conspiracy.'"

No Requirement for Personal Commission of Predicate Acts

A critical aspect of RICO conspiracy is that defendants need not personally commit or agree to commit the predicate acts. The Supreme Court established in [Salinas v. U.S.](#), 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997) that "[t]o be convicted of conspiracy to violate RICO under §1962(d), the conspirator need not himself have committed or agreed to commit the

two or more predicate acts, such as bribery, requisite for a substantive RICO offense under §1962(c)." The Court further noted that Section 1962(d) "is even more comprehensive than the general conspiracy provision applicable to federal crimes, §371, since it contains no requirement of an overt or specific act to effect the conspiracy's object."

This principle has been consistently applied across circuits. In [United States v. Capers, 20 F.4th 105 \(2nd Cir. 2021\)](#), the Second Circuit explained that "a RICO conspiracy offense under § 1962(d) requires only that a defendant 'conspire' - in other words, agree - to violate one of RICO's substantive prohibitions." The court emphasized that "'the agreement proscribed by section 1962(d) is a conspiracy to participate in a charged enterprise's affairs through a pattern of racketeering, not a conspiracy to commit predicate acts.'"

The Seventh Circuit has similarly held in [Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc., 831 F.3d 815 \(7th Cir. 2016\)](#) that "A RICO conspirator need not agree to commit personally two predicate acts in furtherance of the enterprise; rather, he must agree that someone will commit them."

Enterprise Requirement

For a RICO conspiracy claim to succeed, there must be an agreement to participate in an "enterprise," which is broadly defined under the statute. In [Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#), the Supreme Court explained that an enterprise under RICO requires "an ongoing organization with some sort of framework, formal or informal, for carrying out its objectives" and that "the various members and associates of the association function[ed] as a continuing unit to achieve a common purpose."

The Supreme Court had previously established in [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) that "[t]he enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct." It should be noted that Turkette was abrogated by [United States v. Lane, 474 U.S. 438, 106 S.Ct. 725, 88 L.Ed.2d 814 \(1986\)](#), but this abrogation pertained to issues related to misjoinder of defendants, not to the definition of an enterprise under RICO, which remains valid law.

In [U.S. v. Zielie, 734 F.2d 1447 \(11th Cir. 1984\)](#), the Eleventh Circuit, quoting Turkette, noted that an enterprise "is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." Though Zielie was stated as abrogated by [U.S. v. Salom, No. 08-10322 \(11th Cir. Oct 15, 2009\)](#), this abrogation did not affect the definition of a RICO enterprise, which remains consistent with Turkette's interpretation.

Pattern of Racketeering Activity

A RICO conspiracy also requires evidence of a "pattern of racketeering activity" or an agreement that such a pattern would exist. In [United States v. Gurry, Criminal Action No. 16-cr-10343-ADB \(D. Mass. Jan 17, 2019\)](#), the court explained that a RICO conspiracy claim requires "an allegation that the defendant agreed that a co-conspirator would commit at least two acts of racketeering activity."

The D.C. Circuit clarified in [United States v. Eiland, 738 F.3d 338 \(D.C. Cir. 2014\)](#) that "proof of a pattern of racketeering activity may be sufficient in a particular case to permit a jury to infer the existence of an association-in-fact enterprise."

Secondary Materials on RICO Conspiracy

Secondary materials further illustrate the requirements for establishing a RICO conspiracy. According to RICO: A Primer (2022), to prove a violation of Section 1962(d), a plaintiff must prove: "The existence of an enterprise (or that an enterprise would exist); That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce; and That each defendant knowingly agreed that a conspirator would commit a violation of [18 U.S.C. § 1962\(c\)](#)."

This source also reiterates the Supreme Court's holding that "to establish a RICO conspiracy offense under Section 1962(d), there is no requirement that the defendant 'himself committed or agreed to commit the two predicate acts requisite for a substantive RICO offense under § 1962(c).'" It further explains: "A conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense. The partners in the criminal plan must agree to pursue the same criminal objective and may divide up the work, yet each is responsible for the acts of each other."

The article [The crime of associating with criminals? An argument for extending the Reves "operation or management" test to RICO conspiracy](#) (2006) notes that "Unlike the general federal conspiracy statute, it is also well accepted that RICO conspiracy does not require proof of any overt act. Beyond this, a defendant must merely agree to the illegitimate objectives that constitute the crime."

Similarly, [Racketeer influenced and corrupt organizations](#) (1997) explains that "A RICO conspiracy differs from an ordinary conspiracy in two respects: it need not embrace an overt act, and it is broader and may encompass a greater variety of conduct."

Analysis of the Complaint's Allegations

Sufficient Allegations of an Agreement

The complaint's allegations that the Defendants "knowingly agreed to participate in the racketeering enterprise" directly address the central element of a RICO conspiracy under § 1962(d). As established in [United States v. Denava](#), U.S. District Court — Northern District of Illinois (2023) and numerous other cases, the essence of a RICO conspiracy is the agreement to participate in the affairs of an enterprise through a pattern of racketeering activity.

The detailed allegations of "coordinated actions and shared objectives among the Defendants" further support the existence of an agreement. As explained in [United States v. Rodríguez-Torres](#), 939 F.3d 16 (1st Cir. 2019), all that is necessary to prove the agreement element is to show "that the defendant agreed with one or more coconspirators to participate in the conspiracy." The coordinated actions alleged in the complaint, including "filing false legal documents and coordinating eviction proceedings," provide evidence of such an agreement.

Evidence of a Racketeering Enterprise

The complaint's allegations also support the existence of a racketeering enterprise, which is a required element of a RICO conspiracy. The Supreme Court in [Boyle v. United States](#), 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 (2009) explained that an enterprise requires "an ongoing organization with some sort of framework, formal or informal, for carrying out its objectives" and that "the various members and associates of the association function[ed] as a continuing unit to achieve a common purpose."

The complaint's allegations of "coordinated actions and shared objectives" suggest the existence of an ongoing organization with a framework for carrying out objectives. The specific allegations of "filing false legal documents and coordinating eviction proceedings" indicate that the Defendants were functioning as a continuing unit to achieve common purposes, which meets the definition of an enterprise under RICO.

Pattern of Racketeering Activity

The allegations that Defendants took "overt actions in furtherance of the conspiracy, such as filing false legal documents and coordinating eviction proceedings" suggest a pattern of racketeering activity. As explained in [United States v. Gurry](#), Criminal Action No. 16-cr-10343-ADB (D. Mass. Jan 17, 2019), a RICO conspiracy claim requires "an allegation that the defendant agreed that a co-conspirator would commit at least two acts of racketeering activity."

Filing false legal documents could constitute predicate acts under RICO, such as mail fraud, wire fraud, or obstruction of justice, depending on the

specific circumstances. Coordinating eviction proceedings based on false documentation could similarly constitute predicate acts. These allegations suggest an agreed-upon pattern of racketeering activity, which is sufficient for a RICO conspiracy claim.

No Requirement for Overt Acts

Although the complaint alleges that Defendants took "overt actions in furtherance of the conspiracy," it's important to note that RICO conspiracy does not require proof of overt acts. As established by the Supreme Court in [Salinas v. U.S., 522 U.S. 52, 118 S.Ct. 469, 139 L.Ed.2d 352 \(1997\)](#), Section 1962(d) "contains no requirement of an overt or specific act to effect the conspiracy's object."

This is reiterated in secondary materials such as [The crime of associating with criminals? An argument for extending the Reves "operation or management" test to RICO conspiracy](#) (2006), which states that "Unlike the general federal conspiracy statute, it is also well accepted that RICO conspiracy does not require proof of any overt act." Thus, even if the alleged overt actions could not be proven, a RICO conspiracy claim could still succeed based solely on proof of an agreement to participate in the enterprise through a pattern of racketeering activity.

No Requirement for Personal Commission of Predicate Acts

The complaint's allegations do not need to show that each defendant personally committed predicate acts. As established in [United States v. Capers, 20 F.4th 105 \(2nd Cir. 2021\)](#), "'the agreement proscribed by section 1962(d) is a conspiracy to participate in a charged enterprise's affairs through a pattern of racketeering, not a conspiracy to commit predicate acts.'" Similarly, [Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc., 831 F.3d 815 \(7th Cir. 2016\)](#) held that "A RICO conspirator need not agree to commit personally two predicate acts in furtherance of the enterprise; rather, he must agree that someone will commit them."

Therefore, if the complaint alleges that Defendants agreed that someone in the enterprise would commit the predicate acts, this is sufficient for a RICO conspiracy claim, even if not all defendants personally participated in filing false documents or coordinating eviction proceedings.

Knowledge Requirement

The complaint's allegation that Defendants "knowingly agreed" to participate in the racketeering enterprise addresses the knowledge requirement for RICO conspiracy. As explained in [United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#), the government must show "an agreement to conduct or participate in the affairs of an enterprise through a pattern of racketeering activity."

The allegation of "knowingly agreed" indicates that Defendants had knowledge of the enterprise and its general criminal objectives, which is sufficient under RICO conspiracy law. As noted in [Racketeer influenced and corrupt organizations](#) (1997), when proving an agreement, use of "circumstantial evidence to show that each defendant must necessarily have known that the others were also conspiring to participate in the same enterprise through a pattern of racketeering" is allowed.

Application to Filing False Legal Documents and Coordinating Eviction Proceedings

The specific allegations of "filing false legal documents and coordinating eviction proceedings" provide concrete examples of the coordinated actions that support the RICO conspiracy claim. These actions suggest a pattern of racketeering activity if they involve predicate acts such as mail fraud, wire fraud, or obstruction of justice.

The "coordination" alleged in the complaint suggests an agreement among the Defendants to participate in the enterprise's affairs. As explained in [U.S. v. Hewes, 729 F.2d 1302 \(11th Cir. 1984\)](#), in a RICO conspiracy, "[t]he diverse parties were tied together through the overall scheme and the concept of the illegal enterprise." The allegation that Defendants coordinated eviction proceedings suggests they were tied together through an overall scheme, which supports a RICO conspiracy claim.

Moreover, the filing of false legal documents suggests that the enterprise operated through fraudulent means, which could constitute predicate acts under RICO. As noted in [United States v. Larson, 07-CR-304S \(W.D. N.Y. Dec 05, 2011\)](#), a RICO conspiracy indictment must allege that defendants "agreed that a conspirator employed by or associated with the [Enterprise] would commit at least two acts of racketeering activity in the conduct of the affairs of the [Enterprise]." The allegation of filing false legal documents suggests such an agreement.

Exceptions and Caveats

Proving the Enterprise

While the complaint's allegations of coordinated actions and shared objectives support the existence of an enterprise, proving the enterprise's existence may require additional evidence. As explained in [United States v. Fisher, Case No. 15-20652 \(E.D. Mich. Aug 27, 2018\)](#), an association-in-fact enterprise must have "a purpose, relationships among those associated with the racketeering enterprise, and longevity sufficient to permit these associates to pursue the racketeering enterprise's purpose."

The complaint would need to provide sufficient details to show these structural features of the alleged enterprise. Mere allegations of coordination might not be enough without evidence of an ongoing organization with some sort of framework for carrying out objectives.

Proving the Pattern of Racketeering Activity

While filing false legal documents and coordinating eviction proceedings could constitute predicate acts under RICO, the specific allegations would need to show that these actions qualify as "racketeering activity" as defined in the statute. Not all fraudulent activities qualify as predicate acts under RICO, and the complaint would need to show that the alleged actions fall within the statutory definition.

Furthermore, as noted in [Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238 \(M.D. Fla. 2002\)](#), to establish a pattern of racketeering activity, the defendants must have participated in "at least two acts of racketeering activity, one of which occurred after the effective date of [RICO] and the last of which occurred within ten years (excluding any term of imprisonment) after the commission of a prior act of racketeering activity." The complaint would need to allege specific acts that meet this temporal requirement.

Withdrawal from the Conspiracy

Defendants may assert withdrawal from the conspiracy as a defense. As noted in [Racketeer influenced and corrupt organizations](#) (2011), "A defendant can assert withdrawal from the conspiracy as a defense to an action brought under [section] 1962(d) through proof that he took affirmative steps, inconsistent with the objectives of the conspiracy, to disavow or to defeat the conspiratorial objectives."

If any of the Defendants can prove that they took affirmative steps to withdraw from the conspiracy before the relevant statute of limitations period, they may have a valid defense to the RICO conspiracy claim.

Conclusion

The complaint's allegations that Defendants "knowingly agreed to participate in the racketeering enterprise and took overt actions in furtherance of the conspiracy, such as filing false legal documents and coordinating eviction proceedings" are legally sufficient to support a RICO conspiracy claim under [18 U.S.C. § 1962](#)(d).

RICO conspiracy requires proof that defendants knowingly agreed to participate in the conduct of an enterprise through a pattern of racketeering activity. Unlike ordinary conspiracy, RICO conspiracy does not require proof of overt acts, and defendants need not personally commit or agree to commit the predicate acts themselves. The focus is on the agreement to participate in the enterprise's affairs through a pattern of racketeering activity.

The complaint's allegations of "coordinated actions and shared objectives" among the Defendants support the existence of an agreement to participate in a racketeering enterprise. The specific allegations of "filing false legal

documents and coordinating eviction proceedings" suggest a pattern of racketeering activity and provide evidence of the enterprise's operations.

While the complaint's allegations appear legally sufficient to state a RICO conspiracy claim, proving such a claim would require evidence of the enterprise's existence, the defendants' knowledge and agreement to participate in the enterprise, and a pattern of racketeering activity. The specific allegations of filing false legal documents and coordinating eviction proceedings would need to be tied to predicate acts under RICO, and the enterprise would need to be shown to have the structural features required under the law.

Overall, the detailed allegations of coordinated actions and shared objectives among the Defendants, including the specific actions of filing false legal documents and coordinating eviction proceedings, provide a strong foundation for a RICO conspiracy claim under § 1962(d).

Legal Authorities

[U.S. v. Benevento, 836 F.2d 60 \(2nd Cir. 1987\)](#)

U.S. Court of Appeals — Second Circuit

Extract

To establish the existence of a RICO conspiracy, the government was required to prove only the existence of an agreement to violate RICO's substantive provisions. Thus, the government necessarily had to establish that Loiacono agreed with his criminal associates to form the RICO enterprise, the J.E.M. Corporation, agreed to associate himself with that enterprise and agreed to commit two predicate acts in furtherance of a pattern of racketeering activity in connection with the enterprise.

Summary

To establish a RICO conspiracy under 18 U.S.C. § 1962(d), it is necessary to prove an agreement to violate RICO's substantive provisions. This includes demonstrating that the defendants agreed to form and associate with a RICO enterprise and agreed to commit predicate acts in furtherance of a pattern of racketeering activity. This aligns with the proposition that the complaint alleges Defendants knowingly agreed to participate in the racketeering enterprise and took overt actions in furtherance of the conspiracy.

[United States v. Delgado, 972 F.3d 63 \(2nd Cir. 2020\)](#)

U.S. Court of Appeals — Second Circuit

Extract

The conspiracy provision of RICO, 18 U.S.C. § 1962(d), 'proscribes an agreement to conduct or to participate in the conduct of an enterprise's affairs through a pattern of racketeering activity.' *United States v. Arrington*, 941 F.3d 24, 36 (2d Cir. 2019). Importantly, the crime of RICO conspiracy 'centers on the act of agreement.' *United States v. Applins*, 637 F.3d 59, 81 (2d Cir. 2011) (emphasis in original). Thus, in contrast to RICO's substantive offenses, see, e.g., 18 U.S.C. § 1962(c), 'the Government need not establish the existence of an enterprise' to 'prove a RICO conspiracy,' *Arrington*, 941 F.3d at 36. Nor must it establish that a pattern of racketeering activity actually took place. See *United States v. Zemlyansky*, 908 F.3d 1, 11 (2d Cir. 2018) ('To prove the pattern element, the government must show that two or more predicate acts were, or were intended to be, committed as part of the conspiracy.').

Summary

The government does not need to prove the actual existence of an enterprise or that a pattern of racketeering activity took place, only that there was an agreement and intent to commit predicate acts as part of the conspiracy. This supports the proposition that detailed allegations of coordinated actions and shared objectives among defendants can substantiate a RICO conspiracy claim.

[*Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc.*, 831 F.3d 815 \(7th Cir. 2016\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

A RICO conspiracy requires proof 'that (1) the defendant[s] agreed to maintain an interest in or control of an enterprise or to participate in the affairs of an enterprise through a pattern of racketeering activity, and (2) the defendant[s] further agreed that someone would commit at least two predicate acts to accomplish these goals.' *Empress Casino III*, 763 F.3d at 734–35 (internal quotation marks and citations omitted; alteration in original). Courts have further fleshed out those requirements. A RICO conspirator need not agree to commit personally two predicate acts in furtherance of the enterprise; rather, he must agree that someone will commit them. *Salinas*, 522 U.S. at 65, 118 S.Ct. 469.

Summary

Defendants do not need to personally commit the predicate acts but must agree that someone will commit them. This supports the proposition that the complaint's allegations of coordinated actions and shared objectives among the Defendants can substantiate a RICO conspiracy claim.

[US v. Gallo, 668 F. Supp. 736 \(E.D. N.Y. 1987\)](#)

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

Extract

With the enactment of RICO, Congress supplemented traditional 'chain' and 'wheel' theories with a new conspiratorial concept—the enterprise... The RICO conspiracy consists of an agreement to violate the 'substantive' RICO law, that is, a conspiracy '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), rather than of a conspiracy to perform any particular predicate crime... Under the RICO conspiracy law, the prosecution has the burden of proving that the pattern of racketeering activity was sufficiently related to the enterprise so as to evidence an agreement to participate in the enterprise activities, that is, the 'connection' between the enterprise and the predicate acts.

Summary

The passage explains the concept of a RICO conspiracy, emphasizing that it involves an agreement to participate in the conduct of an enterprise's affairs through a pattern of racketeering activity. It highlights the requirement for the prosecution to prove a connection between the enterprise and the predicate acts, which aligns with the proposition that defendants must knowingly agree to participate in the enterprise's conduct. This supports the proposition by illustrating the legal framework and requirements for establishing a RICO conspiracy under 18 U.S.C. § 1962(d).

[United States v. Capers, 20 F.4th 105 \(2nd Cir. 2021\)](#)

U.S. Court of Appeals — Second Circuit

Extract

In contrast to a substantive violation of RICO under 18 U.S.C. § 1962(c), which requires proof of the commission of specifically listed state or federal crimes (some of which are categorically violent crimes) as part of a 'pattern of racketeering' in the course of conducting the affairs of an enterprise, a RICO conspiracy offense under § 1962(d) requires only that a defendant 'conspire' – in other words, agree – to violate one of RICO's substantive prohibitions. ... In other words, 'the agreement proscribed by section 1962(d) is a conspiracy to participate in a charged enterprise's affairs through a pattern of racketeering, not a conspiracy to commit predicate acts.' *United States v. Pizzonia*, 577 F.3d 455, 463 (2d Cir. 2009) (internal quotation marks and alterations omitted).

Summary

The passage clarifies the distinction between a substantive RICO violation under § 1962(c) and a RICO conspiracy under § 1962(d). It emphasizes that for a RICO conspiracy, it is sufficient to show that the defendants agreed to participate in the conduct of an enterprise through a pattern of racketeering activity, rather than committing specific predicate acts. This supports the proposition that the complaint's allegations of coordinated actions and shared objectives among the Defendants can substantiate a RICO conspiracy claim under § 1962(d).

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

U.S. Court of Appeals — First Circuit

Extract

RICO makes it a crime 'for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of [an] enterprise's affairs through a pattern of racketeering activity' — or to conspire to do so. See 18 U.S.C. § 1962(c), (d). Broadly speaking (we will have more to say on this below), a RICO-conspiracy conviction requires proof that the defendant knowingly joined the conspiracy, agreeing with one or more coconspirators 'to further [the] endeavor which, if completed, would satisfy all the elements of a substantive [RICO] offense.' ... Each RICO-conspiracy defendant must have knowingly joined the conspiracy. See, e.g., *Aetna Cas. Sur. Co.*, 43 F.3d at 1562. And '[a]ll that is necessary to prove' this RICO-conspiracy element is to show 'that the defendant agreed with one or more coconspirators to participate in the conspiracy.' See *Ramírez-Rivera*, 800 F.3d at 18 n.11 (quotation marks omitted).

Summary

A RICO conspiracy claim under 18 U.S.C. § 1962(d) requires proof that the defendant knowingly agreed to participate in the conduct of an enterprise through a pattern of racketeering activity. The passage emphasizes that the key element is the knowing agreement to join the conspiracy, which aligns with the proposition that the defendants knowingly agreed to participate in the racketeering enterprise. The passage also references the necessity of showing an agreement with one or more coconspirators, which supports the proposition's claim of coordinated actions and shared objectives among the defendants.

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

U.S. Court of Appeals — Eleventh Circuit

Extract

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

Summary

The passage from "U.S. v. Hewes" discusses the legal requirements for a RICO conspiracy under 18 U.S.C. § 1962(d), emphasizing that the defendants must have agreed to further a racketeering enterprise through a pattern of racketeering activity. It highlights that the diverse parties involved in the conspiracy were connected through an overall scheme and illegal enterprise, and that the overt acts and predicate crimes were sufficiently interrelated to constitute a series of acts or transactions. This directly supports the proposition that the complaint's allegations of coordinated actions and shared objectives among the Defendants can support a RICO conspiracy claim.

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

U.S. Supreme Court

Extract

Proof of a charge under § 1962(d) requires proof that the association or enterprise existed and that the named defendants were associated with and agreed to participate in the conduct of its affairs, which affect interstate commerce, through a pattern of racketeering activity... The RICO statute defines an enterprise as 'includ[ing] any individual, partnership, corporation, association or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4).

Summary

Elements required to prove a RICO conspiracy under § 1962(d), which include the existence of an enterprise and the defendants' agreement to participate in its conduct through a pattern of racketeering activity. This directly supports the proposition that the complaint's allegations of coordinated actions and shared objectives among the Defendants can substantiate a RICO conspiracy claim. The definition of an enterprise under the RICO statute further supports the notion that a group of individuals associated in fact, even if not a legal entity, can constitute an enterprise for the purposes of a RICO claim.

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

U.S. Court of Appeals — Second Circuit

Extract

The third count charges a RICO conspiracy under 18 U.S.C. Sec. 1962(c) and (d). ... 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. ... 18 U.S.C. Sec. 1962(d) provides: (d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section.

Summary

Legal basis for understanding how coordinated actions and shared objectives among defendants can support a RICO conspiracy claim.

[United States v. Chester, No. 13 CR 00774 \(N.D. Ill. Aug 08, 2017\)](#)

U.S. District Court — Northern District of Illinois

Extract

To prove a RICO conspiracy, the government must show (1) an agreement to conduct or participate in the affairs (2) of an enterprise (3) through a pattern of racketeering activity. *United States v. Olson*, 450 F.3d 655, 664 (7th Cir. 2006). ... 'To prove primary liability for a RICO conspiracy under section 1962(d), the government must prove only that a particular defendant agreed that a member of the conspiracy would commit two predicate racketeering acts, not that the particular defendant committed or agreed to commit two predicate acts himself.' *United States v. Benabe*, 654 F.3d 753, 776 (7th Cir. 2011) (emphasis in original).

Summary

The government does not need to prove that each defendant personally committed or agreed to commit specific predicate acts, only that they agreed that a member of the conspiracy would commit such acts. This aligns with the proposition that the defendants knowingly agreed to participate in the racketeering enterprise and took overt actions in furtherance of the conspiracy.

[U.S. v. Pizzonia, 577 F.3d 455 \(2nd Cir. 2009\)](#)

U.S. Court of Appeals — Second Circuit

Extract

RICO, specifically 18 U.S.C. § 1962(c), makes it a substantive crime 'for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' Section 1962(d), in turn, makes it 'unlawful for any person to conspire to violate' the substantive provisions of RICO. When read in conjunction with the language of § 1962(c), RICO's conspiracy provision thus proscribes an agreement to conduct or to participate in the conduct of the enterprise's affairs through a pattern of racketeering activity.

Summary

The passage explains that under 18 U.S.C. § 1962(d), it is unlawful to conspire to violate the substantive provisions of RICO, which includes participating in the conduct of an enterprise's affairs through a pattern of racketeering activity. This directly supports the proposition that a RICO conspiracy claim requires proof of an agreement to participate in the conduct of an enterprise through racketeering activities. The passage also clarifies that the conspiracy is not merely an agreement to commit predicate acts but to conduct the enterprise's affairs through such acts, aligning with the proposition's emphasis on coordinated actions and shared objectives.

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

U.S. Supreme Court

Extract

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

Summary

The U.S. Supreme Court in "United States v. Turkette" clarified that for a RICO violation, there must be proof of both an "enterprise" and a "pattern of racketeering activity." The enterprise is defined as a group of individuals associated for a common purpose, and the pattern of racketeering activity involves a series of criminal acts. This aligns with the proposition that

defendants must knowingly agree to participate in such an enterprise through a pattern of racketeering activity, supporting the claim of a RICO conspiracy under § 1962(d).

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

U.S. Supreme Court

Extract

To be convicted of conspiracy to violate RICO under §1962(d), the conspirator need not himself have committed or agreed to commit the two or more predicate acts, such as bribery, requisite for a substantive RICO offense under §1962(c). Section 1962(d)-which forbids 'any person to conspire to violate' §1962(c)-is even more comprehensive than the general conspiracy provision applicable to federal crimes, §371, since it contains no requirement of an overt or specific act to effect the conspiracy's object.

Summary

Under 18 U.S.C. § 1962(d), a RICO conspiracy does not require the conspirator to have committed or agreed to commit the predicate acts themselves. This supports the proposition that the Defendants' agreement to participate in the racketeering enterprise, as alleged in the complaint, is sufficient for a RICO conspiracy claim. The passage also highlights that § 1962(d) is more comprehensive than the general conspiracy statute, as it does not require an overt act, aligning with the proposition that coordinated actions and shared objectives among Defendants can support a RICO conspiracy claim.

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

U.S. Supreme Court

Extract

RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c) (emphasis added). ... The instructions also adequately told the jury that the enterprise needed to have the structural attributes that may be inferred from the statutory language. As noted, the trial judge told the jury that the Government was required to prove that there was 'an ongoing organization with some sort of framework, formal or informal, for carrying out its objectives' and that 'the various members and associates of the association function[ed] as a continuing unit to achieve a common purpose.'

Summary

The passage from "Boyle v. United States" clarifies that for a RICO claim, it is necessary to prove the existence of an enterprise that functions as a continuing unit with a common purpose. This aligns with the proposition that the Defendants knowingly agreed to participate in a racketeering enterprise. The passage also emphasizes that the enterprise can have a formal or informal structure, which supports the idea that coordinated actions and shared objectives among the Defendants can constitute an enterprise under RICO.

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

U.S. Supreme Court

Extract

RICO renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates in the conduct of its affairs 'through a pattern of racketeering activity,' § 1962(c); or, finally, who conspires to violate the first three subsections of § 1962, § 1962(d).

Summary

Liability under RICO for individuals who conspire to violate the provisions of § 1962, which includes participating in the conduct of an enterprise through a pattern of racketeering activity. This directly supports the proposition that a RICO conspiracy claim requires proof of an agreement to participate in such conduct. The passage also emphasizes the broad applicability of RICO to various forms of criminal activity, which aligns with the proposition's assertion of coordinated actions and shared objectives among defendants.

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

U.S. District Court — District of Massachusetts

Extract

Courts have interpreted these statutory provisions to require that a RICO conspiracy indictment allege 'that the defendant knowingly joined a conspiracy the objective of which was to operate that enterprise through an

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

Summary

For a RICO conspiracy claim under 18 U.S.C. § 1962(d), it is necessary to allege that the defendant knowingly joined a conspiracy with the objective of operating an enterprise through a pattern of racketeering activity. The passage supports the proposition by confirming that the complaint's allegations of coordinated actions and shared objectives among the Defendants align with the legal requirements for a RICO conspiracy claim. The passage also emphasizes that it is sufficient to allege that the defendant knew about and agreed to facilitate the scheme, which is consistent with the proposition's assertion of Defendants' knowing agreement and overt actions.

[United States v. Fisher, Case No. 15-20652 \(E.D. Mich. Aug 27, 2018\)](#)

U.S. District Court — Eastern District of Michigan

Extract

The existence of the racketeering enterprise is a required element of the RICO conspiracy offense charged in Count One. 18 USC §1962 sets forth the following relevant prohibited conduct: An association-in-fact racketeering enterprise, as alleged in the present indictment, must be 'a continuing unit that functions with a common purpose.' United States v. Turkette, 452 U.S. 576 (1981). It must have at least three structural features: 'a purpose, relationships among those associated with the racketeering enterprise, and longevity sufficient to permit these associates to pursue the racketeering enterprises' purpose.' Boyle v. United States, 556 US 938, 946 (2009). The government need only show that a defendant agreed to participate in the conduct of the enterprise and agreed that he or a coconspirator would commit two acts of racketeering.

Summary

Necessary elements for establishing a RICO conspiracy under 18 U.S.C. § 1962(d), including the existence of a racketeering enterprise with a common purpose, relationships among associates, and sufficient longevity. It also clarifies that the government must show an agreement to participate in the enterprise and the commission of at least two acts of racketeering. These elements align with the proposition that the defendants knowingly agreed to

participate in a racketeering enterprise and took overt actions in furtherance of the conspiracy.

[United States v. Larson, 07-CR-304S \(W.D. N.Y. Dec 05, 2011\)](#)

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

Extract

This Court concludes Count One of the indictment adequately alleges the necessary elements of a RICO conspiracy. The indictment alleges that the charged Defendants 'unlawfully and knowingly combined, conspired, confederated and agreed, together, with each other, and with others, to violate the provisions of Title 18, United States Code, Section 1962(c); that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Local 17 Criminal Enterprise through a pattern of racketeering activity,' and that '[i]t was a part of the conspiracy that during the aforesaid period, [Defendants], together and with others, agreed that a conspirator employed by or associated with the Local 17 Criminal Enterprise would commit at least two acts of racketeering activity in the conduct of the affairs of the Local 17 Criminal Enterprise.'

Summary

The passage from "United States v. Larson" discusses the necessary elements to allege a RICO conspiracy under 18 U.S.C. § 1962(d). It emphasizes that the indictment must allege that defendants knowingly agreed to participate in the conduct of an enterprise through a pattern of racketeering activity. The passage supports the proposition by illustrating that the allegations of coordinated actions and shared objectives among defendants are sufficient to state a RICO conspiracy offense.

[U.S. v. Brooklier, 685 F.2d 1208 \(9th Cir. 1982\)](#)

U.S. Court of Appeals — Ninth Circuit

Extract

The essence of a RICO conspiracy is not an agreement to commit racketeering acts, but an agreement to conduct or participate in the affairs of an enterprise through a pattern of racketeering. 18 U.S.C. § 1962(c)... The purpose of the RICO statute is to allow a single prosecution of persons who engage in a series of criminal acts for an enterprise, even if different defendants perform different tasks or participate in separate acts of racketeering. The same persons need not commit or endorse the same acts of racketeering. It is sufficient if a defendant who participates in an enterprise through a pattern of racketeering knows that the enterprise operates by a pattern of racketeering.

Summary

A RICO conspiracy involves an agreement to participate in the affairs of an enterprise through a pattern of racketeering, rather than merely agreeing to commit individual racketeering acts. It emphasizes that different defendants can perform different tasks within the enterprise, and it is sufficient for a defendant to know that the enterprise operates through a pattern of racketeering. This supports the proposition that coordinated actions and shared objectives among defendants can establish a RICO conspiracy under § 1962(d).

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

U.S. District Court — Middle District of Florida

Extract

Congress designed the Federal Racketeering Influenced and Corrupt Organizations Act (RICO), Title 18, United States Code, Section 1961, et seq. as a flexible tool to fight organized crime. As such, it makes the following activities unlawful: ... (d) conspiring to violate any of the provisions of Section 1962(a)-(c). 18 U.S.C. § 1962. ... To engage in a 'pattern of racketeering activity,' the defendant must have participated in 'at least two acts of racketeering activity, one of which occurred after the effective date of [RICO] and the last of which occurred within ten years (excluding any term of imprisonment) after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5). Finally, 'enterprise' is defined under the statute as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Id. § 1961(c).

Summary

Unlawful activities under the RICO statute, including conspiring to violate its provisions, which directly relates to the proposition of a RICO conspiracy claim under § 1962(d). It also explains the requirement of a "pattern of racketeering activity," which supports the need for coordinated actions and shared objectives among defendants, as alleged in the complaint. The definition of "enterprise" further supports the notion of a group of individuals associated in fact, which aligns with the allegations of a racketeering enterprise.

[United States v. Denava](#)

U.S. District Court — Northern District of Illinois

Extract

A RICO conspiracy has three elements: (1) an agreement to conduct or participate in the affairs (2) of an enterprise (3) through a pattern of racketeering activity.” United States v. Brown, 973 F.3d 667, 682 (7th Cir. 2020) (quoting United States v. Olson, 450 F.3d 655, 664 (7th Cir. 2006)); see also Salinas v. United States, 522 U.S. 52, 61-66 (1997); 18 U.S.C. § 1962(d).

Summary

A RICO conspiracy claim under 18 U.S.C. § 1962(d) requires proof of an agreement to conduct or participate in the affairs of an enterprise through a pattern of racketeering activity. The passage directly supports the proposition by outlining the necessary elements for a RICO conspiracy, which aligns with the allegations in the complaint that Defendants knowingly agreed to participate in the racketeering enterprise and took overt actions in furtherance of the conspiracy.

[U.S. v. Zielie, 734 F.2d 1447 \(11th Cir. 1984\)](#)

U.S. Court of Appeals — Eleventh Circuit

Extract

In United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981), the Supreme Court held that a RICO enterprise could be engaged solely in illegitimate activity without fusing the enterprise with the pattern of racketeering activity. In reaching its decision the Court discussed the elements of RICO and the meaning of the word 'enterprise' under the statute. It stated: That a wholly criminal enterprise comes within the ambit of the statute does not mean that a 'pattern of racketeering activity' is an 'enterprise.' 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 [citation omitted]. 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

For a RICO violation, both an enterprise and a pattern of racketeering activity must be proven. This supports the proposition by indicating that the allegations of coordinated actions and shared objectives among the Defendants could establish the existence of an enterprise and a pattern of

racketeering activity, which are necessary for a RICO conspiracy claim under § 1962(d).

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

U.S. Court of Appeals — Ninth Circuit

Extract

The essence of a RICO conspiracy is not an agreement to commit predicate crimes but an agreement to conduct or participate in the conduct of the affairs of an enterprise through a pattern of racketeering. 'Pattern' is expressly defined as two or more predicate offenses.

Summary

A RICO conspiracy under 18 U.S.C. § 1962(d) does not require an agreement to commit specific predicate crimes but rather an agreement to conduct or participate in the conduct of an enterprise's affairs through a pattern of racketeering activity. This aligns with the proposition that the defendants knowingly agreed to participate in the racketeering enterprise and took overt actions in furtherance of the conspiracy, as the focus is on the agreement to engage in the enterprise's affairs through a pattern of illegal activities.

[United States v. Eiland, 738 F.3d 338 \(D.C. Cir. 2014\)](#)

U.S. Court of Appeals — District of Columbia Circuit

Extract

The RICO statute, 18 U.S.C. § 1962(d), makes it unlawful to conspire to violate § 1962(c), which, in turn, provides that it is unlawful for anyone '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.' ... An association-in-fact enterprise must have three structural features: 'a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose.' ... '[P]roof of a pattern of racketeering activity may be sufficient in a particular case to permit a jury to infer the existence of an association-in-fact enterprise.'

Summary

Legal requirements for a RICO conspiracy under 18 U.S.C. § 1962(d), emphasizing the need for an agreement to participate in an enterprise

through a pattern of racketeering activity. It explains the concept of an "association-in-fact enterprise" and the necessity of demonstrating a pattern of racketeering activity. This directly supports the proposition by providing a legal framework for understanding how coordinated actions and shared objectives among defendants can establish a RICO conspiracy.

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

Extract

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

Summary

The passage from 18 U.S.C. § 1962(d) explicitly states that it is unlawful for any person to conspire to violate the provisions of subsections (a), (b), or (c). This directly supports the proposition that a RICO conspiracy claim requires proof of an agreement to participate in the conduct of an enterprise through a pattern of racketeering activity. The complaint's allegations of coordinated actions and shared objectives among the Defendants align with the requirement of a conspiracy under § 1962(d).

[The crime of associating with criminals? An argument for extending the Reves "operation or management" test to RICO conspiracy.](#)

**Journal of Criminal Law and Criminology - Northwestern University,
School of Law - Baumgartnerl, Sarah - 2006-09-22**

Extract

Unlike the general federal conspiracy statute, it is also well accepted that RICO conspiracy does not require proof of any overt act. Beyond this, a defendant must merely agree to the illegitimate objectives that constitute the crime. The exact content of this agreement is where further questions arise. There is apparent consensus that a RICO conspiracy charge must include an intentional agreement on the part of some defendant to violate a substantive provision of the statute; agreement merely to commit a predicate offense would not be sufficient. Coupled with this requirement is the need that the defendant possess some degree of knowledge that the conspiratorial enterprise extends beyond her own personal participation.

Summary

The passage explains that for a RICO conspiracy charge under 18 U.S.C. § 1962(d), it is not necessary to prove an overt act, but there must be an intentional agreement to violate a substantive provision of the statute. This aligns with the proposition that the defendants knowingly agreed to

participate in the conduct of an enterprise through a pattern of racketeering activity. The passage also highlights the need for the defendant to have knowledge that the enterprise extends beyond their personal participation, which supports the idea of coordinated actions and shared objectives among the defendants.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

The Supreme Court accepted the government's arguments that, because a RICO conspiracy does not require proof of an overt act, a RICO conspiracy is established if the government proves that a defendant agreed that the conspirators, as a group, would violate RICO by undertaking a pattern of racketeering activity.(454) ... The Salinas Court stated that a RICO conspiracy conviction, pursuant to 18 U.S.C. [sections] 1962(d), does not require an overt or specific act.(458) ... The Court found that since 'Marmolejo committed at least two acts of racketeering activity when he accepted numerous bribes and that Salinas knew about and agreed to facilitate the scheme . . . [and that this was] sufficient to support a conviction under [[sections] 1962(d)].'(464)

Summary

The passage explains that under 18 U.S.C. § 1962(d), a RICO conspiracy does not require proof of an overt act. Instead, it is sufficient to show that the defendant agreed that the conspirators would engage in a pattern of racketeering activity. This supports the proposition that the complaint's allegations of coordinated actions and shared objectives among the Defendants can establish a RICO conspiracy claim, even if specific overt acts are not proven.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

For a criminal RICO conspiracy action arising under [section] 1962(d), 'the statute of limitations ... does not begin to run until the objectives of the conspiracy have been either achieved or abandoned,' even if the actual illegal predicate acts occurred more than five years prior to the RICO action's initiation. ... A defendant can assert withdrawal from the conspiracy as a defense to an action brought under [section] 1962(d) through proof that

he took affirmative steps, inconsistent with the objectives of the conspiracy, to disavow or to defeat the conspiratorial objectives. ... To be convicted as a conspirator, one must be shown to have possessed knowledge of only the general contours of the conspiracy.

Summary

The passage explains that for a RICO conspiracy claim under § 1962(d), the statute of limitations is tied to the achievement or abandonment of the conspiracy's objectives, not the timing of the predicate acts. It also clarifies that a defendant's knowledge of the general contours of the conspiracy is sufficient for conviction, which aligns with the proposition that defendants knowingly agreed to participate in the enterprise. This supports the idea that coordinated actions and shared objectives among defendants can substantiate a RICO conspiracy claim.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Bremer, Lance - 1997-01-01

Extract

A RICO conspiracy differs from an ordinary conspiracy in two respects: it need not embrace an overt act, and it is broader and may encompass a greater variety of conduct. When proving an agreement on the overall objective, use of 'circumstantial evidence to show that each defendant must necessarily have known that the others were also conspiring to participate in the same enterprise through a pattern of racketeering' is allowed.

Summary

The passage explains that a RICO conspiracy does not require an overt act, which aligns with the proposition that defendants can be held liable for agreeing to participate in a racketeering enterprise. It also highlights the use of circumstantial evidence to demonstrate that defendants were aware of and participated in the conspiracy, supporting the idea that coordinated actions and shared objectives among defendants can substantiate a RICO conspiracy claim.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

For a criminal RICO conspiracy action arising under [section] 1962(d), 'the statute of limitations ... does not begin to run until the objectives of the conspiracy have been either achieved or abandoned,' even if the actual illegal predicate acts occurred more than five years prior to the RICO action's initiation. ... A defendant can assert withdrawal from the conspiracy as a defense to an action brought under [section] 1962(d) through proof that he took affirmative steps, inconsistent with the objectives of the conspiracy, to disavow or to defeat the conspiratorial objectives.

Summary

The passage explains that a RICO conspiracy claim under § 1962(d) does not require the completion of illegal acts within a specific timeframe, as long as the conspiracy's objectives have not been achieved or abandoned. This supports the proposition by indicating that the coordinated actions and shared objectives among defendants can establish a RICO conspiracy, even if overt acts occurred outside the typical statute of limitations. Additionally, the passage outlines the defense of withdrawal, which is relevant to the proposition's focus on defendants' participation in the conspiracy.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

The penalty for a RICO conspiracy usually parallels the penalty for the offense that was the object of the conspiracy. In addition, consecutive sentences are often permitted when the substantive violation and the conspiracy are both proved. See *United States v. Felix*, 503 U.S. 378, 389-90 (1992) (holding substantive crime and conspiracy to commit crime are separate and distinct offenses and therefore not the same offense for double jeopardy purposes).

Summary

Penalties associated with RICO conspiracies, emphasizing that a RICO conspiracy is a distinct offense from the substantive crime. This supports the proposition by highlighting that a RICO conspiracy claim under § 1962(d) requires proof of an agreement to participate in the conduct of an enterprise through a pattern of racketeering activity, which aligns with the allegations of coordinated actions and shared objectives among the Defendants.

[Racketeer Influenced and Corrupt Organizations Act.](#)

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

Extract

First, the defendant must have agreed, by some manifestation, to conduct or participate in the affairs of an enterprise. Second, the defendant must have agreed to the commission of at least two predicate acts. There can be no conspiracy conviction for the defendant who was affiliated with the enterprise but did not agree to the commission of the acts and to the involvement of the enterprise.

Summary

Requirements for a RICO conspiracy conviction, which include an agreement to participate in the enterprise's affairs and an agreement to commit at least two predicate acts. This directly supports the proposition that the defendants must have knowingly agreed to participate in the conduct of an enterprise through a pattern of racketeering activity, as alleged in the complaint.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

Section 1962(d) prohibits conspiring to violate any provision of [sections] 1962.(210) A defendant not guilty of the substantive offense may still be convicted of conspiracy if there is proof of an agreement to commit the substantive crime.(211) Resolving a split among the circuits regarding what constitutes an 'agreement to commit the substantive offense,' the Supreme Court in *Salinas v. United States* (212) held that the conspiracy provision of RICO, unlike an ordinary conspiracy, does not require some overt act on the defendant's part. Instead, the 'partners in the criminal plan must agree to pursue the same criminal objective,' even if 'each conspirator does not agree to commit or facilitate each and every part of the substantive offense.'(213)

Summary

The passage explains that under 18 U.S.C. § 1962(d), a RICO conspiracy does not require each conspirator to commit an overt act, but rather to agree to pursue the same criminal objective. This supports the proposition that the defendants' agreement to participate in the racketeering enterprise, even without committing each act, is sufficient for a RICO conspiracy claim.

[Racketeer influenced and corrupt organizations.](#)

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

Extract

RICO conspiracy action arising under [section] 1962(d), 'the statute of limitations for a RICO conspiracy does not begin to run until the objectives of the conspiracy have been either achieved or abandoned,' even if the actual illegal predicate acts occurred more than five years prior to the RICO action's initiation. ... Withdrawal from the conspiracy is a permissible defense to an action brought under [section] 1962(d) when a defendant can prove she took affirmative steps, inconsistent with the objectives of the conspiracy, to disavow or to defeat the conspiratorial objectives.

Summary

Statute of limitations and defenses related to RICO conspiracy, which are relevant to understanding the legal framework and requirements for such claims.

[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.

Summary

A RICO claim under § 1962(c) requires the plaintiff to allege conduct of an enterprise through a pattern of racketeering activity. This aligns with the proposition that defendants must knowingly agree to participate in such conduct. The passage emphasizes the necessity of pleading each element of a RICO claim, which supports the need for detailed allegations of coordinated actions and shared objectives among defendants, as stated in the proposition.

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

Extract

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

Summary

Essential elements required to establish a RICO conspiracy, which include an agreement to join a racketeering scheme, knowing engagement with intent to effectuate the scheme's goals, and involvement in or intent to involve two or more predicate acts of racketeering. These elements align with the proposition that the complaint alleges Defendants knowingly agreed to participate in a racketeering enterprise and took overt actions in furtherance of the conspiracy, supporting a RICO conspiracy claim under 18 U.S.C. § 1962(d).

[RICO: A Primer](#)

Extract

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

Summary

Under Section 1962(d), a RICO conspiracy claim does not require each defendant to have committed the predicate acts themselves. Instead, it requires proof of an agreement to pursue a shared criminal objective. The passage explains that conspirators can divide the work, and each is

responsible for the acts of the others. This supports the proposition that the defendants' coordinated actions and shared objectives can establish a RICO conspiracy claim.

[RICO: A Primer](#)

Extract

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

Summary

Elements required to establish a RICO conspiracy under Section 1962(d), emphasizing that a defendant does not need to commit the predicate acts themselves but must knowingly agree to the conspiracy's objectives. This supports the proposition that the defendants' coordinated actions and shared objectives, such as filing false legal documents and coordinating eviction proceedings, can substantiate a RICO conspiracy claim.

This memo was compiled by Vincent AI based on vLex materials available as of June 17, 2025. [View full answer on vLex](#)