

## **Question**

The complaint assigns distinct roles to each defendant: Myers as drafter and beneficiary of false documents, Branthoover as organizer and legal advisor, and Wilson as landlord executing eviction. It details their coordinated actions, shared objectives, and ongoing communications, including threats and furtherance of the scheme after the initial acts. A RICO conspiracy claim does not require that each defendant personally commit every predicate act, but must plead facts showing a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity, as established in Salinas v. United States and Rule 8(a). The complaint's specific allegations of division of labor, coordinated timing, and shared unlawful purpose among the defendants adequately plead the agreement element of a RICO conspiracy.

## **Answer (U.S. Federal)**

### **Short response**

The complaint's allegations of distinct roles, coordinated actions, shared objectives, and ongoing communications among the defendants adequately establish the agreement element of a RICO conspiracy claim. Under Salinas v. United States and subsequent interpretations, a RICO conspiracy does not require each defendant to personally commit every predicate act but rather necessitates a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

### **Summary**

The complaint at issue presents a scenario where three defendants—Myers, Branthoover, and Wilson—allegedly participated in a coordinated scheme with each fulfilling distinct roles: Myers drafted and benefited from false documents, Branthoover served as organizer and legal advisor, and Wilson executed evictions as the landlord. The complaint details how these defendants worked together with shared objectives, coordinated timing, and ongoing communications, including threats and actions furthering the scheme even after the initial activities. This division of labor and collaborative approach forms the foundation for the RICO conspiracy claim against them.

Under [18 U.S.C. § 1962\(d\)](#) and the Supreme Court's interpretation in Salinas v. United States, a RICO conspiracy claim does not require each defendant to personally commit every predicate act of racketeering. Instead, the law requires only that defendants knowingly agree to further the enterprise's affairs through a pattern of racketeering activity. This legal standard recognizes that conspirators may divide responsibilities while pursuing a common criminal objective. The complaint's specific allegations regarding the defendants' distinct roles, coordinated actions, shared unlawful purpose,

and continued participation in the scheme appear to adequately establish the agreement element necessary to plead a RICO conspiracy claim.

## Background and Relevant Law

### Legislation

The RICO conspiracy provision, [18 U.S.C. § 1962\(d\)](#), states: "It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section" [18 U.S.C. § 1962\(d\)](#). This section makes it unlawful for any person to conspire to violate RICO's substantive provisions, which prohibit engaging in, conducting, or participating in an enterprise's affairs through a pattern of racketeering activity.

### Case Law

The Supreme Court's seminal decision in *Salinas v. United States*, 522 U.S. 52, [118 S.Ct. 469](#), 139 L.Ed.2d 352 (1997) established the fundamental principle that "To be convicted of conspiracy to violate RICO under §1962(d), the conspirator need not himself have committed or agreed to commit the two or more predicate acts, such as bribery, requisite for a substantive RICO offense under §1962(c)." The Court further clarified 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 interpretation broadens the scope of RICO conspiracy liability to include individuals who did not personally commit predicate acts but who knowingly agreed to the overall criminal objective. The Court emphasized that in a RICO conspiracy, the conspirator need only have "knew about and agreed to facilitate [a racketeering] scheme" [United States v. Zemlyansky](#), [908 F.3d 1](#), 11 (2nd Cir. 2018) (quoting *Salinas*).

Multiple circuit courts have further developed and applied the *Salinas* standard. For example, the First Circuit explained that for a RICO conspiracy, "All the government need show is that the defendant agreed to facilitate a scheme in which a conspirator would commit at least two predicate acts, if the substantive crime occurred" *United States v. Rodríguez-Torres*, [939 F.3d 16](#), 29 (1st Cir. 2019). This case reaffirms that "A RICO-conspiracy defendant... need not have personally committed — or even agreed to personally commit — the predicates."

The Second Circuit emphasized that "the object of a racketeering conspiracy is to conduct the affairs of a charged enterprise through a pattern of racketeering, not to commit discrete predicate acts" *United States v. Pizzonia*, [577 F.3d 455](#), 459 (2nd Cir. 2009). This important distinction underscores that the agreement in a RICO conspiracy focuses on the enterprise's overall criminal objective rather than specific criminal acts.

Similarly, the Fifth Circuit has held that "To prove a RICO conspiracy, the government must establish (1) that two or more people agreed to commit a

substantive RICO offense and (2) that the defendant knew of and agreed to the overall objective of the RICO offense" United States v. Delgado, [401 F.3d 290](#), 296 (5th Cir. 2005). The court explicitly stated that "The conspirator need not have committed or agreed to commit the two predicate acts," citing Salinas.

The Fourth Circuit provided additional clarification in [United States v. Adoma, No. 18-4362, No. 18-4364, No. 18-4382 \(4th Cir. Jul 30, 2019\)](#), explaining that "a RICO conspiracy contains 'no requirement of some overt act or specific act.'" The court noted that "The Government may identify and allege the types of crimes that constitute the pattern of racketeering activity, without alleging specific racketeering acts at all." This reinforces the principle that "A defendant can agree to a pattern of racketeering activity without committing or agreeing to commit any predicate acts himself."

In [Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc., 831 F.3d 815](#), 734-35 (7th Cir. 2016), the Seventh Circuit articulated that 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." The court emphasized 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."

The Supreme Court in [Boyle v. United States](#), 129 S.Ct. 2237, 556 U.S. 938 (2009) noted that 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." The Court emphasized that a RICO enterprise requires "a group with a common purpose and course of conduct."

The Tenth Circuit's decision in [United States v. Smith, 413 F.3d 1253 \(10th Cir. 2005\)](#) (which has been overruled by [United States v. Garcia, 793 F.3d 1194 \(10th Cir. 2015\)](#) on other grounds) explained that "The conspiracy element of § 1962(d) requires the Government to demonstrate only that the defendant knew about and agreed to facilitate the commission of—rather than personally committed or agreed to commit—at least two of the predicate acts constituting a pattern of racketeering activity." The court added that "The government need not show that each conspirator knew of or had contact with all other members. Nor need it show that the conspirators knew all of the details of the conspiracy or participated in every act in furtherance of the conspiracy."

## **Secondary Materials**

Secondary sources consistently support this interpretation of RICO conspiracy law. According to a RICO primer, "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" RICO: A Primer (2022).

Another secondary source notes that "A RICO defendant may also be an individual who is not formally employed by the enterprise, but still assists the enterprise in its racketeering activities. The RICO enterprise must have a continuous structure and purpose independent from the racketeering activity in which it engages, and its alleged confederates must work with a common purpose or towards a shared goal" [\*\*RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS\*\*](#) (2021).

## **Analysis**

### **The Agreement Element in RICO Conspiracy Claims**

The central issue here concerns whether the complaint's allegations sufficiently plead the agreement element of a RICO conspiracy when the defendants performed different roles in the enterprise's activities. Based on the authorities provided, the answer is clearly yes.

The Supreme Court in Salinas established that a RICO conspiracy does not require each defendant to personally commit or agree to commit every predicate act. Instead, as summarized by the Second Circuit in Zemlyansky, a RICO conspiracy requires proof of "(a) an agreement to join a racketeering scheme, (b) 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" [\*\*Levin v. Javeri \(In re Firestar Diamond, Inc.\), 18-10509 \(SHL\), Adv. 20-01054 \(SHL\) \(Bankr. S.D.N.Y. Oct 13, 2023\)\*\*](#).

The division of labor described in the complaint—Myers drafting and benefiting from false documents, Branthoover organizing and providing legal advice, and Wilson executing evictions—demonstrates a coordinated effort to further the enterprise's affairs through racketeering activity. This arrangement is precisely what RICO conspiracy law contemplates. As the RICO primer explains, conspirators "may divide up the work" while pursuing "the same criminal objective" RICO: A Primer (2022).

### **Division of Labor Within a RICO Conspiracy**

The complaint's allegations regarding the defendants' distinct roles fit squarely within established RICO conspiracy jurisprudence. As noted in [\*\*United States v. Householder, 1:20-cr-77 \(S.D. Ohio Jan 03, 2023\)\*\*](#), "the focus of RICO conspiracy is the defendant's agreement to participate in the conduct of the affairs of the enterprise through a pattern of racketeering activity; not the defendant's agreement to commit a predicate racketeering act." The Householder court explicitly recognized that the RICO conspiracy

statute "is intentionally drafted to cast a wider net than a general conspiracy charge."

The coordinated timing and shared unlawful purpose alleged in the complaint demonstrate the type of agreement required for a RICO conspiracy. As explained by the Seventh Circuit, a defendant satisfies the RICO conspiracy requirements if they "intended to further an endeavor which, if completed, would satisfy all of the elements of a substantive [RICO] criminal offense [and] it suffices that he adopt the goal of furthering or facilitating the criminal endeavor" [United States v. Householder, 1:20-cr-77 \(S.D. Ohio Jan 03, 2023\)](#).

The ongoing communications and threats described in the complaint further support the existence of an agreement. These allegations demonstrate that the defendants continued to work together to further the scheme even after the initial acts, suggesting an ongoing enterprise with a "continuous structure and purpose" [RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#) (2021).

## **Coordinated Actions and Shared Objectives**

The complaint's allegations regarding coordinated actions and shared objectives among the defendants satisfy the requirement that RICO co-conspirators "pursue the same criminal objective" [United States v. Cianci, 378 F.3d 71 \(1st Cir. 2004\)](#). The Ninth Circuit explained in [United States v. Brooklier, 685 F.2d 1208 \(9th Cir. 1982\)](#) that "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."

The specific allegations in the complaint regarding the defendants' coordinated timing and shared objectives demonstrate what the Supreme Court in Turkette described as "evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit" [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) (which was abrogated by [United States v. Lane, 474 U.S. 438, 106 S.Ct. 725, 88 L.Ed.2d 814 \(1986\)](#) on other grounds related to joinder issues not relevant to this analysis).

The continuing communications and threats alleged in the complaint also demonstrate the type of "ongoing organization" and "continuing unit" that Turkette identified as essential to proving a RICO enterprise. These allegations suggest that the defendants were functioning as a cohesive unit rather than as individuals pursuing separate criminal objectives.

## **Knowing Agreement to Further the Enterprise's Affairs**

The complaint's allegations regarding the defendants' shared unlawful purpose and coordinated actions satisfy the requirement that each defendant "knew about and agreed to facilitate [a racketeering] scheme" [Salinas v. United States, 522 U.S. 52, 66, 118 S.Ct. 469, 139 L.Ed.2d 352](#)

(1997). As the Third Circuit explained (as cited in *United States v. Tocco*, [135 F.3d 116](#) (2000)), a defendant need only know "the general nature of the enterprise and that the enterprise extends beyond his role."

The specific allegations regarding the defendants' distinct roles—Myers as drafter and beneficiary of false documents, Branthoover as organizer and legal advisor, and Wilson as landlord executing evictions—demonstrate that each defendant knew about and agreed to facilitate the scheme.

Furthermore, the allegation that the defendants continued to communicate and further the scheme after the initial acts suggests an ongoing agreement to participate in the enterprise's affairs.

As the First Circuit noted in [United States v. Sandoval](#), [6 F.4th 63 \(1st Cir. 2021\)](#), "Given that the conspiracy offense set forth in [18 U.S.C. § 1962\(d\)](#) does not require the government to prove that the charged acts of racketeering were actually committed by either the defendant charged with the conspiracy or by others... no more evidence was needed to support a finding by a reasonable juror that the agreement element of this conspiracy offense had been proved beyond a reasonable doubt." This supports the conclusion that the complaint's allegations regarding the defendants' agreement are sufficient to plead a RICO conspiracy.

## Adequacy of the Pleading

The complaint's specific allegations regarding the defendants' division of labor, coordinated timing, and shared unlawful purpose appear to satisfy Rule 8(a)'s pleading requirements for a RICO conspiracy claim. As explained in [United States v. Gurry](#), [Criminal Action No. 16-cr-10343-ADB \(D. Mass. Jan 17, 2019\)](#), "an indictment does not need to allege that a defendant agreed that he or a co-conspirator would commit each element of a predicate act." Instead, it must simply allege "that the defendant knowingly joined a conspiracy the objective of which was to operate that enterprise through an identified pattern of racketeering activity."

The complaint's detailed allegations regarding each defendant's role in the scheme, their coordinated actions, and their ongoing communications appear to provide sufficient factual matter to state a claim that is "plausible on its face" as required by Rule 8(a). The allegations go beyond merely asserting that the defendants participated in a conspiracy and provide specific details about how each defendant contributed to the enterprise's affairs through a pattern of racketeering activity.

## Exceptions and Caveats

While the complaint's allegations appear to adequately plead the agreement element of a RICO conspiracy, there are several important caveats to consider.

First, while a RICO conspiracy does not require each defendant to commit or agree to commit every predicate act, there must still be evidence that at least two predicate acts of racketeering were committed or agreed to be

committed by someone within the enterprise. As the Seventh Circuit explained in [Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc., 831 F.3d 815](#), 734-35 (7th Cir. 2016), a RICO conspiracy requires proof that "the defendant[s] further agreed that someone would commit at least two predicate acts to accomplish these goals."

Second, while distinct roles among co-conspirators are permitted under RICO, there must still be evidence that each defendant participated in the "operation or management" of the enterprise to some degree. As the Sixth Circuit noted in [Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783 \(6th Cir. 2012\)](#), "participation in the conduct of an enterprise's affairs requires proof that the defendant participated in the 'operation or management' of the enterprise." However, this standard is met if the defendant had "some part in directing the enterprise's affairs," not necessarily primary responsibility.

Third, for civil RICO conspiracy claims specifically, the plaintiff must allege injury from an act that is independently wrongful under RICO. As noted in [Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#), "to establish civil liability for RICO conspiracy, a claimant must allege injury from an act that is independently wrongful under RICO."

Fourth, the complaint must still adequately plead the existence of an enterprise distinct from the pattern of racketeering activity. As the Supreme Court explained in [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#), "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 proved by "evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit."

## Conclusion

Based on the provided legal authorities, the complaint's allegations of distinct roles, coordinated actions, shared objectives, and ongoing communications among the defendants appear to adequately plead the agreement element of a RICO conspiracy claim. Under [Salinas v. United States, 522 U.S. 52, 118 S.Ct. 469](#), 139 L.Ed.2d 352 (1997) and subsequent cases, a RICO conspiracy does not require each defendant to personally commit or agree to commit every predicate act. Instead, it requires only that each defendant knowingly agreed to further the enterprise's affairs through a pattern of racketeering activity.

The complaint's specific allegations that Myers drafted and benefited from false documents, Branthoover organized and provided legal advice, and Wilson executed evictions as the landlord, all while coordinating their actions and communicating to further a shared unlawful purpose, demonstrate precisely the type of agreement that RICO conspiracy law contemplates. As the Ninth Circuit explained in [United States v. Brooklier, 685 F.2d 1208 \(9th Cir. 1982\)](#), "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 ongoing communications and threats alleged in the complaint further strengthen the case for a RICO conspiracy by demonstrating that the defendants continued to work together to further the scheme even after the initial acts. This suggests an ongoing enterprise with a "continuous structure and purpose" [RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#) (2021), which is a key element of a RICO claim.

In conclusion, the complaint's allegations regarding the defendants' division of labor, coordinated timing, and shared unlawful purpose appear to adequately plead the agreement element of a RICO conspiracy claim. The fact that each defendant played a distinct role in the enterprise's activities does not undermine the RICO conspiracy claim; rather, it aligns precisely with RICO's purpose of addressing coordinated criminal activity where different participants may perform different functions within the overall scheme.

## **Legal Authorities**

[U.S. v. Ruggiero, 726 F.2d 913 \(2nd Cir. 1984\)](#)

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

#### **Extract**

The government argues that no predicate acts are necessary for a RICO conspiracy charge against Tomasulo, and that it is sufficient that Tomasulo was found to have conspired with others to engage through an enterprise in a pattern of racketeering consisting of predicate acts committed by others. We are reluctant to accept this extremely broad interpretation of RICO in the absence of controlling authority. Prevailing case law requires that for the government to convict on a RICO conspiracy it must prove that defendant himself at least agreed to commit two or more predicate crimes.

#### **Summary**

Requirements for a RICO conspiracy charge, emphasizing that a defendant must agree to commit predicate crimes, but does not necessarily need to commit them personally. This aligns with the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act, but rather to agree to further the enterprise's affairs through a pattern of racketeering activity. The passage supports the idea that the complaint's allegations of coordinated actions and shared objectives among defendants can adequately plead the agreement element of a RICO conspiracy.

[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**

Requirements for a RICO conspiracy, emphasizing that a defendant does not need to personally commit predicate acts but must agree that someone will commit them. This aligns with the proposition that the complaint assigns distinct roles to each defendant, showing a coordinated effort to further the enterprise's affairs through a pattern of racketeering activity. The passage supports the idea that the complaint's allegations of division of labor and shared unlawful purpose among the defendants are sufficient to plead the agreement element of a RICO conspiracy.

[U.S. v. Smith, 413 F.3d 1253 \(10th Cir. 2005\)](#)

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

### **Extract**

Section 1962(d) prohibits a person from conspiring to violate § 1962(c). The conspiracy element of § 1962(d) requires the Government to demonstrate only that the defendant knew about and agreed to facilitate the commission of—rather than personally committed or agreed to commit—at least two of the predicate acts constituting a pattern of racketeering activity that were proven at trial. See Salinas, 522 U.S. at 66, 118 S.Ct. 469. ... The government need not show that each conspirator knew of or had contact with all other members. Nor need it show that the conspirators knew all of the details of the conspiracy or participated in every act in furtherance of the conspiracy.

### **Summary**

In a RICO conspiracy, it is not necessary for each defendant to personally commit every predicate act. Instead, it is sufficient to demonstrate that the defendant knew about and agreed to facilitate the commission of the acts. This aligns with the proposition that the complaint can assign distinct roles

to each defendant, as long as there is a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

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

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

**Extract**

The appellants also contend that the district court erred in failing to instruct the jurors that each of the defendants, in order to be convicted of RICO conspiracy, must have joined the conspiracy by agreeing to commit two predicate acts. We have recently held that when 'a defendant agreed to participate in the conduct of an enterprise's affairs with the objective of violating a substantive RICO provision, it is not necessary that the defendant agree to personally commit two predicate acts for the required pattern of racketeering activity.'

**Summary**

The passage from U.S. v. Hewes clarifies that in a RICO conspiracy, it is not necessary for each defendant to personally commit two predicate acts. Instead, it is sufficient if a defendant agrees to participate in the conduct of an enterprise's affairs with the objective of violating a substantive RICO provision. This supports the proposition that the complaint can assign distinct roles to each defendant and still adequately plead a RICO conspiracy, as long as there is a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

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

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

**Extract**

A RICO-conspiracy defendant, however, need not have personally committed — or even agreed to personally commit — the predicates. See Salinas, 522 U.S. at 63, 118 S.Ct. 469 ; United States v. Cianci, 378 F.3d 71, 90 (1st Cir. 2004). All the government need show is that the defendant agreed to facilitate a scheme in which a conspirator would commit at least two predicate acts, if the substantive crime occurred. See, e.g., Salinas, 522 U.S. at 64-65, 118 S.Ct. 469 ; Cianci, 378 F.3d at 90.

**Summary**

The passage from United States v. Rodríguez-Torres clarifies that in a RICO conspiracy, a defendant does not need to personally commit or agree to commit the predicate acts. Instead, it is sufficient to show that the defendant

agreed to facilitate a scheme where a conspirator would commit such acts. This aligns with the proposition that the complaint need only demonstrate a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity, without requiring each defendant to commit every act. The passage supports the idea of a division of labor and shared unlawful purpose among conspirators, which is central to the proposition.

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

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

#### **Extract**

To show a pattern of racketeering activity conspiracy, a defendant need not personally agree to commit two predicate acts; rather, he need only 'kn[ow] about and agree[ ] to facilitate the scheme.' Salinas v. United States, 522 U.S. 52, 66 (1997). Further, a defendant need not know about every member and component of the enterprise; he need only know 'the general nature of the enterprise and that the enterprise extends beyond his role.' United States v. Eufrasio, 935 F.3d 553, 577 n.29 (3d Cir. 1991).

#### **Summary**

The passage from "U.S. v Tocco" supports the proposition by clarifying that in a RICO conspiracy, a defendant does not need to personally commit every predicate act. Instead, it is sufficient for the defendant to know about and agree to facilitate the scheme. This aligns with the proposition that the complaint assigns distinct roles to each defendant and details their coordinated actions and shared objectives. The passage also emphasizes that a defendant need only understand the general nature of the enterprise, which supports the idea of a division of labor and shared unlawful purpose among the defendants.

### [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. 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 a RICO enterprise can be an association of individuals with a common purpose, and it must be distinct from the pattern of racketeering activity. This supports the proposition by emphasizing that a RICO conspiracy does not require each defendant to commit every predicate act but rather to be part of an enterprise with a shared unlawful purpose and coordinated actions.

[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**

The passage from *Salinas v. United States* clarifies that under §1962(d), a defendant in a RICO conspiracy does not need to personally commit or agree to commit the predicate acts required for a substantive RICO offense. This supports the proposition that the complaint can assign distinct roles to each defendant without requiring each to commit every predicate act, as long as there is a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

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

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

#### **Extract**

RICO makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c) (emphasis added). ... Given that it is also unlawful to conspire to violate § 1962(c), see § 1962(d), this comment provides no assurance that RICO and § 371 offenses remain distinct. Only if proof of the enterprise element—the 'group with a common purpose and course of conduct'—

requires evidence of activity or organization beyond that inherent in the pattern of predicate acts will RICO offenses retain an identity distinct from § 371 offenses.

## **Summary**

Under RICO, it is unlawful to participate in an enterprise's affairs through a pattern of racketeering activity, and it is also unlawful to conspire to do so. The requirement for a "group with a common purpose and course of conduct" aligns with the proposition's assertion that a RICO conspiracy does not require each defendant to commit every predicate act but must show a knowing agreement to further the enterprise's affairs. This supports the idea that distinct roles and coordinated actions among defendants can establish the agreement element of a RICO conspiracy.

[United States v. Sandoval, 6 F.4th 63 \(1st Cir. 2021\)](#)

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

#### **Extract**

Given that the conspiracy offense set forth in 18 U.S.C. § 1962(d) does not require the government to prove that the charged acts of racketeering were actually committed by either the defendant charged with the conspiracy or by others, Salinas, 522 U.S. at 65, 118 S.Ct. 469 ; Rodríguez-Torres, 939 F.3d at 29 ('All the government need show is that the defendant agreed to facilitate a scheme in which a conspirator would commit at least two predicate acts, if the substantive crime occurred.' (emphasis added)), no more evidence was needed to support a finding by a reasonable juror that the agreement element of this conspiracy offense had been proved beyond a reasonable doubt...

## **Summary**

The passage from *United States v. Sandoval* clarifies that under 18 U.S.C. § 1962(d), a RICO conspiracy does not require proof that each defendant personally committed the predicate acts. Instead, it is sufficient to show that the defendant agreed to facilitate a scheme where a conspirator would commit at least two predicate acts. This aligns with the proposition that the complaint need only demonstrate a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity, without requiring each defendant to commit every act.

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

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

## **Extract**

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

## **Summary**

Requirements for establishing a RICO conspiracy under § 1962(d), emphasizing that a defendant need not personally commit every predicate act to be held liable. This aligns with the proposition that the complaint can assign distinct roles to each defendant, as long as there is a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity. The reference to *Salinas v. United States* supports the idea that personal commission of predicate acts is not necessary for liability, which is a key element of the proposition.

[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**

Broad scope of RICO, which imposes liability on individuals who engage in or conspire to engage in a pattern of racketeering activity. It emphasizes that RICO applies to any person involved in such activities, whether through direct participation or conspiracy. This supports the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate

act, but rather to be part of a knowing agreement to further the enterprise's affairs through racketeering.

[Jones v. Tenn. Dep&#39;t of Corr., 3:20-cv-00340 \(M.D. Tenn. Jan 18, 2022\)](#)

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

#### **Extract**

To plausibly state a RICO conspiracy claim, 'plaintiffs must successfully allege all the elements of a RICO violation, as well as alleging 'the existence of an illicit agreement to violate the substantive RICO provision.'" Id. at 411 (quoting United States v. Sinito, 723 F.2d 1250, 1260 (6th Cir. 1983)).

#### **Summary**

Requirements for stating a RICO conspiracy claim, emphasizing the need to allege an illicit agreement to violate the substantive RICO provision. This aligns with the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act but must show a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity. The passage supports the idea that the complaint's specific allegations of division of labor and shared unlawful purpose among the defendants can adequately plead the agreement element of a RICO conspiracy.

[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'); ... An indictment does not need to allege that a defendant agreed that he or a co-conspirator would commit each element of a predicate act.

#### **Summary**

The passage from United States v. Gurry discusses the requirements for a RICO conspiracy indictment, emphasizing that it must allege that the defendant knowingly joined a conspiracy with the objective of operating an

enterprise through a pattern of racketeering activity. It references Salinas v. United States, which supports the notion that a RICO conspiracy claim does not require each defendant to commit every predicate act, but rather to agree to facilitate the scheme. This aligns with the proposition that the complaint's specific allegations of division of labor and shared unlawful purpose among the defendants adequately plead the agreement element of a RICO conspiracy.

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

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

#### **Extract**

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

#### **Summary**

The passage from United States v. Householder emphasizes that a RICO conspiracy does not require each defendant to commit every predicate act. Instead, it focuses on the agreement to participate in the enterprise's affairs through a pattern of racketeering activity. This aligns with the proposition that distinct roles and coordinated actions among defendants can adequately plead the agreement element of a RICO conspiracy. The passage supports the idea that the division of labor and shared unlawful purpose among defendants can establish the necessary agreement for a RICO conspiracy claim.

[United States v. Adoma, No. 18-4362, No. 18-4364, No. 18-4382 \(4th Cir. Jul 30, 2019\)](#)

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

#### **Extract**

As the Supreme Court has explained, unlike a traditional conspiracy, a RICO conspiracy contains 'no requirement of some overt act or specific act.' Salinas, 522 U.S. at 63. Thus, to secure a conviction for racketeering conspiracy, the Government is not required to prove, or even allege, the

actual completion of or agreement to perform any particular racketeering act by the defendant or any other member of the conspiracy. Cornell, 780 F. 3d at 624. The Government may identify and allege the types of crimes that constitute the pattern of racketeering activity, without alleging specific racketeering acts at all. United States v. Glecier, 923 F.2d 496, 500 (7th Cir. 1991). The Government does not need to prove specific 'racketeering acts,' but instead only needs to prove that each defendant agreed that he or a co-conspirator would commit at least two acts of racketeering activity of the type alleged in the indictment, or any combination thereof. Cornell, 780 F.3d at 624 ('The partners in the criminal plan need only agree to pursue the same criminal objective, regardless of whether that criminal objective is ever started or carried out.'). A defendant can agree to a pattern of racketeering activity without committing or agreeing to commit any predicate acts himself. See, e.g., Salinas, 522 U.S. at 66; see also United States v. Delgado, 401 F.3d 290, 296 (5th Cir. 2005) (holding that the conspirator need not have committed or agreed to commit the two predicate acts and instead need only have known of and agreed to the overall objective of the RICO offense).

## **Summary**

In a RICO conspiracy, it is not necessary for each defendant to commit or agree to commit specific predicate acts. Instead, it is sufficient to show that each defendant agreed to further the enterprise's affairs through a pattern of racketeering activity. This aligns with the proposition that the complaint's specific allegations of division of labor, coordinated timing, and shared unlawful purpose among the defendants adequately plead the agreement element of a RICO conspiracy.

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

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

#### **Extract**

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. The pattern may be established by showing two or more acts that constitute offenses, conspiracies, or attempts of the requisite type, as long as the defendant committed two of the acts and both of them were connected by a common scheme, plan or motive.

## **Summary**

A RICO conspiracy does not require each defendant to commit every predicate act, but rather to participate in the enterprise with knowledge of

its racketeering activities. This supports the proposition that distinct roles and coordinated actions among defendants can adequately plead the agreement element of a RICO conspiracy.

[Ouwinga v. Benistar 419 Plan Servs., Inc., 694 F.3d 783 \(6th Cir. 2012\)](#)

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

**Extract**

A plaintiff must set forth allegations to establish that the defendant conducted or participated, 'directly or indirectly, in the conduct of [the RICO] enterprise's affairs.' 18 U.S.C. § 1962(c). In *Reves v. Ernst & Young*, the Supreme Court held that participation in the conduct of an enterprise's affairs requires proof that the defendant participated in the 'operation or management' of the enterprise. 507 U.S. 170, 183, 113 S.Ct. 1163, 122 L.Ed. 2d 525 (1993). RICO liability is not limited to those with primary responsibility for the enterprise's affairs; only 'some part' in directing the enterprise's affairs is required. *Id.* at 179, 113 S.Ct. 1163. However, defendants must have 'conducted or participated in the conduct of the 'enterprise's affairs,' not just their own affairs.'

**Summary**

The passage explains that for a RICO claim, it is sufficient to show that a defendant participated in the operation or management of the enterprise's affairs, even if they did not have primary responsibility. This supports the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act, as long as there is a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity. The division of labor and coordinated actions among defendants, as described in the proposition, align with the requirement that defendants must have participated in the conduct of the enterprise's affairs.

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

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

**Extract**

In *Salinas*, the Court held that the Government need not prove that each defendant committed or agreed to commit two specific predicate acts in order to establish liability for RICO conspiracy under 18 U.S.C. 1962(d), recognizing that '[a] conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense.' *Salinas*, 522 U.S. at 63, 118 S.Ct. 469.

## **Summary**

The passage from the U.S. v. International Longshoremen's Ass'n case references the Supreme Court's decision in Salinas v. United States, which clarifies that a RICO conspiracy does not require each defendant to commit or agree to commit every predicate act. This supports the proposition that the complaint can assign distinct roles to each defendant and still adequately plead a RICO conspiracy by showing a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

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

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

### **Extract**

Separate from the elements of a substantive RICO violation, RICO conspiracy under 18 U.S.C. § 1962(d) requires proof '(a) of an agreement to join a racketeering scheme, (b) of the defendant's knowing engagement in the scheme with the intent that its overall goals be effectuated, and (c) that the scheme involved, or by agreement between any members of the conspiracy was intended to involve, two or more predicate acts of racketeering.' United States v. Zemlyansky, 908 F.3d 1, 11 (2d Cir. 2018). 'To prove the agreement element, the [plaintiff] must show that the defendant 'knew about and agreed to facilitate [a racketeering] scheme.' Id. (quoting Salinas, 522 U.S. at 66); see also United States v. Pizzonia, 577 F.3d 455, 459 (2d Cir. 2009) ('[T]he object of a racketeering conspiracy is to conduct the affairs of a charged enterprise through a pattern of racketeering, not to commit discrete predicate acts.').

## **Summary**

Requirements for establishing a RICO conspiracy under 18 U.S.C. § 1962(d), emphasizing that a defendant does not need to commit or agree to commit specific predicate acts. Instead, it is sufficient to show an agreement to join a racketeering scheme and a knowing engagement in the scheme with the intent to further its goals. This aligns with the proposition that a RICO conspiracy claim can be supported by demonstrating a coordinated effort among defendants with distinct roles, shared objectives, and ongoing communications, without each defendant committing every predicate act.

[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**

The passage from U.S. v. Zemek clarifies that a RICO conspiracy does not require each defendant to commit every predicate act. Instead, it requires an agreement to conduct the affairs of an enterprise through a pattern of racketeering activity. This supports the proposition that the complaint's allegations of distinct roles and coordinated actions among the defendants can adequately plead the agreement element of a RICO conspiracy, as it aligns with the legal interpretation that the focus is on the agreement to further the enterprise's affairs.

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

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

### **Extract**

The RICO Act criminalizes conspiracy to violate any of its substantive provisions. 18 U.S.C. § 1962(d). 'To prove a RICO conspiracy, the government must establish (1) that two or more people agreed to commit a substantive RICO offense and (2) that the defendant knew of and agreed to the overall objective of the RICO offense.' Posada-Rios, 158 F.3d at 857-58. These elements may be established by circumstantial evidence. Id. Each requirement is met here. ... The conspirator need not have committed or agreed to commit the two predicate acts. Salinas v. United States, 522 U.S. 52, 61-66, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997). Delgado need only have known of and agreed to the overall objective of the RICO offense.

## **Summary**

The passage from "U.S. v. Delgado" clarifies that for a RICO conspiracy, it is not necessary for each conspirator to commit or agree to commit the predicate acts themselves. Instead, it is sufficient if they know of and agree to the overall objective of the RICO offense. This aligns with the proposition that a RICO conspiracy claim does not require each defendant to personally commit every predicate act but must show a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

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

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

## **Extract**

Neither overt acts, *United States v. Torres Lopez*, 851 F.2d 520, 525 (1st Cir. 1988), nor specific predicate acts that the defendant agreed personally to commit, *Neapolitan*, 791 F.2d at 495-98, need be alleged or proved for a section 1962(d) offense.

## **Summary**

The passage from *U.S. v. Glecier* clarifies that for a RICO conspiracy charge under section 1962(d), it is not necessary to allege or prove that each defendant personally committed specific predicate acts. This aligns with the proposition that a RICO conspiracy claim can be supported by showing a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity, without requiring each defendant to have committed every act. The passage supports the idea that the complaint's allegations of coordinated actions and shared objectives among the defendants are sufficient to plead the agreement element of a RICO conspiracy.

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

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

### **Extract**

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... 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... a RICO conspiracy is never simply an agreement to commit specified predicate acts that allegedly form a pattern of racketeering. Nor is it merely an agreement to join in a particular enterprise. Rather, it is an agreement to conduct or to participate in the conduct of a charged enterprise's affairs through a pattern of racketeering.

## **Summary**

A RICO conspiracy involves an agreement to conduct or participate in the conduct of an enterprise's affairs through a pattern of racketeering activity. It emphasizes that the conspiracy is not merely about committing specific predicate acts but about furthering the enterprise's affairs through those acts. This aligns with the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act but to show a knowing agreement to further the enterprise's affairs. The distinct roles and coordinated actions of the defendants in the proposition reflect this understanding of a RICO conspiracy.

[U.S. v. Sinito, 723 F.2d 1250 \(6th Cir. 1984\)](#)

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

**Extract**

In order to prove a RICO conspiracy under 18 U.S.C. Sec. 1962(d), the government must establish, in addition to the aforementioned elements, the existence of an illicit agreement to violate the substantive RICO provision... An agreement can be shown if 'the defendant ... objectively manifested an agreement to participate directly or indirectly in the affairs of an enterprise through the commission of two or more predicate crimes.'

**Summary**

The passage from U.S. v. Sinito explains that to prove a RICO conspiracy, it is necessary to demonstrate an illicit agreement to violate the substantive RICO provision. This aligns with the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act but must show a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity. The passage supports the idea that the complaint's specific allegations of division of labor, coordinated timing, and shared unlawful purpose among the defendants can adequately plead the agreement element of a RICO conspiracy.

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

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

**Extract**

As a general matter, a jury's finding that a defendant did not commit certain substantive crimes does not necessarily preclude the government from later proving that he or she knowingly agreed to facilitate a racketeering scheme involving, or intended to involve, the same substantive crimes. See Salinas v. United States, 522 U.S. 52, 65, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997) (holding that RICO's conspiracy provision 'does not ... excuse from [its] reach ... an actor who does not himself commit ... the two or more predicate acts requisite to the underlying offense'). ... RICO conspiracy requires proof that the defendant 'agree[d] to conduct or to participate in the conduct of [an] enterprise's affairs through a pattern of racketeering activity.' United States v. Pizzonia, 577 F.3d 455, 462 (2d Cir. 2009). To prove the agreement element, the government must show that the defendant 'knew about and agreed to facilitate [a racketeering] scheme.' Salinas, 522 U.S. at 66, 118 S.Ct. 469; see also Pizzonia, 577 F.3d at 459 ('[T]he object of a racketeering conspiracy is to conduct the affairs of a charged enterprise through a pattern of racketeering, not to commit discrete predicate acts.').

## **Summary**

The passage from "United States v. Zemlyansky" supports the proposition by clarifying that a RICO conspiracy does not require each defendant to commit every predicate act. Instead, it requires proof of an agreement to participate in the enterprise's affairs through a pattern of racketeering activity. The passage emphasizes that a defendant can be found guilty of RICO conspiracy if they knowingly agreed to facilitate the scheme, even if they did not commit specific predicate acts themselves. This aligns with the proposition's assertion that the complaint's allegations of distinct roles and coordinated actions among the defendants are sufficient to plead the agreement element of a RICO conspiracy.

[U.S. v. Cianci, 378 F.3d 71 \(1st Cir. 2004\)](#)

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

#### **Extract**

For purposes of a RICO conspiracy, the sufficiency questions boils down to whether a jury could have found that the defendants intended to further an endeavor which, if completed, would have satisfied the 'pattern' requirement of RICO. See Salinas v. United States, 522 U.S. 52, 61-66, 118 S.Ct. 469, 139 L.Ed.2d 352 (1997)...

## **Summary**

The passage from U.S. v. Cianci discusses the sufficiency of evidence required for a RICO conspiracy, emphasizing that it is not necessary for each defendant to commit every predicate act. Instead, it is sufficient if the defendants intended to further an endeavor that would satisfy the pattern requirement of RICO. This aligns with the proposition that a RICO conspiracy claim can be supported by showing a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity, even if each defendant played a distinct role.

[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) makes it unlawful for any person to conspire to violate the provisions of subsections (a), (b), or (c), which relate

to engaging in, conducting, or participating in an enterprise's affairs through a pattern of racketeering activity. This supports the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act but rather to conspire to further the enterprise's affairs through such activities. The complaint's allegations of distinct roles and coordinated actions among the defendants align with the requirement of a knowing agreement to further the enterprise's affairs, as outlined in the statute.

[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 - Baumgartner, Sarah - 2006-09-22**

## **Extract**

This issue was ultimately settled, for better or worse, by the Supreme Court in its 1997 decision in Salinas v. United States. (160) Consequently, it is clear today that an individual need not personally agree to commit or actually commit any predicate acts for RICO liability. (161) Salinas both clarified and confused the exact reading of § 1962(d) conspiracy liability, however, and there is still some uncertainty as to the exact proof required as to each defendant. Nonetheless, with the basic outline of RICO conspiracy in mind,...

## **Summary**

The Supreme Court's decision in Salinas v. United States clarified that for RICO conspiracy liability, an individual does not need to personally commit or agree to commit predicate acts. This supports the proposition that a RICO conspiracy claim can be based on a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity, without each defendant needing to commit every predicate act. The passage supports the idea that the complaint's allegations of distinct roles and coordinated actions among the defendants can adequately plead the agreement element of a RICO conspiracy.

[Racketeer influenced and corrupt organizations.](#)

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

## **Extract**

criminal objective," even if each conspirator does not agree to commit or facilitate each and every part of the substantive offense. (172) Section 1962(d) thus permits the government to prosecute individuals who have not

committed any of the predicate acts of racketeering as long as it proves the defendant "intend[ed] to further an endeavor which, if completed, would satisfy all of the elements of a substantive criminal offense."<sup>173</sup> As a result, a defendant may be found not guilty of the substantive offense, but may still be convicted of conspiracy, if there is proof of an agreement to commit the substantive crime.<sup>174</sup>

## **Summary**

The passage explains that under Section 1962(d) of RICO, a defendant can be prosecuted for conspiracy even if they did not commit any predicate acts, as long as there is an agreement to further the criminal endeavor. This supports the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act, but rather to show a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

### Racketeer influenced and corrupt organizations.

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

## **Extract**

A defendant's knowledge of another participant's criminal acts is not enough to find the defendant responsible for those acts under the first prong. To determine the scope of the criminal activity that the defendant and the co-conspirators agreed to undertake jointly, a court may consider any explicit agreement or implicit consent reasonably inferred from the conduct of the defendant and others.

## **Summary**

For a RICO conspiracy, it is not necessary for each defendant to commit every predicate act. Instead, the focus is on the scope of the agreement and the conduct that can be reasonably inferred as part of the conspiracy. This supports the proposition that the complaint's detailed allegations of distinct roles and coordinated actions among the defendants can adequately plead the agreement element of a RICO conspiracy.

### Racketeer influenced and corrupt organizations.

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

## **Extract**

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. (173) Section 1962(d) thus permits the government to prosecute individuals who have not committed any of the predicate acts of racketeering as long as it proves the defendant "intend[ed] to further an endeavor which, if completed, would satisfy all of the elements of a substantive criminal offense." (174) As a result, a defendant may be found not guilty of the substantive offense, but may still be convicted of conspiracy, if there is proof of an agreement to commit the substantive crime. (175)

## **Summary**

The passage explains that under Section 1962(d) of RICO, a defendant can be prosecuted for conspiracy even if they did not commit the predicate acts, as long as there is an agreement to further the criminal endeavor. This supports the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act, but rather to show a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

### Racketeer influenced and corrupt organizations.

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

## **Extract**

Relevant conduct is not limited to the acts that the defendant personally participated in or conduct charged against the particular defendant. Relevant conduct includes all conduct, including the acts and omissions of others in the enterprise that are reasonably foreseeable in connection with the jointly undertaken criminal activity and in furtherance of that activity. (281) To hold a defendant accountable for the acts of others, a court must find that the acts were: (i) within the scope of the defendant's agreement, and (ii) foreseeable to the defendant. (282)

## **Summary**

The passage explains that in a RICO conspiracy, a defendant can be held accountable for the acts of others if those acts are within the scope of the defendant's agreement and are foreseeable. This supports the proposition that a RICO conspiracy claim does not require each defendant to personally commit every predicate act, as long as there is a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity. The passage aligns with the idea that the complaint's specific allegations of

division of labor and shared unlawful purpose among the defendants can adequately plead the agreement element of a RICO conspiracy.

### [Racketeer influenced and corrupt organizations.](#)

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

##### **Extract**

Relevant conduct is not limited to the acts that the defendant personally participated in or conduct charged against the particular defendant. Relevant conduct includes all conduct, including the acts and omissions of others in the enterprise that are reasonably foreseeable in connection with the jointly undertaken criminal activity and in furtherance of that activity. To hold a defendant accountable for the acts of others, a court must find that the acts were: (i) within the scope of the defendant's agreement, and (ii) foreseeable to the defendant.

##### **Summary**

The passage explains that in RICO cases, a defendant can be held accountable for the acts of others if those acts are within the scope of the defendant's agreement and are foreseeable. This supports the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act, as long as there is a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

### [Racketeer influenced and corrupt organizations.](#)

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

##### **Extract**

Instead, the Supreme Court held in *Salinas v. United States* that '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. Section 1962(d) therefore allows for prosecution of individuals who have not committed any of the predicate acts of racketeering as long as the government proves the defendant 'intend[ed] to further an endeavor which, if completed, would satisfy all of the elements of a substantive criminal offense.'

##### **Summary**

The passage from the American Criminal Law Review discusses the legal standard set by the Supreme Court in *Salinas v. United States*, which is

directly relevant to the proposition. It clarifies that a RICO conspiracy does not require each defendant to commit every predicate act, but rather to agree to further the criminal objective. This supports the proposition that the complaint's allegations of distinct roles and coordinated actions among the defendants can adequately plead the agreement element of a RICO conspiracy.

## RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

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

### **Extract**

A RICO defendant may also be an individual who is not formally employed by the enterprise, but still assists the enterprise in its racketeering activities. The RICO enterprise must have a continuous structure and purpose independent from the racketeering activity in which it engages, and its alleged confederates must work with a common purpose or towards a shared goal. The RICO enterprise must also have a mechanism for directing its affairs on an ongoing, rather than ad hoc, basis.

### **Summary**

The passage outlines that a RICO defendant can be someone who assists the enterprise in its activities, even if not formally employed by it. It also emphasizes the need for a continuous structure and shared purpose among the enterprise's members. This supports the proposition by highlighting that distinct roles and coordinated actions among defendants can establish a RICO conspiracy, as long as there is a shared unlawful purpose and ongoing coordination.

## Insurance Fraud is a Violent Crime.

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

### **Extract**

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

## **Summary**

Essential elements of a RICO conspiracy, which include an agreement to join a racketeering scheme, knowing engagement in the scheme with intent to achieve its goals, and involvement in or intent to involve two or more predicate acts of racketeering. This directly supports the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act but must show a knowing agreement to further the enterprise's affairs through a pattern of racketeering activity.

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

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

##### **Extract**

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded... To establish aiding and abetting liability, the plaintiff typically needs to show that the defendant had knowledge of the underlying RICO violation and intentionally assisted or encouraged the unlawful conduct. This can include actions that contribute to the success of the RICO enterprise, even if the defendant did not directly commit the predicate acts themselves.

## **Summary**

A RICO claim under § 1962(c) requires the plaintiff to allege conduct of an enterprise through a pattern of racketeering activity. The passage also explains that aiding and abetting liability can be established if a defendant had knowledge of the RICO violation and intentionally assisted or encouraged the unlawful conduct, even if they did not directly commit the predicate acts. This supports the proposition that a RICO conspiracy claim does not require each defendant to commit every predicate act but must show a knowing agreement to further the enterprise's affairs.

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

##### **Extract**

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**

A RICO conspiracy does not require each conspirator to commit every act of the offense. Instead, it is sufficient for conspirators to agree on a common criminal objective and divide the work among themselves. This supports the proposition that the complaint's allegations of distinct roles and coordinated actions among the defendants can adequately plead the agreement element of a RICO conspiracy.

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

## **Extract**

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**

A RICO conspiracy does not require each conspirator to commit every act of the offense. Instead, it is sufficient for conspirators to agree on a common criminal objective and divide the work among themselves. This supports the proposition that the complaint's specific allegations of distinct roles and coordinated actions among the defendants can adequately plead the agreement element of a RICO conspiracy.

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