

Question

Does traveling to Oklahoma to prepare fraudulent documents for submission in Texas state courts constitute a violation of any obstruction of justice provisions under the Racketeer Influenced and Corrupt Organizations Act (RICO), particularly if it is part of a broader scheme to deprive someone of federally protected civil rights?

Answer (U.S. Federal)

Short response

Traveling to Oklahoma to prepare fraudulent documents for submission in Texas state courts may constitute a violation of RICO's obstruction of justice provisions, particularly when these activities form part of a pattern of racketeering activity connected to an enterprise affecting interstate commerce and aimed at depriving someone of federally protected civil rights. The interstate nature of preparing documents in one state for submission in another state's courts, coupled with the dishonest intent to interfere with judicial proceedings through fraudulent submissions, satisfies key elements of obstruction of justice under RICO, especially when these acts are part of a broader coordinated scheme.

Summary

Preparing fraudulent documents in Oklahoma for submission in Texas courts may violate several obstruction of justice provisions incorporated within the Racketeer Influenced and Corrupt Organizations Act (RICO), specifically [18 U.S.C. § 1512](#) (tampering with documents for use in official proceedings). When these activities occur across state lines and form part of a broader pattern of racketeering activity connected to an enterprise, they meet RICO's jurisdictional requirements under [18 U.S.C. § 1962](#). The interstate travel element also implicates [18 U.S.C. § 1952](#) (Interstate Travel in Aid of Racketeering), which prohibits traveling across state lines to facilitate unlawful activities.

If these actions are undertaken as part of a broader scheme to deprive someone of federally protected civil rights, they may also trigger additional provisions under [18 U.S.C. § 241](#) (Conspiracy Against Rights). To establish a RICO violation in this context, prosecution would need to demonstrate: (1) the existence of an enterprise, (2) a pattern of racketeering activity involving at least two predicate acts, (3) interstate commerce nexus, and (4) conduct that specifically violates one of the obstruction of justice provisions listed in [18 U.S.C. § 1961](#) as predicate acts. The cross-state preparation and submission of fraudulent court documents, when part of a coordinated scheme, satisfies these elements and could constitute a RICO violation.

Background and Relevant Law

RICO Framework and Definitions

The Racketeer Influenced and Corrupt Organizations Act (RICO) was designed to combat organized crime and racketeering activities that extend across state lines. RICO prohibits certain activities connected to enterprises engaged in interstate commerce when those activities involve patterns of racketeering.

Under [18 U.S.C. § 1961](#), "racketeering activity" includes specified federal crimes, including "section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)." These obstruction of justice provisions serve as predicate acts that can form the basis of a RICO violation.

A "pattern of racketeering activity" requires "at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity." [18 U.S.C. § 1961](#).

Prohibited Activities Under RICO

[18 U.S.C. § 1962](#) makes it "unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

As outlined in [De Pacheco v. Martinez, 515 F.Supp.2d 773 \(S.D. Tex. 2007\)](#), "Title [18 U.S.C. § 1962](#) of the 'Racketeering Influenced and Corrupt Organizations Act ('RICO') makes it a federal crime to perform certain acts which involve conducting an enterprise through a pattern of racketeering activity."

According to [Civil Rico: A Tool of Advocacy](#), "A violation of § 1962(c)... 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."

The same source clarifies that "§ 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce."

Tampering with Documents

[18 U.S.C. § 1512](#) addresses document tampering as follows: "Whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both."

This provision is critical to the analysis because it establishes that fraudulent manipulation of documents intended for use in official proceedings (such as court cases) constitutes a federal offense that can serve as a predicate act for RICO purposes.

Interstate Travel in Aid of Racketeering

[18 U.S.C. § 1952](#) addresses interstate travel in furtherance of unlawful activities: "Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to... otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform" such acts shall be subject to fines and imprisonment.

[United States v. Boyd, 309 F.Supp.2d 908 \(S.D. Tex. 2004\)](#) explains: "An ITAR offense involves using interstate travel or the mails with intent to 'promote, manage, establish, carry on, or facilitate ... any unlawful activity.' [18 U.S.C. § 1952\(a\)\(3\)](#). Securing a conviction requires proof of 'some act designed to promote or further that illegal purpose.'"

Conspiracy Against Rights

[18 U.S.C. § 241](#) addresses conspiracies against federally protected rights: "If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same... They shall be fined under this title or imprisoned not more than ten years, or both."

This provision is relevant when fraudulent documents are prepared as part of a scheme to deprive individuals of federally protected civil rights.

Venue for Prosecution

[18 U.S.C. § 3237](#) establishes that "any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed." This is particularly relevant to the interstate nature of activities described in the query.

Analysis of RICO Elements in the Context of Interstate Document Fraud

Element 1: Existence of an Enterprise

To establish a RICO violation, there must be an "enterprise" that is engaged in, or whose activities affect, interstate commerce. As stated in [Bustos v. Invierte En Tex., 4:22-CV-02690 \(S.D. Tex. Jun 03, 2024\)](#): "To state a civil RICO claim under [18 U.S.C. § 1962](#), a plaintiff must allege three common elements: '(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise.'"

In the context of the question, if multiple individuals are coordinating their activities to prepare fraudulent documents in Oklahoma for submission in Texas courts, they may constitute an enterprise under RICO. This is particularly true if there is an ongoing organization with a common purpose of depriving individuals of their federally protected civil rights through fraudulent court filings.

Element 2: Pattern of Racketeering Activity

According to RICO: A Primer, "A 'pattern' may exist where any combination of two or more offenses occurred within a period of time... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity."

The same source explains two types of continuity:

- "Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.'"
- "Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged."

In the scenario described, if the preparation of fraudulent documents is not an isolated incident but part of a series of related acts designed to obstruct justice or deprive someone of civil rights, this would likely satisfy the "pattern" requirement. This is especially true if the preparation of fraudulent documents occurs multiple times or is part of an ongoing scheme.

Element 3: Predicate Acts - Obstruction of Justice

The preparation of fraudulent documents for submission in court proceedings directly implicates [18 U.S.C. § 1512](#), which prohibits "corruptly alter[ing], destroy[ing], mutilat[ing], or conceal[ing] a record, document, or other object... with the intent to impair the object's integrity or availability for use in an official proceeding; or otherwise obstruct[ing], influenc[ing], or imped[ing] any official proceeding."

Creating fraudulent documents for submission in court proceedings is an attempt to obstruct, influence, or impede an official proceeding, which constitutes a predicate act under RICO's definition of "racketeering activity" in [18 U.S.C. § 1961](#).

Element 4: Interstate Commerce Connection

The preparation of documents in Oklahoma for submission in Texas courts inherently involves interstate commerce, satisfying RICO's jurisdictional requirement that the enterprise's activities "affect interstate or foreign commerce." As noted in [Civil Rico: A Tool of Advocacy](#), "RICO requires no more than a slight effect upon interstate commerce."

Furthermore, traveling from one state to another to prepare fraudulent documents triggers [18 U.S.C. § 1952](#), which addresses interstate travel with the intent to "promote, manage, establish, carry on, or facilitate" unlawful activities.

Element 5: Interstate Travel Component

The interstate travel component is particularly significant. [United States v. Boyd, 309 F.Supp.2d 908 \(S.D. Tex. 2004\)](#) explains that an Interstate Travel in Aid of Racketeering (ITAR) offense requires "using interstate travel or the mails with intent to 'promote, manage, establish, carry on, or facilitate ... any unlawful activity'" and "proof of 'some act designed to promote or further that illegal purpose.'"

In the scenario described, traveling from Texas to Oklahoma specifically to prepare fraudulent documents for submission in Texas courts would likely satisfy this element, as it involves interstate travel with the specific intent to further unlawful activities (document fraud and obstruction of justice).

Civil Rights Dimension

If the fraudulent documents are part of a broader scheme to deprive someone of federally protected civil rights, this adds another dimension to the potential RICO violation. [18 U.S.C. § 241](#) prohibits conspiracies to "injure, oppress, threaten, or intimidate any person... in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States."

While § 241 itself is not listed as a predicate act under RICO, the underlying conduct could still contribute to establishing the broader pattern of racketeering activity, especially if it involves other predicate acts like mail or wire fraud, or obstruction of justice.

Venue Considerations

Under [18 U.S.C. § 3237](#), offenses "begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or

completed." This means that prosecution could potentially occur in either Oklahoma (where the documents were prepared) or Texas (where they were submitted to courts).

Additional Requirements for RICO Claims

Specificity in Pleading

For civil RICO claims, particularly those involving fraud, there are heightened pleading standards. As noted in [Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#), "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 court further emphasized that "there are no facts alleged that would support a plausible predicate act of racketeering. Despite using the words 'fraud' and 'fraudulent,' none of Plaintiff's factual allegations support a plausible predicate act of racketeering based on any type of fraud."

This highlights the importance of specifically identifying the predicate acts and showing how they form a pattern of racketeering activity when bringing a RICO claim based on fraudulent activities.

Mail and Wire Fraud as Additional Predicates

While the question focuses on obstruction of justice provisions, it's worth noting that the preparation and submission of fraudulent documents across state lines might also implicate mail and wire fraud statutes, which are independent predicate acts under RICO.

As explained in [Mortgage v. Flores, 746 F.Supp.2d 819 \(S.D. Tex. 2010\)](#), "To state a claim for mail or wire fraud to support a RICO violation under § 1341 or § 1343, a plaintiff must establish three elements: '(1) a scheme or artifice to defraud or to obtain money or property by means of false pretenses, representations, or promises; (2) a use of the interstate mails or wires for the purpose of executing the scheme; and (3) a specific intent to defraud either by revising, participating in, or abetting the scheme.'"

If the fraudulent documents were transmitted across state lines via mail or electronic means, this could constitute additional predicate acts under RICO.

Extraterritorial Application Considerations

Although not directly addressing interstate activities within the United States, the principles discussed in [CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ](#) provide insight into how courts analyze RICO's application across jurisdictional boundaries.

The source discusses "the pattern of racketeering activity test," which holds that RICO has application "when 'significant acts in the pattern of racketeering activity took place in the United States....'" This principle supports the conclusion that RICO can apply to activities that cross state lines, particularly when significant acts in the pattern of racketeering activity took place within the United States.

Exceptions and Caveats

Enterprise Requirement

A key caveat is that RICO requires an "enterprise," which must be distinct from the pattern of racketeering itself. If the preparation of fraudulent documents is carried out by a single individual acting alone, without connection to any organized enterprise, it may not satisfy RICO's requirements, even if it constitutes obstruction of justice under other federal statutes.

Proving Pattern of Racketeering Activity

Another challenge is establishing that the preparation of fraudulent documents is part of a "pattern of racketeering activity." This requires showing at least two predicate acts within a ten-year period, as specified in [18 U.S.C. § 1961](#). If the preparation of fraudulent documents is an isolated incident, it may not qualify as a pattern under RICO.

As noted in RICO: A Primer, establishing a pattern requires demonstrating either "closed-ended continuity" (a series of related predicate acts extending over a substantial period) or "open-ended continuity" (a threat of continuing criminal activity extending into the future).

Specificity in Pleading Fraud

For civil RICO claims based on fraudulent activities, there are heightened pleading requirements. As emphasized in [Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#), allegations of fraud must be pleaded with particularity under Federal Rule of Civil Procedure 9(b).

Nexus to Civil Rights Violations

While the question asks specifically about preparing fraudulent documents as part of a scheme to deprive someone of federally protected civil rights, it's important to note that civil rights violations themselves may not be predicate acts under RICO unless they also constitute one of the specifically enumerated predicate acts, such as obstruction of justice.

Conclusion

Based on the analysis of the provided materials, traveling to Oklahoma to prepare fraudulent documents for submission in Texas state courts likely constitutes a violation of obstruction of justice provisions under RICO, particularly when it is part of a broader scheme to deprive someone of federally protected civil rights.

The activity satisfies several key elements required for a RICO violation:

1. The preparation of fraudulent documents for submission in court proceedings constitutes obstruction of justice under [18 U.S.C. § 1512](#), which is explicitly listed as a predicate act under RICO's definition of "racketeering activity" in [18 U.S.C. § 1961](#).
2. The interstate travel component triggers [18 U.S.C. § 1952](#), which prohibits traveling across state lines to facilitate unlawful activities.
3. If the activity is part of a broader scheme involving multiple instances of preparing fraudulent documents or other related unlawful activities, it would likely satisfy RICO's requirement for a "pattern of racketeering activity."
4. The interstate nature of the activity—preparing documents in Oklahoma for submission in Texas courts—provides the needed connection to interstate commerce required by RICO.
5. If these activities are conducted by or in connection with an enterprise (such as a coordinated group of individuals or entities), and are part of a scheme to deprive someone of federally protected civil rights, they would likely violate [18 U.S.C. § 1962](#).

The multi-jurisdictional nature of the activity also means that, under [18 U.S.C. § 3237](#), prosecution could potentially occur in either Oklahoma or Texas.

While there are important caveats—such as the need to establish an enterprise, demonstrate a pattern of activity, and meet heightened pleading standards for fraud allegations—the scenario described in the question contains the essential elements of a RICO violation based on obstruction of justice predicate acts, especially when those acts are part of a broader scheme to deprive individuals of their federally protected civil rights.

Legal Authorities

[Mortgage v. Flores, 746 F.Supp.2d 819 \(S.D. Tex. 2010\)](#)

U.S. District Court — Southern District of Texas

Extract

To state a claim for mail or wire fraud to support a RICO violation under § 1341 or § 1343, a plaintiff must establish three elements: “(1) a scheme or artifice to defraud or to obtain money or property by means of false pretenses, representations, or promises; (2) a use of the interstate mails or wires for the purpose of executing the scheme; and (3) a specific intent to defraud either by revising, participating in, or abetting the scheme.”

Summary

Elements required to establish a RICO violation based on mail or wire fraud. It specifies that a scheme to defraud, use of interstate mails or wires, and specific intent to defraud are necessary components. This is relevant to the question as it provides a framework for understanding how fraudulent activities, such as preparing fraudulent documents, could potentially be prosecuted under RICO if they involve interstate communication and intent to defraud.

[United States v. Boyd, 309 F.Supp.2d 908 \(S.D. Tex. 2004\)](#)

U.S. District Court — Southern District of Texas

Extract

An ITAR offense involves using interstate travel or the mails with intent to 'promote, manage, establish, carry on, or facilitate ... any unlawful activity.' 18 U.S.C. § 1952(a)(3). Securing a conviction requires proof of 'some act designed to promote or further that illegal purpose.' *United States v. Rizzo*, 418 F.2d 71, 74 (7th Cir.1969) (citations omitted), cert. denied sub nom. *Tornabene v. United States*, 397 U.S. 967, 90 S.Ct. 1006, 25 L.Ed.2d 260 (1970). The Act defines 'unlawful activity' to include bribery in violation of the laws of a state or of the United States where the illicit activity occurs. 18 U.S.C. § 1952(b)(2).

Summary

Basis for understanding how interstate activities can be linked to RICO violations.

[Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#)

U.S. District Court — Southern District of Texas

Extract

All civil RICO claims require allegations and proof of '1) a person who engages in 2) a pattern of racketeering activity 3) [which is] connected to the acquisition, establishment, conduct or control of an enterprise.' ... there are no facts alleged to support the required pleading elements of a RICO claim. In addition, as is most blatant, there are no facts alleged that would support a plausible predicate act of racketeering. Despite using the words 'fraud' and 'fraudulent,' none of Plaintiff's factual allegations support a plausible predicate act of racketeering based on any type of fraud, and there are no allegations that come close to meeting the heightened pleading requirements for fraud under FED. R. CIV. P. 9(b).

Summary

Requirements for a civil RICO claim, emphasizing the need for specific allegations of a pattern of racketeering activity and the necessity of meeting heightened pleading standards for fraud. This is relevant to determining whether the preparation of fraudulent documents could constitute a RICO violation, as it would need to be part of a pattern of racketeering activity and meet specific pleading standards.

[De Pacheco v. Martinez, 515 F.Supp.2d 773 \(S.D. Tex. 2007\)](#)

U.S. District Court — Southern District of Texas

Extract

Title 18 U.S.C. § 1962 of the 'Racketeering Influenced and Corrupt Organizations Act ('RICO') makes it a federal crime to perform certain acts which involve conducting an enterprise through a pattern of racketeering activity. See generally, 18 U.S.C. § 1962. Under RICO § 1964(c), what is commonly referred to as the 'civil RICO' provision, Congress has also provided for a private federal cause of action to '[a]ny person injured in his business or property by reason of a violation of section 1962.' 18 U.S.C. § 1964(c); *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 508, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985).

Summary

Elements of a RICO claim, which include engaging in a pattern of racketeering activity connected to an enterprise. It specifies that a pattern requires at least two predicate acts of racketeering activity, such as mail or wire fraud. The passage also notes the need for specificity in pleading such claims. While the passage does not directly address obstruction of justice, it provides a framework for understanding how fraudulent activities, if part of a pattern of racketeering, could potentially fall under RICO if they are connected to an enterprise.

U.S. District Court — Southern District of Texas

Extract

To state a civil RICO claim under 18 U.S.C. § 1962, a plaintiff must allege three common elements: “(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise.” *N. Cypress Med. Ctr. Operating Co., Ltd. v. Cigna Healthcare*, 781 F.3d 182, 201 (5th Cir. 2015) (quotation omitted). [] An act of “racketeering activity,” commonly referred to as a “predicate act,” is defined to include certain criminal acts, including mail and wire fraud, and any act indictable under the Immigration and Nationality Act.

Summary

Framework for understanding how such activities could be evaluated under RICO.

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

Extract

As used in this chapter- ... section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), ... 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

Summary

The passage provides definitions of "racketeering activity" under the RICO Act, which includes acts related to obstruction of justice (sections 1503, 1510, 1511, 1512, and 1513). If the preparation of fraudulent documents is part of a scheme that involves obstruction of justice, it could potentially fall under RICO's provisions. The passage also defines a "pattern of racketeering activity" as requiring at least two acts of racketeering activity, which could be relevant if the fraudulent document preparation is part of a broader scheme involving multiple acts.

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

Extract

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

Summary

The passage from 18 U.S.C. § 1962 outlines that it is unlawful for any person to engage in a pattern of racketeering activity that affects interstate commerce. Preparing fraudulent documents in Oklahoma for submission in Texas courts could be considered part of a pattern of racketeering activity if it is part of a broader scheme. The interstate nature of the activity (involving Oklahoma and Texas) could bring it under the purview of RICO, especially if it is intended to deprive someone of federally protected civil rights.

[18 U.S.C. § 241 18 U.S.C. § 241 Conspiracy Against Rights](#)

Extract

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured- They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Summary

The passage from 18 U.S.C. § 241 addresses conspiracies to injure, oppress, threaten, or intimidate individuals in the exercise of their federally protected rights. If the fraudulent document preparation is part of a broader scheme to deprive someone of such rights, it could potentially fall under this statute. The statute does not specifically address obstruction of justice under RICO, but it does cover conspiracies to violate civil rights, which could be relevant if the fraudulent documents are intended to oppress or intimidate someone in the exercise of their rights.

[18 U.S.C. § 3237 18 U.S.C. § 3237 Offenses Begun In One District and Completed In Another](#)

Extract

Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed.

Summary

Such offenses can be prosecuted in any district where the offense was begun, continued, or completed, which is pertinent to understanding how jurisdiction might be established for a RICO violation involving fraudulent documents prepared in one state for use in another.

[18 U.S.C. § 1952 18 U.S.C. § 1952 Interstate and Foreign Travel Or Transportation In Aid of Racketeering Enterprises](#)

Extract

Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to- distribute the proceeds of any unlawful activity; or commit any crime of violence to further any unlawful activity; or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform- (A) an act described in paragraph or shall be fined under this title, imprisoned not more than 5 years, or both; or (B) an act described in paragraph shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.

Summary

The passage from 18 U.S.C. § 1952 addresses the use of interstate or foreign commerce to promote or facilitate unlawful activities. It specifies that traveling with the intent to promote or carry on any unlawful activity, and then performing or attempting to perform such acts, can result in fines or imprisonment. This statute could potentially apply to the scenario described in the question if the preparation of fraudulent documents is considered an unlawful activity and is part of a broader scheme that involves interstate travel.

[18 U.S.C. § 1512 18 U.S.C. § 1512 Tampering With a Witness, Victim, Or an Informant](#)

Extract

Whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

Such actions could be punishable under federal law, with penalties including fines and imprisonment.

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

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

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity. The practitioner through their pleadings must articulate with great care and attention a viable racketeering claim. In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce.

Summary

To establish a RICO violation under § 1962(c), there must be conduct of an enterprise through a pattern of racketeering activity, and the activities of the enterprise must affect interstate commerce. The passage also highlights the importance of pleading fraud with particularity under Federal Rule of Civil Procedure 9(b). This is relevant to the question as it involves the preparation of fraudulent documents, which could be considered a predicate act of racketeering if it is part of a broader scheme affecting interstate commerce.

[CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN](#)

[FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ.](#)

Suffolk Transnational Law Review - Suffolk University Law School - Callahan, Kathleen - 2021-01-01

Extract

The second approach, 'the pattern of racketeering activity test,' held that RICO had extraterritorial application when 'significant acts in the pattern of racketeering activity took place in the United States....' and "The Court noted that 'the most obvious textual clue is that RICO defines racketeering activity to include a number of predicates that plainly apply to at least some foreign conduct.'

Summary

The passages discuss the application of RICO, particularly its extraterritorial reach, and the tests used to determine when RICO can apply to conduct that involves actions outside the United States. The "pattern of racketeering activity test" is relevant here, as it considers whether significant acts in the pattern of racketeering activity took place in the United States. This is pertinent to the question because it suggests that if significant acts related to the fraudulent scheme occurred within the United States, RICO could potentially apply. Additionally, the mention of predicates that apply to foreign conduct indicates that RICO's reach can extend beyond domestic activities if certain conditions are met.

[RICO: A Primer](#)

Extract

RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees. ... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. ... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: * Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' * Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

Summary

RICO addresses patterns of racketeering activity, which can include a series of related predicate acts. The passage explains that a pattern may be established by demonstrating either closed-ended or open-ended continuity

of criminal activity. This is relevant to the question as it provides insight into how a series of fraudulent acts, such as preparing fraudulent documents, could potentially be considered part of a pattern of racketeering activity if they are related and pose a threat of continued criminal activity.

[RICO: A Primer](#)

Extract

There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct. Each of the subsections incorporates the basic elements of 'enterprise' and a 'pattern of racketeering activity.'

Summary

Four types of RICO violations under section 1962, which include conducting the affairs of an enterprise through racketeering activities and conspiring to do so. This is relevant to the question as it provides the legal framework under which the described actions (preparing fraudulent documents as part of a broader scheme) could potentially be evaluated as a RICO violation.

This memo was compiled by Vincent AI based on vLex materials available as of June 19, 2025. [View full answer on vLex](#)