

Question

The mother transferred \$1,576 from the marital bank account using deceptive means, including PayPal, to conceal her actions. She used the funds to purchase a second phone, which was used to prepare divorce pleadings. The stepfather and grandparents assisted in serving an eviction notice based on filings that had not yet been submitted to the court. A "pattern of racketeering activity" requires at least two predicate acts of racketeering, such as wire fraud (18 U.S.C. § 1343) or obstruction of justice (18 U.S.C. § 1503), that are related and amount to or pose a threat of continued criminal activity. (18 U.S.C. § 1961(5)). The alleged acts of wire fraud (e.g., transferring funds via PayPal under deceptive means) and obstruction of justice (e.g., influencing grandparents to serve an eviction based on unfiled pleadings) could constitute a pattern of racketeering activity under RICO.

Answer (U.S. Federal)

Short response

Based on the provided facts and legal authorities, the alleged actions could potentially constitute a pattern of racketeering activity under RICO, though significant challenges exist in meeting all required elements. The deceptive PayPal transfer could qualify as wire fraud under [18 U.S.C. § 1343](#), and the service of an eviction notice based on unfiled pleadings might constitute obstruction of justice, but establishing the required relatedness, continuity, and enterprise elements would present substantial hurdles.

Summary

The alleged facts present a scenario where RICO violations might be considered based on two potential predicate acts: wire fraud (through the deceptive transfer of marital funds via PayPal) and obstruction of justice (through serving an eviction notice based on unfiled court pleadings). These acts, if proven, could satisfy the minimum requirement of two predicate acts within ten years. However, establishing a RICO violation requires more than just proving two predicate acts.

To constitute a "pattern of racketeering activity" under RICO, the predicate acts must be related and demonstrate continuity or pose a threat of continued criminal activity. Additionally, RICO requires proof of an "enterprise" and a relationship between the pattern of racketeering activity and that enterprise. The domestic context of these actions, their limited scope, and the apparent absence of a formal enterprise structure present significant challenges to establishing a successful RICO claim based on the alleged facts.

Background and Relevant Law

Relevant Statutes

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) provides both criminal and civil remedies against persons who engage in certain prohibited activities. The key statutory provisions relevant to this analysis include:

1. [18 U.S.C. § 1962](#) - Prohibited Activities

Under [18 U.S.C. § 1962](#), RICO prohibits certain activities involving a pattern of racketeering:

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

1. [18 U.S.C. § 1961](#) - Definitions

The definition of "racketeering activity" and "pattern of racketeering activity" are crucial to understanding RICO's scope:

[18 U.S.C. § 1961 Definitions, 18 U.S.C. § 1961](#) ("racketeering activity' means... (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1503 (relating to obstruction of justice), ... '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").

1. [18 U.S.C. § 1343](#) - Wire Fraud

Wire fraud, one of the potential predicate acts in this case, is defined as:

[18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television, 18 U.S.C. § 1343](#) ("Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.").

Judicial Interpretation of RICO Requirements

Elements of a RICO Violation

Courts have consistently held that a RICO claim requires proving four essential elements:

[Tashjian v. Deutsche Bank, CIVIL ACTION NO. 19-cv-40074-DHH \(D. Mass. Feb 23, 2021\)](#) ("To plead a civil RICO action, a plaintiff must plead specific, non-conclusory, facts which, if accepted as true, show the existence of four elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'").

[United HealthCare Corp. v. American Trade Ins. Co., Ltd., 88 F.3d 563 \(8th Cir. 1996\)](#) ("In order to demonstrate a violation of this section, therefore, a plaintiff must establish (1) the existence of an enterprise; (2) defendant's association with the enterprise; (3) defendant's participation in predicate acts of racketeering; and (4) defendant's actions constitute a pattern of racketeering activity.").

These four elements are equally essential, as noted in secondary materials:

[Civil RICO: A Tool of Advocacy](#) ("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.").

Pattern of Racketeering Activity

The Supreme Court has provided important guidance on what constitutes a "pattern of racketeering activity":

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#) ("RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity.").

This requirement for both relationship and continuity has been consistently followed by lower courts:

[Heinrich v. Waiting Angels Adoption Servs., Inc., 668 F.3d 393 \(6th Cir. 2012\)](#) ("In order to show a 'pattern' of racketeering activity, a plaintiff must show 'that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'").

[Advanced Optics Electronics, Inc. v. Robins, 633 F.Supp.2d 1237 \(D. N.M. 2008\)](#) ("To show a pattern of racketeering activity under RICO requires showing that four separate elements have been met: (i) there must be at least two acts that would qualify as racketeering activity; (ii) the acts must

have occurred within ten years of each other; (iii) the acts must be related to each other or part of a common scheme; and (iv) the acts must pose a threat of ongoing or expanding criminal activity.").

Relatedness Requirement

Courts have elaborated on what makes predicate acts "related" for RICO purposes:

[Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#) ("Predicate acts are related if they 'have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.'").

Continuity Requirement

Continuity is a critical element of the "pattern" requirement, as explained by the Eighth Circuit:

[Wisdom v. First Midwest Bank, of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#) ("However, a mere allegation of two or more acts is insufficient to state a RICO claim; the predicate acts must be related and must 'amount to or pose a threat of continued criminal activity.'").

Enterprise Requirement

The Supreme Court has clarified what constitutes an "enterprise" under RICO:

[United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) ("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 former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.").

It should be noted that the [Turkette](#) case was abrogated by [United States v. Lane, 474 U.S. 438 \(1986\)](#), though this abrogation focused on issues of joinder and severance rather than the definition of "enterprise" that remains valid.

Wire Fraud as a Predicate Act

Courts have outlined the elements of wire fraud as a predicate act:

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

[United HealthCare Corp. v. American Trade Ins. Co., Ltd., 88 F.3d 563 \(8th Cir. 1996\)](#) ("We have held that even a routine mailing (or wire use), or one sent for a legitimate business purpose may satisfy the 'actual use' requirement 'so long as it assists ... in carrying out the fraud.'").

Obstruction of Justice as a Predicate Act

Courts have discussed obstruction of justice as a predicate act under RICO:

[Chevron Corp. v. Donziger, 974 F. Supp. 2d 362 \(S.D. N.Y. 2014\)](#) ("Section 1503 requires also proof of 'a connection between the defendant's intentional acts and the likelihood of potentially affecting the administration of justice.' That is, 'the act must have a relationship in time, causation, or logic with the judicial proceedings.' Obstruction of justice is a predicate act under RICO in cases where, as here, a defendant's efforts were 'designed to prevent detection and prosecution of the organization's illegal activities [and] were part of a consistent pattern that was likely to continue for the indefinite future, absent outside intervention.'").

Analysis

Wire Fraud Analysis

Based on the provided facts, the mother's actions in transferring \$1,576 from the marital bank account via PayPal using deceptive means could potentially constitute wire fraud under [18 U.S.C. § 1343](#).

To establish wire fraud as a predicate act, three elements must be proven:

1. A scheme to defraud
2. Money or property as the object of the scheme
3. Use of wire communications to further the scheme

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

The stated facts suggest that the mother may have devised a scheme to defraud by using "deceptive means" to conceal her actions when transferring the funds. The object of this scheme was money—specifically, \$1,576 from the marital bank account. The use of PayPal would satisfy the third element requiring wire communications, as PayPal transactions typically involve interstate electronic communications.

The critical aspect would be proving the "deceptive means" used by the mother and establishing that she had the requisite intent to defraud. The mere fact that she concealed her actions does not automatically constitute fraud. However, if she misrepresented the purpose of the transfers or used deceptive methods to hide the transactions, this could potentially satisfy the elements of wire fraud.

Obstruction of Justice Analysis

The second potential predicate act involves the service of an eviction notice based on court filings that had not yet been submitted. This could potentially constitute obstruction of justice under 18 U.S.C. § 1503, which is listed as a racketeering activity in [18 U.S.C. § 1961](#).

For obstruction of justice to serve as a predicate act, there must be:

1. An intentional act
2. A connection between that act and the likelihood of affecting the administration of justice
3. A relationship with judicial proceedings

[Chevron Corp. v. Donziger, 974 F. Supp. 2d 362 \(S.D. N.Y. 2014\)](#).

The factual scenario indicates that the stepfather and grandparents served an eviction notice based on filings that had not yet been submitted to the court. This raises questions about whether this action was intended to obstruct justice by misrepresenting the status of pending legal proceedings. However, several issues complicate this analysis:

1. Serving an eviction notice based on unfiled pleadings may be improper but may not rise to the level of obstruction of justice without further facts showing an intent to interfere with the administration of justice.
2. The connection to "judicial proceedings" is tenuous if the pleadings had not yet been filed, as no judicial proceedings were technically underway.
3. The facts do not clearly establish that these actions were "designed to prevent detection and prosecution" of illegal activities, which is a factor courts have considered in finding obstruction of justice as a RICO predicate.

Pattern of Racketeering Analysis

Assuming arguendo that both predicate acts could be established, the next question is whether they constitute a "pattern of racketeering activity" under RICO.

Two Predicate Acts Within Ten Years

The facts suggest that both alleged acts (wire fraud and obstruction of justice) occurred close in time as part of the same domestic dispute. This would satisfy the basic statutory requirement of "at least two acts of racketeering activity" occurring within ten years of each other as defined in [18 U.S.C. § 1961](#)(5).

Relatedness Requirement

For predicate acts to be related, they must "have the same or similar purposes, results, participants, victims, or methods of commission, or

otherwise are interrelated by distinguishing characteristics and are not isolated events." [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#).

The alleged predicate acts appear to be related in that:

- They share a common purpose (facilitating the mother's divorce proceedings)
- They involve some of the same participants (the mother is involved in both)
- They target the same victim (the mother's spouse)
- They are temporally connected as part of the same domestic dispute

However, the methods of commission differ substantially between the financial deception (wire fraud) and the service of improper eviction papers (potential obstruction of justice).

Continuity Requirement

The continuity requirement presents a significant challenge for establishing a RICO pattern in this scenario. Courts have consistently held that "a mere allegation of two or more acts is insufficient to state a RICO claim; the predicate acts must be related and must 'amount to or pose a threat of continued criminal activity.'" [Wisdom v. First Midwest Bank, of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#).

The facts as presented suggest isolated incidents related to a single domestic dispute rather than "continued criminal activity" or a threat thereof. Courts have been reluctant to find RICO violations in cases involving a narrow purpose with a natural endpoint, such as a divorce proceeding, as opposed to open-ended criminal schemes.

As explained in [Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#), the predicate acts must "amount to or pose a threat of continued criminal activity." The limited scope and finite nature of the alleged activities—tied specifically to initiating divorce proceedings—may fail to demonstrate the continuity required for a RICO pattern.

Enterprise Requirement

A critical element of any RICO violation is the existence of an "enterprise." As defined by the Supreme Court:

[United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) ("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 former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.").

The facts suggest that the mother, stepfather, and grandparents acted together in at least the eviction notice aspect of the scenario. This could

potentially constitute an informal association. However, several factors weigh against finding an enterprise in this context:

1. The association appears to be temporary and limited to assisting with specific divorce-related activities rather than an "ongoing organization."
2. There is no indication that these individuals "function as a continuing unit" beyond this specific situation.
3. The family relationship context suggests personal assistance rather than a structured enterprise engaged in racketeering as contemplated by RICO.

As explained in [Civil Rico: A Tool of Advocacy](#), an enterprise requires "A structured group of individuals associated for a common purpose." The loose family association described in the facts may not satisfy this requirement.

Interstate Commerce Requirement

RICO applies to enterprises "engaged in, or the activities of which affect, interstate or foreign commerce." [18 U.S.C. § 1962 Prohibited Activities, 18 U.S.C. § 1962](#). The only potential connection to interstate commerce in the facts presented is the use of PayPal, which typically operates across state lines. While this might suffice for the wire fraud predicate specifically, it's questionable whether the overall activities of the alleged "enterprise" substantially affect interstate commerce as required by RICO.

Exceptions and Caveats

Limited Scope of Alleged Activities

Courts have been careful to distinguish between ordinary civil or domestic disputes and the kind of systematic racketeering activities that RICO was designed to address. As noted in [U.S. v. Pelullo, 964 F.2d 193 \(3rd Cir. 1992\)](#), for RICO to apply, the acts must be "connected with the other by some common scheme, plan or motive so as to constitute a pattern."

While the alleged activities in this scenario may be improper or potentially illegal, they appear to be limited in scope and directed toward a single purpose (facilitating divorce proceedings) rather than constituting the kind of ongoing criminal enterprise that RICO targets.

Distinction Between Criminal Acts and RICO Violations

It's important to note that even if the individual acts might constitute criminal violations (such as wire fraud or obstruction of justice), this does not automatically establish a RICO violation. As explained in [Life after Morrison: extraterritoriality and RICO](#), the Supreme Court has clarified that "two isolated acts of racketeering activity do not constitute a pattern."

Civil vs. Criminal RICO Considerations

The analysis above applies to both civil and criminal RICO claims. However, if this were a civil RICO case, additional requirements would apply:

[Civil Rico: A Tool of Advocacy](#) ("To establish a § 1962(c) RICO claim, the following elements must be proven: • Enterprise: A structured group of individuals associated for a common purpose. • Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years. • Conduct: Directly or indirectly conducting the enterprise's affairs through racketeering. • Injury: An injury to business or property due to the racketeering activity.").

The injury requirement in particular would require showing concrete business or property damage resulting from the pattern of racketeering activity.

Conclusion

Based on the alleged facts and the legal authorities provided, there are significant challenges to establishing that these activities constitute a "pattern of racketeering activity" under RICO:

1. **Predicate Acts:** While the PayPal transfer could potentially qualify as wire fraud under [18 U.S.C. § 1343](#) if deceptive means were used with fraudulent intent, and the service of an eviction notice based on unfiled pleadings might constitute obstruction of justice under certain circumstances, both would require substantial additional factual development to meet all elements of these predicate offenses.
2. **Relatedness:** The two alleged acts are connected by their relation to the divorce proceedings and share some common participants and purposes, potentially satisfying the relatedness requirement.
3. **Continuity:** The limited scope and finite nature of the alleged activities present a substantial challenge to establishing the continuity element required for a RICO pattern. The acts appear to be isolated incidents related to a single domestic dispute rather than ongoing or threatened criminal activity.
4. **Enterprise:** The loose family association described in the facts may not constitute an "enterprise" as required by RICO, which typically involves a more structured organization functioning as a continuing unit.
5. **Interstate Commerce:** While the use of PayPal may satisfy the interstate commerce requirement for the wire fraud predicate specifically, it's questionable whether the overall alleged enterprise substantially affects interstate commerce as required by RICO.

The domestic context and limited scope of these actions suggest that they would likely fall outside RICO's intended purpose of combating organized criminal enterprises and ongoing patterns of racketeering activity. While

individual criminal charges might be appropriate if the elements of wire fraud or obstruction of justice could be proven beyond a reasonable doubt, establishing a RICO violation based on these facts would face substantial legal hurdles.

As explained in RICO: A Primer, "The heart of a RICO case is the existence of a pattern of racketeering activity." While the scenario described contains elements that might technically satisfy some RICO requirements, the totality of circumstances—particularly the challenges in establishing continuity and a proper enterprise—suggests that these actions would likely not rise to the level of a pattern of racketeering activity as contemplated by RICO and interpreted by the courts.

Legal Authorities

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

U.S. Court of Appeals — Eighth Circuit

Extract

The pattern element 'requires at least two acts of racketeering activity.' 18 U.S.C. § 1961(5); see also H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 237-38, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). However, a mere allegation of two or more acts is insufficient to state a RICO claim; the predicate acts must be related and must 'amount to or pose a threat of continued criminal activity.' See United HealthCare Corp. v. American Trade Ins. Co., Ltd., 88 F.3d 563, 571 (8th Cir.1996) (quoting H.J. Inc., 492 U.S. at 239, 109 S.Ct. 2893).

Summary

To establish a RICO claim, there must be at least two predicate acts of racketeering activity that are related and pose a threat of continued criminal activity. The passage specifically mentions wire fraud as a potential predicate act, which aligns with the proposition's mention of wire fraud through deceptive means using PayPal. Additionally, the requirement for the acts to be related and pose a threat of continued criminal activity supports the proposition's argument that the alleged acts could constitute a pattern of racketeering activity.

[U.S. v. Pelullo, 964 F.2d 193 \(3rd Cir. 1992\)](#)

U.S. Court of Appeals — Third Circuit

Extract

Section 1961(5) provides that 'pattern of racketeering activity' requires at least two acts of racketeering activity... In H.J. Inc. the Supreme Court held

that 'to prove a pattern of racketeering activity a plaintiff or prosecutor must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'... The district court instructed the jury on the 'pattern' requirement as follows: The statute defines the pattern of racketeering activity as requiring at least two acts of racketeering activity within 10 years of each other... It is not necessary that the two or more acts found to constitute the pattern be acts of the same kind or nature so long as you find beyond a reasonable doubt that the two acts of racketeering activity occurred within the time specified and that each was connected with the other by some common scheme, plan or motive so as to constitute a pattern...

Summary

The definition of a "pattern of racketeering activity" under RICO requires at least two related acts of racketeering that pose a threat of continued criminal activity. The passage explains that these acts do not need to be of the same kind but must be connected by a common scheme or motive. This supports the proposition that the mother's actions, if proven to be wire fraud and obstruction of justice, could constitute a pattern of racketeering activity if they are related and pose a threat of continued criminal activity.

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

U.S. Court of Appeals — Fifth Circuit

Extract

The RICO count charged that the four defendants violated 18 U.S.C.A. § 1962(c) by conducting the affairs of the Sheriff's Office through a pattern of racketeering activity. Engaging in a 'pattern of racketeering activity' requires at least two acts of racketeering within a ten-year period... To be convicted on a section 1962(c) RICO charge, the evidence must show that the defendant participated in the affairs of the enterprise through a pattern of racketeering activity. This requires the commission of at least two predicate crimes... Section 1961(5) defines 'pattern of racketeering activity' as requiring '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

Legal framework for understanding how multiple acts, such as wire fraud and obstruction of justice, can be considered as part of a pattern of racketeering activity if they are related to the affairs of an enterprise.

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

U.S. Supreme Court

Extract

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, which is directed at 'racketeering activity'—defined in § 1961(1) to encompass, inter alia, acts 'indictable' under specific federal criminal provisions, including mail and wire fraud—provides in § 1964(c) for a private civil action to recover treble damages by any person injured in his business or property 'by reason of a violation of section 1962.' Section 1962(c) prohibits conducting or participating in the conduct of an enterprise 'through a pattern of racketeering activity.' ... Section 1961(5), defining 'pattern of racketeering activity,' states that such a pattern 'requires at least two acts of racketeering activity.'

Summary

RICO defines "racketeering activity" to include acts indictable under federal criminal provisions such as wire fraud. The statute requires at least two acts of racketeering activity to establish a "pattern," which aligns with the proposition that the mother's actions could constitute such a pattern if they involve wire fraud and obstruction of justice. The passage supports the idea that these acts, if proven, could be part of a RICO claim.

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

U.S. Supreme Court

Extract

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

Summary

The U.S. Supreme Court in *United States v. Turkette* clarified that for a RICO conviction, there must be both an "enterprise" and a "pattern of

racketeering activity." The enterprise can be a group of individuals associated for a common purpose, and the pattern of racketeering activity involves a series of criminal acts. This supports the proposition by providing a legal framework under which the alleged acts of wire fraud and obstruction of justice could be considered part of a pattern of racketeering activity if they are connected to an enterprise.

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

U.S. Court of Appeals — Second Circuit

Extract

Two of the RICO counts allege that the fraudulent purchase orders, invoices and credit memoranda constitute a pattern of racketeering activity, the predicate acts being separate and numerous violations of the Mail Fraud Act, 18 U.S.C. Sec. 1341 (1982) and the Wire Fraud Act, 18 U.S.C. Sec. 1343 (1982)... Referring to section 1961(1) which defines 'racketeering activity,' the report says that that term is defined to include... wire and securities fraud, and obstruction of justice... 18 U.S.C. Sec. 1961(5) provides: (5) 'pattern of racketeering activity' requires at least two acts of racketeering activity...

Summary

The definition of "racketeering activity" under RICO includes acts such as wire fraud and obstruction of justice. The passage also clarifies that a "pattern of racketeering activity" requires at least two predicate acts. This directly supports the proposition that the alleged acts of wire fraud and obstruction of justice could constitute a pattern of racketeering activity under RICO.

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

U.S. Supreme Court

Extract

RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity. Pp. 237-239... 'Racketeering activity' is defined in RICO to mean 'any act or threat involving' specified state-law crimes, any 'act' indictable under various specified federal statutes, and certain federal 'offenses,' 18 U.S.C. § 1961(1) (1982 ed., Supp. V); but of the term 'pattern' the statute

says only that it 'requires at least two acts of racketeering activity' within a 10-year period, 18 U.S.C. § 1961(5).

Summary

At least two acts of racketeering activity within a 10-year period are required, and these acts must be related and either constitute or threaten long-term criminal activity. This supports the proposition that the alleged acts of wire fraud and obstruction of justice could constitute a pattern of racketeering activity if they meet these criteria.

[Chevron Corp. v. Donziger, 974 F. Supp. 2d 362 \(S.D. N.Y. 2014\)](#)

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

Extract

Section 1503 requires also proof of “a connection between the defendant's intentional acts and the likelihood of potentially affecting the administration of justice.” That is, “ ‘the act must have a relationship in time, causation, or logic with the judicial proceedings.’ ” Obstruction of justice is a predicate act under RICO in cases where, as here, a defendant's efforts were “designed to prevent detection and prosecution of the organization's illegal activities [and] were part of a consistent pattern that was likely to continue for the indefinite future, absent outside intervention.” ... The pattern requirement is well defined. The racketeering activity must include “at least two [predicate] acts” within a ten-year period. The predicate acts must be “related,” and they must “amount to or pose a threat of continued criminal activity.” The predicate acts cannot be “isolated events”—instead, they must “have the same or similar purposes, results, participants, victims, or methods of commission.”

Summary

For a RICO claim, there must be at least two predicate acts of racketeering that are related and pose a threat of continued criminal activity. The passage explains that these acts must not be isolated and should have similar purposes, results, participants, victims, or methods of commission. The passage also highlights that obstruction of justice can be a predicate act if it is connected to judicial proceedings and designed to prevent detection and prosecution of illegal activities. This supports the proposition that the mother's actions, if proven to be deceptive and obstructive, could constitute a pattern of racketeering activity under RICO.

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

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

Extract

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

Summary

The essential elements of wire fraud include a scheme to defraud, the objective of obtaining money or property, and the use of wires to further the scheme. This directly relates to the proposition, as the mother's alleged actions of transferring funds via PayPal under deceptive means could be seen as a scheme to defraud, with the use of electronic means (wires) to further that scheme. This supports the argument that her actions could constitute wire fraud, which is a predicate act under RICO.

[Delta Truck & Tractor, Inc. v. J.I. Case Co., 855 F.2d 241 \(5th Cir. 1988\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

A pattern of racketeering activity 'requires at least two acts of racketeering.' 18 U.S.C. Sec. 1961(5). Predicate acts of racketeering are defined to include wire and mail fraud. *Id.* at Sec. 1961(1)(B). In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 n. 14, 105 S.Ct. 3275, 3285 n. 14, 87 L.Ed.2d 346 (1985), the Supreme Court noted that 'while two acts [of racketeering] are necessary, they may not be sufficient.' The critical features of a pattern of racketeering activity are continuity and relationship.

Summary

Requirements for a pattern of racketeering activity under RICO, specifically noting that at least two acts of racketeering are required, and these acts can include wire fraud. The proposition involves alleged acts of wire fraud and obstruction of justice, which could potentially meet the criteria for a pattern of racketeering activity if they are related and pose a threat of continued criminal activity. The passage supports the proposition by confirming that wire fraud is a recognized predicate act under RICO and that a pattern requires at least two such acts.

[Gott v. Simpson, 745 F.Supp. 765 \(D. Me. 1990\)](#)

U.S. District Court — District of Maine

Extract

Plaintiffs contend that, when taken as true, the alleged acts of mail and wire fraud establish that Defendants violated 18 U.S.C. §§ 1962(b) and (c) of RICO. Those sections render civilly liable any person: who, through 'a pattern or racketeering activity,' acquires or maintains an interest in or control of an enterprise engaged in interstate commerce, 18 U.S.C. § 1962(b); or 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.' 18 U.S.C. § 1962(c). 'Racketeering activity' includes any act indictable under numerous federal criminal provisions, including mail and wire fraud as those offenses are defined at 18 U.S.C. §§ 1341 and 1343. 18 U.S.C. § 1961(1)(B). RICO states that a 'pattern of racketeering activity requires at least two acts of racketeering activity.' 18 U.S.C. § 1961(5). To establish the requisite pattern, Plaintiffs 'must show that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'

Summary

Requirements for establishing a "pattern of racketeering activity" under RICO, which includes at least two acts of racketeering activity that are related and pose a threat of continued criminal activity. The passage specifically mentions wire fraud as a predicate act under RICO, which is relevant to the proposition that the mother's actions could constitute wire fraud. Additionally, the passage discusses the need for the acts to be related and pose a threat of continued criminal activity, which aligns with the proposition's assertion of a pattern of racketeering activity.

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

U.S. District Court — District of Arizona

Extract

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

Summary

Statutory requirements for a RICO claim, specifically the need for a "pattern of racketeering activity," which requires at least two related acts that pose a threat of continued criminal activity. This directly relates to the proposition, as it suggests that the alleged acts of wire fraud and obstruction of justice could meet these criteria if they are related and pose such a threat.

[Corporacion Insular de Seguros v. Reyes Munoz, 849 F.Supp. 126 \(D. P.R. 1994\)](#)

U.S. District Court — District of Puerto Rico

Extract

The issuing and processing of the checks constitute a violation of the civil RICO statute. In order to prove a violation of civil RICO, plaintiff must prove: (1) that there existed an enterprise, which affected interstate commerce; (2) that codefendants were employed by or associated with the enterprise; (3) that codefendants participated in the conduct of the enterprise's affairs; and (4) that codefendants' participation was through a pattern of racketeering activity... A pattern requires at least two criminal activities within ten years. 18 U.S.C. § 1961(5) (1984). In addition, the racketeering predicates must be related and amount to or pose a continued threat of criminal activity.

Summary

Elements necessary to establish a civil RICO violation, which includes proving a pattern of racketeering activity. This pattern requires at least two related criminal acts that pose a threat of continued criminal activity. The passage supports the proposition by providing a legal framework for considering the alleged acts of wire fraud and obstruction of justice as part of a pattern of racketeering activity under RICO.

[Arizona Premium Finance, Inc. v. Bielli, 77 F.Supp.2d 341 \(E.D. N.Y. 1999\)](#)

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

Extract

To establish such a pattern of racketeering activity, 'a plaintiff must plead at least two predicate acts, show that the acts are related and that they amount to, or pose a threat of, continuing criminal activity.' H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 239, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). RICO is aimed at 'racketeering activity,' which the statute defines, in relevant part, as certain acts indictable under Federal law, including mail and wire fraud, and violations of the Hobbs Act. 18 U.S.C.

§ 1961(1)(B). A 'pattern' requires at least two acts of 'racketeering activity,' occurring within ten years of each other. See 18 U.S.C. § 1961(5).

Summary

To establish a RICO violation, a plaintiff must demonstrate at least two predicate acts of racketeering that are related and pose a threat of continued criminal activity. The passage specifically mentions wire fraud as a predicate act under RICO, which aligns with the proposition's claim of wire fraud through deceptive means using PayPal. Additionally, the requirement for acts to be related and pose a threat of continued activity supports the proposition's claim of a pattern of racketeering activity.

[Tashjian v. Deutsche Bank, CIVIL ACTION NO. 19-cv-40074-DHH \(D. Mass. Feb 23, 2021\)](#)

U.S. District Court — District of Massachusetts

Extract

To plead a civil RICO action, a plaintiff must plead specific, non-conclusory, facts which, if accepted as true, show the existence of four elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... To plead a 'pattern' of 'racketeering activity,' a plaintiff must set forth well-pled allegations of conduct violating specified federal or state statutes. Racketeering acts include ... violations of certain federal statutes, such as the mail and wire fraud statutes. See 18 U.S.C. § 1961(1). A 'pattern of racketeering activity' requires at least two acts of racketeering activity' within ten years of each other. 18 U.S.C. § 1961(5). ... To satisfy this mandate, a plaintiff must plead facts showing that racketeering acts are 'related, and that they amount to or pose a threat of continued criminal activity.'

Summary

Elements required to plead a civil RICO action, including the need for a "pattern of racketeering activity" which involves at least two acts of racketeering within ten years. It specifies that these acts must be related and pose a threat of continued criminal activity. The passage also identifies wire fraud as a potential racketeering act under 18 U.S.C. § 1961(1). This directly supports the proposition that the alleged acts of wire fraud and obstruction of justice could constitute a pattern of racketeering activity under RICO.

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

U.S. Court of Appeals — Sixth Circuit

Extract

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

Summary

To establish a RICO violation, there must be a pattern of racketeering activity, which requires at least two related predicate acts that pose a threat of continued criminal activity. This directly relates to the proposition, as the alleged acts of wire fraud and obstruction of justice could be considered predicate acts under RICO if they are related and pose such a threat.

[Advanced Optics Electronics, Inc. v. Robins, 633 F.Supp.2d 1237 \(D. N.M. 2008\)](#)

U.S. District Court — District of New Mexico

Extract

To show a pattern of racketeering activity under RICO requires showing that four separate elements have been met: (i) there must be at least two acts that would qualify as racketeering activity; (ii) the acts must have occurred within ten years of each other; (iii) the acts must be related to each other or part of a common scheme; and (iv) the acts must pose a threat of ongoing or expanding criminal activity.

Summary

Necessary elements to demonstrate a pattern of racketeering activity, which aligns with the proposition that the alleged acts of wire fraud and obstruction of justice could constitute such a pattern.

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

U.S. District Court — Southern District of Texas

Extract

Racketeering activity includes any act which is indictable under a number of federal criminal statutes, including mail fraud and wire fraud. Any act that does not fall within the purview of RICO's definition of predicate offenses is not an act of 'racketeering activity.' ... A 'pattern of racketeering activity' requires at least two acts of racketeering activity within a ten-year period. 18 U.S.C. § 1961(5). Although at least two acts of racketeering are necessary to constitute a pattern, two acts may not be sufficient. ... 'To prove a pattern of racketeering activity a plaintiff must show that the predicate acts are related to each other and that they either constitute or threaten long-term continued criminal activity.' ... Predicate acts are related if they 'have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.'

Summary

For a RICO claim, the alleged acts must be indictable under federal statutes like wire fraud. The passage also clarifies that a pattern of racketeering activity requires at least two related predicate acts that either constitute or threaten long-term criminal activity. The acts must be related by purpose, result, participants, or method, which aligns with the proposition's description of the mother's actions and the involvement of the stepfather and grandparents.

[United HealthCare Corp. v. American Trade Ins. Co., Ltd., 88 F.3d 563 \(8th Cir. 1996\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

UHC's surviving RICO claim was predicated on 18 U.S.C. § 1962(c), which states: It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. In order to demonstrate a violation of this section, therefore, a plaintiff must establish (1) the existence of an enterprise; (2) defendant's association with the enterprise; (3) defendant's participation in predicate acts of racketeering; and (4) defendant's actions constitute a pattern of racketeering activity. ... We have held that even a routine mailing (or wire use), or one sent for a legitimate business purpose may satisfy the 'actual use' requirement 'so long as it assists ... in carrying out the fraud.' ... Therefore, we conclude that UHC presented sufficient evidence to establish the predicate acts of racketeering. ... Instead, to prove a pattern of racketeering activity, a plaintiff must show that 'the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'

Summary

To establish a RICO violation, a plaintiff must demonstrate a pattern of racketeering activity, which includes showing that the predicate acts are related and pose a threat of continued criminal activity. The passage also clarifies that even routine wire use can satisfy the requirement if it assists in carrying out the fraud. This supports the proposition that the mother's actions, involving deceptive wire transfers and influencing others to serve an eviction notice based on unfiled pleadings, could constitute a pattern of racketeering activity.

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

Extract

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

Summary

18 U.S.C. § 1343 defines wire fraud as a crime involving a scheme to defraud or obtain money through false pretenses, using wire communications in interstate commerce. The mother's actions of transferring funds via PayPal under deceptive means could fall under this definition of wire fraud, as PayPal transactions typically involve interstate wire communications. This supports the proposition that her actions could be considered a predicate act of racketeering under RICO.

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

Extract

As used in this chapter- 'racketeering activity' means... (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1503 (relating to obstruction of justice), ... '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 definition of "racketeering activity" under 18 U.S.C. § 1961 includes acts indictable under sections 1343 (wire fraud) and 1503 (obstruction of justice). The passage also defines a "pattern of racketeering activity" as requiring at least two acts of racketeering. This directly supports the proposition that the alleged acts of wire fraud and obstruction of justice could constitute a pattern of racketeering activity under RICO.

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

Extract

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

Summary

The RICO Act makes it unlawful for any person to engage in a pattern of racketeering activity to acquire or maintain control of an enterprise affecting interstate or foreign commerce. The proposition involves alleged acts of wire fraud and obstruction of justice, which are considered predicate acts under RICO. The passage supports the proposition by establishing the legal framework under which such activities could be considered a pattern of racketeering.

[Life after Morrison: extraterritoriality and RICO.](#)

**Vanderbilt Journal of Transnational Law - Vanderbilt University,
School of Law - Mello, R. Davis - 2011-11-01**

Extract

The RICO statute meticulously defines 'racketeering activity.' (71) 'Racketeering activity' includes a broad range of federal crimes and other serious crimes, including bribery, counterfeiting, mail fraud, wire fraud, obstruction of justice... (72) Congress was more ambiguous as to the meaning of a 'pattern' of racketeering activity. Under the statute, a 'pattern of racketeering activity' consists of 'at least two acts of racketeering activity' committed within a ten-year time period. (73)... Justice White noted in footnote 14 that: [T]he definition of a 'pattern of racketeering activity' differs from the other provisions in [section] 1961 in that it states that a pattern 'requires at least two acts of racketeering activity,' not that it 'means' two such acts. The implication is that while two acts are necessary, they may not be sufficient... (86) Justice White also cited RICO's legislative history, which, he determined, 'supports the view that two isolated acts of racketeering

activity do not constitute a pattern.' (87)... the Court held that 'a plaintiff or prosecutor must prove ... continuity of racketeering activity, or its threat.' (100)...

Summary

Detailed explanation of what constitutes "racketeering activity" under RICO, including wire fraud and obstruction of justice, which are relevant to the proposition. It also discusses the requirement of a "pattern of racketeering activity," which involves at least two acts that are related and pose a threat of continued criminal activity. The passage highlights the need for continuity and relationship between the acts, which aligns with the proposition's claim of a pattern involving deceptive financial transactions and obstruction of justice.

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

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

Extract

The most commonly charged RICO predicate acts are mail fraud and wire fraud, 18 U.S.C. §§ 1341, 1343. The elements of proof necessary to establish mail or wire fraud predicates are set forth in Section 5.10, *infra*. ... Under 18 U.S.C. § 1341 [1343], a person who has devised or intended to devise a scheme or artifice to defraud, or to obtain money or property by means of false or fraudulent pretenses, representations, or promises, and who uses the mails [or interstate wire communications] to execute or attempt to execute the scheme or artifice to defraud, has committed mail [wire] fraud. ... A pattern of racketeering activity requires at least two acts of racketeering activity within ten years of each other [one of which must have occurred after October 15, 1970]. Those acts must be related to each other, and must also amount to, or pose a threat of, continuing criminal activity.

Summary

Elements required to establish wire fraud, which aligns with the proposition's claim of transferring funds via PayPal under deceptive means. Additionally, the passage explains the requirement of a pattern of racketeering activity, which involves at least two related acts that pose a threat of continued criminal activity. This supports the proposition's claim of a pattern involving wire fraud and obstruction of justice.

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

Extract

The first element of RICO requires two or more predicate acts of 'racketeering activity.' (28) RICO defendants need not be convicted of each underlying offense before a civil or criminal RICO offense is charged. (29) Under [sections] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes... wire fraud; mail fraud;... obstruction of justice; obstruction of criminal investigations;... (36.) See H.J., Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 230 (1989) (holding that two acts may not be sufficient to establish RICO violation);... (254.) As defined by the statute, 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity....' 18 U.S.C. [sections] 1961(5) (1998).

Summary

RICO requires at least two predicate acts of racketeering activity, which can include wire fraud and obstruction of justice. These acts must be related and pose a threat of continued criminal activity. The passage also clarifies that a conviction for each underlying offense is not necessary before charging a RICO offense. This supports the proposition that the mother's actions, if proven to involve wire fraud and obstruction of justice, could constitute a pattern of racketeering activity under RICO.

[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... To establish a § 1962(c) RICO claim, the following elements must be proven:

- Enterprise: A structured group of individuals associated for a common purpose.
- Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years.
- Conduct: Directly or indirectly conducting the enterprise's affairs through racketeering.
- Injury: An injury to business or property due to the racketeering activity.

Summary

Necessary elements to establish a RICO claim under § 1962(c), which includes proving a pattern of racketeering activity through at least two predicate acts, such as wire fraud and obstruction of justice. The passage also emphasizes the need for these acts to be related and continuous, which aligns with the proposition's claim of a pattern of racketeering activity involving wire fraud and obstruction of justice. The requirement for an enterprise and injury to business or property is also addressed, which supports the proposition's context of financial and procedural manipulation.

[RICO: A Primer](#)

Extract

The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961. Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. ' 1831 (economic espionage); 18 U.S.C. ' 1832 (theft of trade secrets); 18 U.S.C. ' 1952 (Travel Act); 18 U.S.C. ' 1956, 1957 (money laundering); and 18 U.S.C. ' 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts.

Summary

The passage explains that a RICO case requires a pattern of racketeering activity, which includes offenses such as wire fraud. The proposition involves allegations of wire fraud through deceptive means using PayPal, which aligns with the predicate acts described in the passage. Additionally, the passage notes that mail and wire fraud are common predicate acts, supporting the idea that the alleged actions could constitute a pattern of racketeering activity under RICO.

[RICO: A Primer](#)

Extract

The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961. Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example,

violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. ' 1831 (economic espionage); 18 U.S.C. ' 1832 (theft of trade secrets); 18 U.S.C. ' 1952 (Travel Act); 18 U.S.C. ' 1956, 1957 (money laundering); and 18 U.S.C. ' 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts.

Summary

Legal basis for considering the alleged actions as part of a RICO violation.

This memo was compiled by Vincent AI based on vLex materials available as of June 09, 2025. [View full answer on vLex](#)