

Question

If a defendant in Oklahoma conspires with someone's wife in Texas to defraud the husband of his property interests by filing documents with false statements with the intention of presenting them to the Texas courts and they contain material false statements, and this plan works, does this open up a RICO claim if they also transferred money across state lines and emptied the joint marital bank account under a deceptive promise of wanting to help if their actions include transferring money across state lines, and then preparing a false affidavit of inability to pay in Oklahoma to be presented to Texas courts as well as an original divorce petition claiming an active protective order exists against the husband which is not true, and then the husband was removed from his home which is also his place of business?

Answer (U.S. Federal)

Short response

Based on the provided materials, the described scenario could potentially give rise to a viable RICO claim, as it appears to involve a conspiracy and pattern of racketeering activities including fraud across state lines that affected interstate commerce and resulted in injury to the husband's business and property interests. The presence of multiple predicate acts (filing false documents, fraudulent transfers of money across state lines, false statements in court filings) conducted through interstate commerce could satisfy the requirements for establishing a pattern of racketeering activity connected to an enterprise.

Summary

The described scenario presents a potential civil RICO claim under [18 U.S.C. § 1962](#), as it involves multiple actors conspiring across state lines to engage in potentially fraudulent activities that harmed the husband's property and business interests. The actions described—conspiracy between the defendant in Oklahoma and the wife in Texas, filing fraudulent documents in court, transferring money across state lines, emptying joint marital accounts through deception, filing false affidavits, and making false claims about protective orders that resulted in the husband's removal from his home/business—could constitute predicate acts of racketeering activity under RICO, particularly mail/wire fraud.

To establish a civil RICO claim, the husband would need to demonstrate: (1) a person who engages in (2) a pattern of racketeering activity (3) connected to an enterprise (4) affecting interstate commerce, which resulted in injury to his business or property. The interstate nature of the activities (Oklahoma-Texas), multiple fraudulent acts over time, and the direct harm to the husband's property and business interests suggest the potential

elements of a RICO claim are present, though success would depend on proving specific details about how each act furthered the fraudulent scheme and demonstrating the defendants' specific intent to defraud.

Background and Relevant Law

RICO Statutory Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO) provides both criminal penalties and civil remedies for certain prohibited activities. Under [18 U.S.C. § 1962](#), several activities are prohibited, including:

[18 U.S.C. § 1962](#) provides: "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."

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

To understand what constitutes "racketeering activity" under RICO, we must look to the definitions provided in [18 U.S.C. § 1961](#):

[18 U.S.C. § 1961](#) defines "racketeering activity" to include "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud)..."

The statute further defines a "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."

For wire fraud specifically, [18 U.S.C. § 1343](#) states: "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."

Regarding the transportation of funds obtained through fraud across state lines, [18 U.S.C. § 2314](#) provides: "Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud..."

The importance of civil remedies under RICO is highlighted in [18 U.S.C. § 1964](#), which states: "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee."

Judicial Interpretation of RICO Elements

Courts have consistently interpreted RICO to require several key elements for a successful claim. In [Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#), the court explained: "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.'"

Similarly, in [Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#), the court reiterated: "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.'" The court also emphasized the heightened pleading standards for fraud-based RICO claims: "In the civil RICO context, Rule 9(b) also requires the plaintiff to allege specifically how each act of mail or wire fraud furthered the fraudulent scheme, who caused what to be mailed or wired when, and how the mailing or wiring furthered the fraudulent scheme."

[Cedra Pharmacy Houston, LLC v. UnitedHealth Grp., Inc., CIVIL ACTION NO. H-17-3800 \(S.D. Tex. Mar 07, 2019\)](#) further clarified: "A plaintiff in a civil action may recover damages under the RICO statute, [18 U.S.C. § 1961](#), et seq., if he is able to allege and prove: 1) a violation of [18 U.S.C. § 1962](#)(a), (b), (c), or (d), and 2) injury to business or property as a result of such violation."

The requirements for establishing a pattern of racketeering activity were addressed in [Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#): "A pattern of racketeering activity consists of two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity." The court also noted that "Predicate acts can be either state or federal crimes" and that "RICO reaches only those unlawful activities that amount to or threaten long-term criminal activity."

In [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), the court provided further clarity on what constitutes mail fraud as a predicate act: "For mail fraud, it is necessary to show that (1) the defendants formed a scheme or artifice to defraud; (2) the defendants used the United States mails or caused a use of the United States mails in furtherance of the scheme; and (3) the defendants did so with the specific intent to deceive or defraud."

Additional insight on the interstate commerce requirement comes from [Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#): "Because RICO is a

federal statute, the racketeering must have at least a minimal nexus with interstate commerce."

Secondary Materials on RICO Claims

Secondary sources provide valuable context for understanding RICO claims. According to [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." It further notes that "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." Importantly, "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. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement."

[PAYORS, PLAYERS, AND PROXIMATE CAUSE](#) explains that RICO "is not just a tool for government control over organized crime. It is also a remedial statute for civil matters." It outlines four types of conduct prohibited under § 1962: "(1) using income derived from a pattern of racketeering activity to acquire an interest in an enterprise; (2) acquiring or maintaining an interest in an enterprise through a pattern of racketeering activity; (3) conducting the affairs of an enterprise through a pattern of racketeering activity; and (4) conspiring to commit any of these offenses."

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) notes that RICO "pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity,'" defining an enterprise as "an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity," and a pattern of racketeering activity as requiring "long-term, organized conduct to violate state and federal laws."

RICO: A Primer highlights that "[a] pattern may exist where any combination of two or more offenses occurred within a period of time" and that continuity can be demonstrated by showing either "Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time'" or "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."

Finally, regarding conspiracy between spouses, Federal criminal conspiracy confirms that "[t]he legal fiction that a husband and wife are one person in the eyes of the law has been abandoned," meaning "a husband and wife are legally capable of conspiring with each other."

Analysis

Application of RICO Elements to the Described Scenario

1. Persons Engaged in Prohibited Activities

The scenario describes at least two individuals: a defendant in Oklahoma and someone's wife in Texas. These individuals could qualify as "persons" under RICO. As noted in [Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#), a person who is "employed by or associated with an enterprise cannot conduct the affairs of the enterprise through a pattern of racketeering activity."

2. Pattern of Racketeering Activity

The scenario describes multiple potential predicate acts that could constitute "racketeering activity" under [18 U.S.C. § 1961](#):

1. Filing documents with false statements intended for Texas courts
2. Transferring money across state lines that was fraudulently obtained
3. Emptying a joint marital bank account under deceptive pretenses
4. Preparing a false affidavit regarding inability to pay
5. Filing a divorce petition with false claims about a protective order

Per [18 U.S.C. § 1961](#), "racketeering activity" includes acts indictable under various federal criminal statutes, including mail fraud (18 U.S.C. § 1341), wire fraud ([18 U.S.C. § 1343](#)), and financial institution fraud (18 U.S.C. § 1344). The transfer of money across state lines could potentially be indictable under [18 U.S.C. § 2314](#), which prohibits the transportation of stolen or fraudulently obtained money across state lines if valued at \$5,000 or more.

For these acts to constitute a "pattern of racketeering activity," there must be at least two related acts that "amount to or pose a threat of continued criminal activity" as noted in [Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#). The multiple acts described appear to be related as part of a coordinated scheme to defraud the husband of his property and business interests.

The acts also suggest continuity, which could be established under either:

1. Closed-ended continuity: The acts occurred over a period of time and involved multiple steps in a coordinated plan.
2. Open-ended continuity: The nature of the enterprise (defrauding the husband through divorce proceedings) suggests ongoing fraudulent activity.

As RICO: A Primer explains, continuity can be demonstrated by showing either "a series of related predicate acts extending over a substantial period of time" or a threat of "continuing criminal activity extending indefinitely into the future."

3. Connection to an Enterprise

An "enterprise" under RICO could be established by showing an association-in-fact between the defendant in Oklahoma and the wife in Texas. As defined in [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#), an enterprise can be "an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity."

The coordinated efforts between the Oklahoma defendant and the Texas wife to defraud the husband could constitute such an association-in-fact enterprise, particularly if they maintained some organizational structure and common purpose over time.

4. Interstate Commerce Nexus

The scenario clearly involves interstate activity:

1. The conspiracy spans two states (Oklahoma and Texas)
2. Money was transferred across state lines
3. Documents were prepared in Oklahoma for use in Texas courts

As noted in [Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#), "RICO requires at least a minimal nexus with interstate commerce." Similarly, [Civil Rico: A Tool of Advocacy](#) states that "RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement."

The transfer of money across state lines and the preparation of documents in one state for use in another's courts would likely satisfy this minimal nexus requirement.

5. Injury to Business or Property

The husband suffered clear injuries to his property interests:

1. Loss of money from the joint marital account
2. Removal from his home, which also served as his place of business

[18 U.S.C. § 1964](#) provides that "[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor." The husband's loss of property and business access would likely qualify as injuries under this provision.

6. Conspiracy Aspect

The scenario explicitly mentions conspiracy between the Oklahoma defendant and the Texas wife. Under [18 U.S.C. § 1962\(d\)](#), it is "unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section."

As noted in [Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#), "To demonstrate a civil RICO conspiracy, a claimant must

show that: (1) two or more persons agreed to commit a substantive RICO offense, and (2) the defendant knew of and agreed to the overall objective of the RICO offense."

Importantly, Federal criminal conspiracy confirms that "a husband and wife are legally capable of conspiring with each other," refuting any potential defense that spouses cannot legally conspire.

Pleading Requirements

If the husband were to pursue a civil RICO claim, he would need to meet the heightened pleading requirements for fraud-based claims. As noted in [Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#), "Rule 9(b) also requires the plaintiff to allege specifically how each act of mail or wire fraud furthered the fraudulent scheme, who caused what to be mailed or wired when, and how the mailing or wiring furthered the fraudulent scheme."

This means the husband would need to provide specific details about:

1. How each false document furthered the fraudulent scheme
2. Who prepared and filed each document and when
3. How money was transferred across state lines (wire transfers, checks, etc.)
4. How each act connected to the overall scheme to defraud

Exceptions and Caveats

Proof of Specific Intent

For predicate acts involving fraud, the plaintiff must demonstrate specific intent to defraud. As noted in [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), for mail fraud, it is necessary to show that "the defendants did so with the specific intent to deceive or defraud."

The husband would need evidence that the defendants actually intended to defraud him, rather than merely making misrepresentations during a contentious divorce proceeding.

Alternative Remedies

While a RICO claim may be viable, the husband might also have alternative remedies available under state law, such as:

1. Fraud claims
2. Conversion claims for the emptied bank account
3. Remedies within the divorce proceedings themselves

These alternatives might be simpler to pursue than the complex RICO claim.

Pattern Requirement Challenges

To establish a "pattern" of racketeering activity, the plaintiff must show that the predicate acts are both related and continuous. While the acts described appear related, demonstrating continuity might be challenging if they all occurred within a relatively short timeframe and were all directed toward a single, finite goal (defrauding the husband during divorce proceedings).

As noted in [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#), "If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim."

Conclusion

Based on the provided materials, the scenario described could potentially support a civil RICO claim under [18 U.S.C. § 1962](#). The actions involve multiple persons engaged in what appears to be a pattern of racketeering activity connected to an enterprise that affects interstate commerce, resulting in injury to the husband's business and property.

Key factors supporting a potential RICO claim include:

1. Multiple predicate acts that could constitute racketeering activity under [18 U.S.C. § 1961](#), including potential mail fraud, wire fraud, and transportation of fraudulently obtained money across state lines.
2. A conspiracy between at least two individuals (the Oklahoma defendant and the Texas wife) to engage in these activities.
3. Clear interstate nexus with activities spanning Oklahoma and Texas.
4. Direct injury to the husband's property interests and business.
5. Potential pattern of related acts that suggest continuity of criminal activity.

However, successfully pursuing such a claim would require meeting heightened pleading requirements for fraud-based RICO claims, including specific details about how each act furthered the fraudulent scheme. The husband would also need to demonstrate the defendants' specific intent to defraud and establish that the predicate acts truly constitute a pattern of racketeering activity rather than isolated incidents.

While a RICO claim appears potentially viable based on the facts presented, its success would depend on specific details not provided in the scenario and the ability to meet the stringent requirements for establishing each element of a civil RICO claim. The husband might also want to consider alternative remedies under state law, which could be simpler to pursue.

The potential for treble damages under [18 U.S.C. § 1964](#) makes a RICO claim particularly attractive if viable, as the plaintiff "shall recover threefold

the damages he sustains and the cost of the suit, including a reasonable attorney's fee." This powerful remedy could provide significant compensation for the husband's losses if all RICO elements can be successfully established.

Legal Authorities

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

U.S. District Court — Southern District of Texas

Extract

Under RICO, while four distinct offenses are declared to be unlawful, common elements are present in all four offenses... 'Racketeering activity' is defined in § 1961(1) in terms of a list of state and federal crimes... Under § 1961(1)(B), racketeering activity includes any act which is indictable under a number of federal criminal statutes, including mail fraud and wire fraud... For mail fraud, it is necessary to show that (1) the defendants formed a scheme or artifice to defraud; (2) the defendants used the United States mails or caused a use of the United States mails in furtherance of the scheme; and (3) the defendants did so with the specific intent to deceive or defraud... A 'pattern of racketeering activity' requires at least two acts of racketeering activity within a ten-year period... The predicate acts must 'amount to or threaten continuing racketeering activity.'

Summary

Detailed explanation of what constitutes a RICO claim, including the requirement of predicate offenses such as mail and wire fraud, and the necessity of demonstrating a pattern of racketeering activity. The described scenario involves potential predicate offenses like fraud and possibly wire fraud if interstate communications were used. The passage also emphasizes the need for continuity or a threat of ongoing criminal activity, which could be relevant if the fraudulent actions are part of a larger scheme.

[Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#)

U.S. District Court — Southern District of Texas

Extract

RICO requires a showing that (1) a person that engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise. *Crowe v. Henry*, 43 F.3d 198, 204 (5th Cir.1995) (quoting *Delta Truck & Tractor, Inc. v. J.I. Case Co.*, 855 F.2d 241 (5th Cir.1988)) (emphasis in original). Because RICO is a federal statute, the racketeering must have at least a minimal nexus with interstate commerce. *R.A.G.S. Couture, Inc. v. Hyatt*, 774 F.2d 1350, 1353 (5th Cir.1985).

Summary

Framework for evaluating whether the described actions could constitute a RICO violation.

[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.' ... In the civil RICO context, Rule 9(b) also requires the plaintiff to allege specifically how each act of mail or wire fraud furthered the fraudulent scheme, who caused what to be mailed or wired when, and how the mailing or wiring furthered the fraudulent scheme.

Summary

Essential elements required to establish a civil RICO claim, which includes demonstrating a pattern of racketeering activity connected to an enterprise. It also emphasizes the need for specificity in alleging acts of fraud, particularly mail and wire fraud, under Rule 9(b). This is relevant to the question as it provides a framework for assessing whether the described actions could constitute a RICO violation.

[Cedra Pharmacy Houston, LLC v. UnitedHealth Grp., Inc., CIVIL ACTION NO. H-17-3800 \(S.D. Tex. Mar 07, 2019\)](#)

U.S. District Court — Southern District of Texas

Extract

A plaintiff in a civil action may recover damages under the RICO statute, 18 U.S.C. § 1961, et seq., if he is able to allege and prove: 1) a violation of 18 U.S.C. § 1962(a), (b), (c), or (d), and 2) injury to business or property as a result of such violation. 18 U.S.C. § 1964(c) ('Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court. .. '). Section 1962, as interpreted by the Fifth Circuit Court of Appeals, provides in its simplest terms, that: *Crowe v. Henry*, 43 F.3d 198, 203 (5th Cir. 1995). 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.' *Id.* at 204 (emphasis in original).

Summary

Framework for understanding the requirements for a RICO claim, which is relevant to the question of whether the described actions could constitute a RICO violation.

[Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#)

U.S. District Court — Southern District of Texas

Extract

RICO provides civil causes of action for recovery of treble damages for '[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter.' 18 U.S.C. § 1964 (c). Plaintiffs have alleged that defendants have violated §§ 1962(c) and (d). These subsections state: 18 U.S.C. §§ 1962(c) and (d). The Fifth Circuit has interpreted these subsections to mean that 'a person who is employed by or associated with an enterprise cannot conduct the affairs of the enterprise through a pattern of racketeering activity[, and that] a person cannot conspire to violate subsection[.]. .. (c).' ... A pattern of racketeering activity consists of two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity. ... Predicate acts can be either state or federal crimes. ... Because RICO reaches only those unlawful activities that amount to or threaten long-term criminal activity, a RICO complaint must allege that 'the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' ... Subsection (d) of 18 U.S.C. § 1962 makes it 'unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.' 'To demonstrate a civil RICO conspiracy, a claimant must show that: (1) two or more persons agreed to commit a substantive RICO offense, and (2) the defendant knew of and agreed to the overall objective of the RICO offense.'

Summary

To establish a RICO claim, there must be a pattern of racketeering activity, which involves at least two related predicate criminal acts that pose a threat of continued criminal activity. Additionally, for a RICO conspiracy claim, it must be shown that two or more persons agreed to commit a substantive RICO offense and that the defendant knew of and agreed to the overall objective of the RICO offense. The passage also clarifies that predicate acts can be state or federal crimes, and the enterprise involved must be separate from the pattern of racketeering activity.

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

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. ... To rise to the level of “racketeering activity” there must be two or more predicate acts that are: (1) related; and (2) amount to or pose a threat of continued criminal activity.

Summary

Framework for evaluating whether the actions described in the question could constitute a RICO claim.

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

Summary

The statute makes it unlawful for any person to engage in a pattern of racketeering activity or to conspire to do so, especially when such activities affect interstate commerce. The actions described in the question, such as filing false documents, transferring money across state lines, and conspiring to defraud, could potentially be considered a pattern of racketeering activity if they meet the criteria set forth in the statute. The involvement of interstate commerce, as indicated by the transfer of money across state lines, further supports the applicability of RICO.

[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 addresses schemes to defraud using interstate wire communications. The scenario described in the question involves transmitting false documents and transferring money across state lines, which could potentially fall under this statute if wire communications were used in the process. This statute is relevant to the question as it provides a basis for federal charges related to wire fraud, which could be part of a broader RICO claim if other elements of a RICO violation are present.

[18 U.S.C. § 2314 18 U.S.C. § 2314 Transportation of Stolen Goods, Securities, Moneys, Fraudulent State Tax Stamps, Or Articles Used In Counterfeiting](#)

Extract

Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud; or 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, transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more...

Summary

Such actions are punishable under federal law, which could support a RICO claim if the activities are part of a pattern of racketeering activity.

[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 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), ... '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 RICO Act defines "racketeering activity" to include acts indictable under certain provisions of Title 18, such as mail fraud, wire fraud, and financial institution fraud. The scenario described in the question involves filing false documents and transferring money across state lines, which could potentially fall under wire fraud or financial institution fraud if the actions meet the legal definitions of those crimes. Additionally, the RICO Act requires a "pattern of racketeering activity," which involves at least two acts of racketeering activity within a specified time frame. If the actions described in the question meet these criteria, it could potentially open up a RICO claim.

[18 U.S.C. § 1964 18 U.S.C. § 1964 Civil Remedies](#)

Extract

Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

Summary

The passage from 18 U.S.C. § 1964 outlines the civil remedies available for violations of section 1962, which deals with RICO violations. It states that any person injured in their business or property due to such a violation can sue in a U.S. district court and recover triple the damages and the cost of the suit. This is relevant to the question because the scenario described involves potential RICO violations, such as conspiracy to defraud and transferring money across state lines, which could be considered racketeering activities under section 1962.

[18 U.S.C. § 1963 18 U.S.C. § 1963 Criminal Penalties](#)

Extract

Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law- any interest the person has acquired or maintained in violation of section 1962; any-(A) interest in; (B) security of; (C) claim against; or (D) property or contractual right of any kind affording a source of influence over; any enterprise which the person

has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

Summary

Penalties for violating section 1962, which involves engaging in racketeering activities. It specifies that violators can face fines, imprisonment, and forfeiture of any interests or property obtained through racketeering. The context of the question involves a scheme to defraud, which could potentially fall under racketeering if it involves a pattern of illegal activity as defined by RICO statutes. The passage is relevant as it provides the legal framework for penalties and forfeiture related to racketeering activities, which could apply if the actions described in the question meet the criteria for a RICO violation.

[Federal criminal conspiracy.](#)

American Criminal Law Review - Georgetown University Law Center - Davis, Christian - 2007-03-22

Extract

conspiracy is entirely separate from completed substantive offense completed pursuant to the conspiracy, and its appropriately punished as a separate offense." (quoting *United States v. Inakufu*, 938 F.2d 972, 973-74 (9th Cir. 1991)). ... *United States v. Chandler*, 388 F.3d 796, 805-06 (11th Cir. 2004) (stating conspiracy is agreement to commit unlawful act and this agreement is the essential evil at which the crime of conspiracy is directed). ... The legal fiction that a husband and wife are one person in the eyes of the law has been abandoned for purposes of [section] 371; thus, a husband and wife are legally capable of conspiring with each other. See *United States v. Dege*, 364 U.S. 51, 54-55 (1960) (holding changes in status of women mandates they

Summary

Conspiracy is a separate offense from the substantive crime that results from it. It also emphasizes that conspiracy involves an agreement to commit an unlawful act, which is the core of the crime. Importantly, it notes that a husband and wife can legally conspire with each other, which is relevant to the scenario described in the question. This information is generally applicable to federal conspiracy law and can be used to assess whether the actions described could constitute a conspiracy under federal law.

[Federal criminal conspiracy.](#)

American Criminal Law Review - Georgetown University Law Center - Siegel, Richard - 2006-03-22

Extract

an agreement between two or more persons, including defendant, to commit a particular crime). (22.) The legal fiction that a husband and wife are one person in the eyes of the law has been abandoned for purposes of [section] 371 ; thus, a husband and wife are legally capable of conspiring with each other. See *United States v. Dege*, 364 U.S. 51, 54-55 (1960) (holding changes in status of women mandates they be treated as separate legal entities capable of conspiring with their husbands).

Summary

Under U.S. federal law, a husband and wife are considered separate legal entities and can conspire with each other. This is relevant to the question as it involves a conspiracy between a wife and another individual to defraud the husband. The passage supports the notion that such a conspiracy is legally recognized and can be prosecuted under federal conspiracy laws.

[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. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement.

Summary

To establish a RICO claim under § 1962(c), the plaintiff must demonstrate 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). The passage is generally applicable to RICO claims and provides a framework for evaluating whether the elements of a RICO claim are met.

[PAYORS, PLAYERS, AND PROXIMATE CAUSE.](#)

**Notre Dame Law Review - University of Notre Dame Law School -
Crusey, Elisabeth F. - 2022-05-01**

Extract

RICO is not just a tool for government control over organized crime. It is also a remedial statute for civil matters. (31) It 'authorize[s]... criminal or civil remedies on conduct already criminal, when performed in a specified fashion' as delineated by the statute. (32) Section 1962 provides civil remedies for four types of conduct: (1) using income derived from a pattern of racketeering activity (33) to acquire an interest in an enterprise; (2) acquiring or maintaining an interest in an enterprise through a pattern of racketeering activity; (3) conducting the affairs of an enterprise through a pattern of racketeering activity; and (4) conspiring to commit any of these offenses. (34) Today, Congress urges courts to construe RICO liberally from the 'perspective of the victim, not the perpetrator.' (35) A private civil right of action in [section] 1964 provides that '[a]ny person injured in his business or property by reason of a violation of section 1962... may sue.' (36) Notably, a successful plaintiff under [section] 1964 is entitled to treble damages and the cost of the suit, including attorney fees. (37)

Summary

Types of conduct that can give rise to a civil RICO claim, including conspiring to commit offenses that involve a pattern of racketeering activity. The scenario described in the question involves potential racketeering activities such as fraud and conspiracy, which could fall under the purview of RICO if they meet the statutory requirements.

[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... 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.

Summary

RICO provides for civil action against individuals engaged in a pattern of racketeering activity. The passage outlines that a pattern may exist with two or more offenses, and it describes the types of RICO violations under section 1962, including conspiring to conduct an enterprise through racketeering activities. The described scenario involves multiple fraudulent acts and interstate activities, which could potentially be considered a pattern of racketeering activity under RICO.

[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. ... 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. ... Under Section 1962(d), it is a violation to conspire to commit any of the three substantive RICO offenses.

Summary

RICO provides for civil action against individuals engaged in a pattern of racketeering activity. The passage outlines that a pattern can be established through either closed-ended or open-ended continuity of criminal acts. The passage also details the four types of RICO violations, including conspiring to commit RICO offenses. The described scenario involves multiple acts that could be considered predicate acts under RICO, such as fraud and conspiracy, and involves interstate activities, which could affect interstate commerce. Therefore, the described actions could potentially form the basis of a RICO claim if they meet the criteria of a pattern of racketeering activity.

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. ... Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud. ... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim. ... Fifth, a RICO claim cannot exist without some nexus to interstate commerce. If the alleged conduct does not affect interstate commerce, it must be dismissed.

Summary

Requirements for a RICO claim, including the need for an "enterprise" and a "pattern of racketeering activity," which involves long-term, organized conduct violating state and federal laws. It also highlights the necessity of proving a qualifying criminal action, such as mail or wire fraud, and the requirement for a pattern of racketeering activity, which must be continuous and not isolated. Additionally, there must be a nexus to interstate commerce for a RICO claim to exist.

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: * Section 1962(a) prohibits a person from investing in an enterprise any income derived from a pattern of racketeering activity; * Section 1962(b) prohibits a person from using a pattern of racketeering activity to acquire or maintain control over an enterprise; * Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering; and * Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c).

Summary

Types of activities prohibited by RICO, including conducting the affairs of an enterprise through a pattern of racketeering and conspiring to violate these

provisions. The scenario described in the question involves potential fraudulent activities, interstate transactions, and a conspiracy, which could potentially fall under the scope of RICO if they meet the criteria of an "enterprise" and a "pattern of racketeering activity."

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