

# **Question**

In a scenario where an individual travels from Texas to Oklahoma to prepare fraudulent divorce paperwork, steals \$1,576 of jointly-managed marital assets using a third party in Oklahoma, uses those funds to purchase a second phone to conceal the activity from their spouse, and then submits fraudulent divorce documents (including a petition and affidavit of indigency) to a Texas court, what predicate acts under federal law may be implicated by these actions?

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

## **Short response**

The scenario described implicates several potential federal predicate acts including wire fraud ([18 U.S.C. § 1343](#)), mail fraud ([18 U.S.C. § 1341](#)), interstate travel in aid of racketeering ([18 U.S.C. § 1952](#)), and money laundering ([18 U.S.C. § 1956](#)), each arising from different aspects of the fraudulent scheme spanning two states.

## **Summary**

The actions described in the scenario potentially constitute several federal predicate acts due to their interstate nature and fraudulent character. The individual's travel from Texas to Oklahoma to prepare fraudulent divorce paperwork may trigger the Interstate Travel in Aid of Racketeering statute ([18 U.S.C. § 1952](#)), while the theft of jointly-managed marital assets and subsequent use of those funds to purchase a second phone to conceal activity could implicate money laundering provisions ([18 U.S.C. § 1956](#)). Additionally, the submission of fraudulent divorce documents to a Texas court may constitute mail fraud ([18 U.S.C. § 1341](#)) or wire fraud ([18 U.S.C. § 1343](#)), depending on the method of transmission.

These actions represent a coordinated scheme spanning multiple jurisdictions with multiple predicate acts that could potentially form the basis for federal charges. The conspiracy aspect of the scenario, involving a third party in Oklahoma to steal the marital assets, may also implicate conspiracy provisions ([18 U.S.C. § 1349](#)). Each of these potential violations carries significant penalties, including substantial fines and imprisonment for up to twenty years, as well as potential asset forfeiture under [18 U.S.C. § 982](#).

# **Background and Relevant Federal Law**

## **Mail and Wire Fraud (18 U.S.C. §§ 1341, 1343)**

Two of the most commonly implicated federal predicate acts in fraud schemes are mail fraud ([18 U.S.C. § 1341](#)) and wire fraud ([18 U.S.C. § 1343](#)). These statutes are frequently used by federal prosecutors due to their broad applicability to schemes involving deception across state lines.

Mail fraud under [18 U.S.C. § 1341](#) prohibits the use of mail or interstate carriers in furtherance of fraudulent schemes: "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, ... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, ... shall be fined under this title or imprisoned not more than 20 years, or both."

Similarly, wire fraud under [18 U.S.C. § 1343](#) addresses schemes involving electronic communications: "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."

The elements required to establish mail and wire fraud have been consistently articulated by federal courts. In [Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#), the court stated that mail and wire fraud require proof of: "(1) a scheme to defraud that employed false material representations, (2) the use of mail or interstate wires in furtherance of the scheme, and (3) the specific intent to defraud."

Similarly, in [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), the court specified that "a wire fraud violation consists of (1) the formation of a scheme or artifice to defraud; (2) use of the United States wires or causing a use of the United States wires in furtherance of the scheme; and (3) specific intent to deceive or defraud."

According to a secondary source, Theft offenses (2020-04-29), "Mail fraud, 18 U.S.C. §1341 requires that the defendant devise or intend to devise a scheme to defraud (or to perform specified fraudulent acts), and that the defendant use the mail for the purpose of executing, or attempting to execute, the scheme to defraud. ... Wire fraud, 18 U.S.C. §1343, is very similar to the mail fraud statute. It adds the requirement of the use of an interstate telephone call or electronic communication made in furtherance of the scheme."

## **Interstate Travel in Aid of Racketeering ([18 U.S.C. § 1952](#))**

The Interstate Travel in Aid of Racketeering Act (ITAR), also known as the Travel Act, is another potentially applicable federal statute in this scenario. [18 U.S.C. § 1952](#) provides: "Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to- distribute the proceeds of any unlawful activity; or commit any crime of violence to further any unlawful activity; or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform- (A) an act described in paragraph or shall be fined under this title, imprisoned not more than 5 years, or both; or (B) an act described in paragraph shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life."

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

## **Money Laundering ([18 U.S.C. § 1956](#))**

The actions described in the scenario may also implicate federal money laundering statutes. [18 U.S.C. § 1956](#) addresses the laundering of monetary instruments: "Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity... (B) knowing that the transaction is designed in whole or in part- (i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity... shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both."

## **Fraud in Connection with Access Devices ([18 U.S.C. § 1029](#))**

Another potentially relevant statute is [18 U.S.C. § 1029](#), which addresses fraud related to access devices: "Whoever knowingly and with intent to defraud produces, uses, or traffics in one or more counterfeit access devices; knowingly and with intent to defraud traffics in or uses one or more unauthorized access devices during any one-year period, and by such conduct obtains anything of value aggregating \$1,000 or more during that period; ... shall, if the offense affects interstate or foreign commerce, be punished as provided in subsection (c) of this section."

## **Attempt and Conspiracy ([18 U.S.C. § 1349](#))**

The conspiracy aspect of the scenario may implicate [18 U.S.C. § 1349](#), which provides: "Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy."

## **Criminal Forfeiture ([18 U.S.C. § 982](#))**

Additionally, [18 U.S.C. § 982](#) provides for criminal forfeiture in cases involving various federal offenses, including mail and wire fraud: "The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate- ... (E) section 1341 (relating to mail fraud); or (F) section 1343 (relating to wire fraud), ... shall order that the person forfeit to the United States any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violation."

## **RICO Predicate Acts ([18 U.S.C. § 1961](#))**

The actions described may also constitute predicate acts under the Racketeer Influenced and Corrupt Organizations Act (RICO). [18 U.S.C. § 1961](#) defines "racketeering activity" to include "(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), ... section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)."

A secondary source, RICO: A Primer (2022-01-31), confirms that "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."

## **Analysis of Potential Federal Predicate Acts**

### **Application of Mail and Wire Fraud Statutes**

The described scenario involves the preparation of fraudulent divorce paperwork and submission of those fraudulent documents (including a petition and affidavit of indigency) to a Texas court. These actions potentially constitute a "scheme to defraud" under both the mail and wire fraud statutes.

If the fraudulent divorce documents were submitted to the Texas court via U.S. mail or a private interstate carrier, this could trigger mail fraud charges under [18 U.S.C. § 1341](#). As noted in [United States v. Swenson, CRIMINAL ACTION NO. H-15-402 \(S.D. Tex. Sep 27, 2019\)](#), "Federal law makes it a crime for anyone to use the mails or any private or commercial interstate carrier in carrying out a scheme to defraud."

Similarly, if electronic communications were used in the preparation or submission of the fraudulent documents, this could implicate the wire fraud statute ([18 U.S.C. § 1343](#)). This would be particularly relevant if emails, phone calls, text messages, or other electronic communications crossed state lines during the execution of the scheme, such as communications between Texas and Oklahoma.

According to [Review of Criminal Penalties and Collateral Consequences for Antitrust and Related Violations](#) (2023-05-07), "Mail and wire fraud are two of the most common non-antitrust offenses prosecuted by the Antitrust Division. These fraud offenses involve schemes to defraud and the deprivation of money and property through the use of the mails or wire communications. The Sarbanes-Oxley Act of 2002 (the "Sarbanes-Oxley Act") increased the maximum prison term for mail and wire fraud from five to twenty years..."

The elements required for mail and wire fraud would likely be satisfied in this scenario:

1. A scheme to defraud: The preparation of fraudulent divorce paperwork and submission of false documents to the court.
2. Use of mail or interstate wires: Depending on how the documents were prepared and submitted.
3. Specific intent to defraud: The deliberate preparation of fraudulent documents and the concealment of activities through the purchase of a second phone demonstrate intent.

## **Application of Interstate Travel in Aid of Racketeering**

The scenario explicitly involves travel from Texas to Oklahoma to prepare fraudulent divorce paperwork, which potentially implicates the Interstate Travel in Aid of Racketeering Act ([18 U.S.C. § 1952](#)). The individual's interstate travel appears to have been undertaken with the intent to "promote, manage, establish, carry on, or facilitate" unlawful activity—specifically, the preparation of fraudulent documents and theft of marital assets.

As outlined in [United States v. Boyd, 309 F.Supp.2d 908 \(S.D. Tex. 2004\)](#), an ITAR offense requires "using interstate travel or the mails with intent to 'promote, manage, establish, carry on, or facilitate ... any unlawful activity'" and "proof of 'some act designed to promote or further that illegal purpose.'" The act of traveling to Oklahoma to prepare fraudulent documents, coupled with the theft of marital assets while there, likely satisfies these elements.

## **Application of Money Laundering Provisions**

The theft of \$1,576 in jointly-managed marital assets and subsequent use of those funds to purchase a second phone to conceal activities may implicate federal money laundering statutes under [18 U.S.C. § 1956](#). The statute applies to anyone who, "knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity," conducts a financial transaction "knowing that the transaction is designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity."

In this scenario, the stolen marital assets represent the proceeds of unlawful activity (theft), and the purchase of the second phone represents a financial transaction designed to conceal the fraudulent activities. The fact that the individual specifically used the stolen funds to purchase a second phone for the purpose of concealment suggests knowledge and intent to disguise the source and nature of the funds, which aligns with the elements of money laundering.

## **Application of Fraud in Connection with Access Devices**

If the theft of marital assets involved unauthorized use of access devices (such as credit cards, debit cards, or other financial accounts), this could potentially implicate [18 U.S.C. § 1029](#). The statute applies to anyone who "knowingly and with intent to defraud traffics in or uses one or more unauthorized access devices during any one-year period, and by such conduct obtains anything of value aggregating \$1,000 or more during that period."

The theft of \$1,576 exceeds the \$1,000 threshold specified in the statute. If the theft involved unauthorized access to financial accounts or the use of unauthorized access devices, and if the offense affected interstate commerce (which the interstate nature of the scheme suggests), then this statute could apply.

## **Application of Attempt and Conspiracy Provisions**

The scenario mentions the involvement of a third party in Oklahoma to steal the marital assets, which suggests a conspiracy to commit fraud. Under [18 U.S.C. § 1349](#), "Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy."

This means that even if certain elements of the underlying offenses (such as mail fraud, wire fraud, or access device fraud) were not fully completed, the individual could still be subject to the same penalties under conspiracy provisions.

As noted in [Review of Criminal Penalties and Collateral Consequences for Antitrust and Related Violations](#) (2023-05-07), "as part of the Sarbanes-Oxley Act, the U.S. Congress enacted a new statute, [18 U.S.C. § 1349](#), which

provides that any defendant who attempts or conspires to commit mail or wire fraud or certain other frauds may be sentenced up to the same maximum penalties that are prescribed..."

## Potential RICO Implications

The pattern of activities described in the scenario—Involving interstate travel, fraud, and possibly money laundering—could potentially constitute a pattern of racketeering activity under RICO ([18 U.S.C. § 1961](#) et seq.). RICO is designed to address patterns of criminal activity that involve multiple predicate acts.

As outlined in RICO: A Primer (2022-01-31), "racketeering activities" include violations of various federal statutes, including mail fraud ([18 U.S.C. § 1341](#)), wire fraud ([18 U.S.C. § 1343](#)), the Travel Act ([18 U.S.C. § 1952](#)), and money laundering (18 U.S.C. §§ 1956, 1957). The primer notes that "Mail and wire fraud are the most common predicate acts" under RICO.

While a single scheme with multiple predicate acts may not always be sufficient to establish a RICO violation (which typically requires a pattern of racketeering activity over time), the multiple predicate acts in this scenario could potentially form the basis for RICO charges, depending on the specific circumstances and history.

## Potential Penalties and Forfeiture Implications

The predicate acts identified above carry significant penalties. Mail and wire fraud are both punishable by fines and imprisonment for up to 20 years under 18 U.S.C. §§ 1341 and 1343. Similarly, money laundering under [18 U.S.C. § 1956](#) carries penalties of fines up to \$500,000 or twice the value of the property involved, or imprisonment for up to 20 years, or both.

Additionally, under [18 U.S.C. § 982](#), a conviction for mail fraud, wire fraud, or related offenses could result in criminal forfeiture of "any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violation." This could potentially include not only the stolen \$1,576 but also the second phone purchased with those funds and any other property obtained through the fraudulent scheme.

## Exceptions and Caveats

### Jurisdictional Considerations

Federal jurisdiction typically requires an interstate element, which is clearly present in this scenario due to the travel between Texas and Oklahoma. However, the exact application of federal law would depend on specific details not fully provided in the scenario.

For mail fraud, the use of the U.S. Postal Service or private interstate carriers would need to be established. Similarly, for wire fraud, the use of interstate wire communications would need to be proven. The scenario does not specify how the fraudulent documents were submitted to the Texas court, which could affect the applicability of these statutes.

## Evidentiary Requirements

Proving the elements of each predicate act would require specific evidence. For example, establishing mail or wire fraud would require evidence of the use of mail or wire communications in furtherance of the scheme. Similarly, proving money laundering would require evidence that the transaction was designed to conceal or disguise the nature, source, or ownership of the proceeds.

The scenario provides limited details about the specific actions taken and the evidence available, which could affect the viability of federal charges for the predicate acts identified.

## State vs. Federal Prosecution

While this analysis focuses on potential federal predicate acts, it's worth noting that the actions described could also violate various state laws in both Texas and Oklahoma. The decision to pursue federal charges versus state charges would depend on various factors, including the severity of the offense, the interstate nature of the conduct, and prosecutorial discretion.

## Conclusion

The scenario described—Involving interstate travel to prepare fraudulent divorce paperwork, theft of marital assets, concealment of activities through the purchase of a second phone, and submission of fraudulent documents to a court—potentially implicates multiple federal predicate acts.

The most likely applicable federal statutes include:

1. Mail fraud ([18 U.S.C. § 1341](#)) if the U.S. mail or private interstate carriers were used to submit the fraudulent documents.
2. Wire fraud ([18 U.S.C. § 1343](#)) if interstate wire communications were used in the execution of the scheme.
3. Interstate Travel in Aid of Racketeering ([18 U.S.C. § 1952](#)) due to the travel from Texas to Oklahoma to prepare fraudulent documents and engage in unlawful activities.
4. Money laundering ([18 U.S.C. § 1956](#)) related to the use of stolen funds to purchase a second phone with the intent to conceal activities.
5. Fraud in connection with access devices ([18 U.S.C. § 1029](#)) if the theft involved unauthorized use of access devices and exceeded the \$1,000 threshold.
6. Attempt and conspiracy provisions ([18 U.S.C. § 1349](#)) due to the involvement of a third party in the theft of marital assets.

Each of these potential predicate acts carries significant penalties, including substantial fines and imprisonment for up to 20 years, as well as potential asset forfeiture under [18 U.S.C. § 982](#).

The interstate nature of the conduct, involving actions in both Texas and Oklahoma, strengthens the case for federal jurisdiction. The coordination of activities across state lines, the involvement of a third party, and the use of stolen funds to further the fraudulent scheme all contribute to the potential applicability of federal law to these actions.

While the specific charges would depend on the details of the case and the evidence available, the scenario described presents a compelling case for multiple federal predicate acts arising from a coordinated scheme to defraud.

## **Legal Authorities**

[United States v. Swenson, CRIMINAL ACTION NO. H-15-402 \(S.D. Tex. Sep 27, 2019\)](#)

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

#### **Extract**

Federal law makes it a crime for anyone to use the mails or any private or commercial interstate carrier in carrying out a scheme to defraud.

#### **Summary**

Federal law criminalizes the use of mail or interstate carriers to execute a scheme to defraud. This is relevant to the question as the individual's actions involve interstate travel and potentially using interstate communication methods to carry out fraudulent activities, which could implicate federal mail or wire fraud statutes.

[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**

Mail fraud and wire fraud require proof of: "(1) a scheme to defraud that employed false material representations, (2) the use of mail or interstate wires in furtherance of the scheme, and (3) the specific intent to defraud." United States v. Hoffman, 901 F.3d 523, 545 (5th Cir. 2018), as revised (Aug. 28, 2018), cert. denied, No. 18-1049, 2019 WL 536773 (U.S. May 20, 2019).

## **Summary**

Elements required to establish mail and wire fraud under federal law. These elements include a scheme to defraud using false representations, the use of mail or interstate wires to further the scheme, and the specific intent to defraud. In the scenario described, the individual engaged in a scheme to defraud by preparing fraudulent divorce paperwork and using stolen funds to conceal the activity. If interstate wires or mail were used in furtherance of this scheme, it could potentially implicate mail or wire fraud under federal law.

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

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

#### **Extract**

Similarly, a wire fraud violation consists of (1) the formation of a scheme or artifice to defraud; (2) use of the United States wires or causing a use of the United States wires in furtherance of the scheme; and (3) specific intent to deceive or defraud.

## **Summary**

Elements required to establish a wire fraud violation under federal law. These elements include the formation of a scheme to defraud, the use of U.S. wires to further the scheme, and the specific intent to deceive. In the scenario described, if the individual used electronic communications (such as phone calls, emails, or other forms of wire communication) to execute or conceal the fraudulent activities, this could potentially constitute wire fraud. The passage is relevant as it provides the legal framework for understanding how wire fraud could be implicated in the described actions.

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

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

#### **Extract**

An ITAR offense involves using interstate travel or the mails with intent to 'promote, manage, establish, carry on, or facilitate ... any unlawful activity.' 18 U.S.C. § 1952(a)(3). Securing a conviction requires proof of 'some act designed to promote or further that illegal purpose.'

## **Summary**

The passage from United States v. Boyd discusses the Interstate Transportation in Aid of Racketeering Act (ITAR), which criminalizes the use

of interstate travel or mail to promote or facilitate unlawful activities. In the scenario described, the individual travels from Texas to Oklahoma to engage in fraudulent activities, which could potentially fall under the scope of ITAR if the travel was intended to promote or facilitate the fraudulent divorce paperwork and theft of marital assets. The passage provides insight into how such actions could be considered a predicate act under federal law.

### [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 that involve the transmission of communications via wire, radio, or television in interstate or foreign commerce. In the scenario described, the individual traveled from Texas to Oklahoma and engaged in fraudulent activities, including the preparation of fraudulent divorce paperwork and the theft of marital assets. If any part of this scheme involved the use of wire communications (such as phone calls, emails, or other electronic communications) across state lines, it could potentially fall under the purview of this statute.

### [18 U.S.C. § 1341](#) [18 U.S.C. § 1341 Frauds and Swindles](#)

#### **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, ... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, ... shall be fined under this title or imprisoned not more than 20 years, or both.

#### **Summary**

18 U.S.C. § 1341 addresses schemes to defraud that involve the use of mail or interstate carriers. In the scenario described, if the fraudulent divorce

documents or any related communications were sent via mail or an interstate carrier, this statute could be implicated. The statute provides for fines and imprisonment for those who use mail or carriers to execute or attempt to execute a scheme to defraud.

[18 U.S.C. § 1029](#) [18 U.S.C. § 1029 Fraud and Related Activity In Connection With Access Devices](#)

### **Extract**

Whoever knowingly and with intent to defraud produces, uses, or traffics in one or more counterfeit access devices; knowingly and with intent to defraud traffics in or uses one or more unauthorized access devices during any one-year period, and by such conduct obtains anything of value aggregating \$1,000 or more during that period; ... shall, if the offense affects interstate or foreign commerce, be punished as provided in subsection (c) of this section.

### **Summary**

The passage from 18 U.S.C. § 1029 outlines offenses related to the use of counterfeit or unauthorized access devices with the intent to defraud, particularly when the value obtained is \$1,000 or more. In the scenario described, the individual stole \$1,576, which exceeds the \$1,000 threshold, and used those funds to purchase a second phone. This action could potentially be considered as using an unauthorized access device to obtain something of value, especially if the funds were accessed through electronic means or involved any form of access device. The interstate nature of the actions (traveling from Texas to Oklahoma) further supports the applicability of this federal statute.

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

### **Extract**

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

## **Summary**

The passage from 18 U.S.C. § 1952 addresses the use of interstate travel or facilities in interstate commerce with the intent to distribute proceeds of unlawful activity or to promote or facilitate unlawful activity. In the scenario described, the individual travels from Texas to Oklahoma to engage in fraudulent activities, which could be considered as using interstate commerce to facilitate unlawful activity. This aligns with the provisions of 18 U.S.C. § 1952, which could potentially be implicated in this case.

### [18 U.S.C. § 982 18 U.S.C. § 982 Criminal Forfeiture](#)

#### **Extract**

The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate- ... (E) section 1341 (relating to mail fraud); or (F) section 1343 (relating to wire fraud), ... shall order that the person forfeit to the United States any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violation.

#### **Summary**

The passage from 18 U.S.C. § 982 discusses the forfeiture of property in cases where a person is convicted of certain offenses, including mail fraud (section 1341) and wire fraud (section 1343). In the scenario described, the fraudulent activities, including the submission of fraudulent documents and the concealment of activities, could potentially involve mail or wire fraud if they involved the use of mail or electronic communications to execute the scheme. Therefore, the passage is relevant as it outlines the potential consequences, such as forfeiture, for such violations.

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

#### **Extract**

As used in this chapter- 'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (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), ... section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1956 (relating to the laundering of monetary instruments), section

1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), ...

## **Summary**

The actions described in the scenario could potentially involve predicate acts under federal law, specifically those related to fraud and racketeering. The use of fraudulent divorce paperwork and the concealment of activities through a second phone could implicate mail fraud (section 1341) and wire fraud (section 1343). The theft of marital assets and their use in furtherance of fraudulent activities could also relate to financial institution fraud (section 1344) and engaging in monetary transactions in property derived from specified unlawful activity (section 1957).

### [18 U.S.C. § 1956](#) [18 U.S.C. § 1956 Laundering of Monetary Instruments](#)

## **Extract**

Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity... (B) knowing that the transaction is designed in whole or in part- (i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity... shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.

## **Summary**

18 U.S.C. § 1956 addresses the laundering of monetary instruments, which includes conducting financial transactions with the intent to conceal the nature, source, or ownership of proceeds from unlawful activities. In the scenario described, the individual used stolen marital assets to purchase a phone to conceal their activities, which could be seen as an attempt to disguise the source and nature of the funds. This aligns with the predicate acts described in the statute.

### [18 U.S.C. § 1349](#) [18 U.S.C. § 1349 Attempt and Conspiracy](#)

## **Extract**

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

## **Summary**

Individuals who attempt or conspire to commit such offenses are subject to the same penalties as those who actually commit the offenses. This is relevant to the question because the actions described involve fraudulent activities, which may fall under the offenses covered by Chapter 63.

### [Theft offenses](#)

#### **Defending Specific Crimes - James Publishing - Timothy E. Zerillo - 2020-04-29**

### **Extract**

Mail fraud, 18 U.S.C. §1341 requires that the defendant devise or intend to devise a scheme to defraud (or to perform specified fraudulent acts), and that the defendant use the mail for the purpose of executing, or attempting to execute, the scheme to defraud. ... Wire fraud, 18 U.S.C. §1343, is very similar to the mail fraud statute. It adds the requirement of the use of an interstate telephone call or electronic communication made in furtherance of the scheme.

## **Summary**

Elements of mail fraud and wire fraud under federal law, which include devising a scheme to defraud and using mail or interstate communications to execute the scheme. In the scenario described, the individual engaged in fraudulent activities that involved interstate travel and potentially the use of mail or electronic communications to submit fraudulent documents and conceal their actions. This aligns with the elements of mail and wire fraud as described in the passage.

### [Review of Criminal Penalties and Collateral Consequences for Antitrust and Related Violations](#)

#### **Antitrust Cartel Leniency and Sentencing Handbook - American Bar Association - 2023-05-07**

### **Extract**

Mail and wire fraud are two of the most common non-antitrust offenses prosecuted by the Antitrust Division. These fraud offenses involve schemes to defraud and the deprivation of money and property through the use of the mails or wire communications. The Sarbanes-Oxley Act of 2002 (the "Sarbanes-Oxley Act") increased the maximum prison term for mail and wire fraud from five to twenty years... Also, as part of the Sarbanes-Oxley Act, the U.S. Congress enacted a new statute, 18 U.S.C. § 1349, which provides that any defendant who attempts or conspires to commit mail or wire fraud or

certain other frauds may be sentenced up to the same maximum penalties that are prescribed... The Antitrust Division has prosecuted defendants in multiple industries for mail or wire fraud and conspiracy to commit mail or wire fraud, including the financial services, real estate, and government contracting industries.

## **Summary**

Mail and wire fraud are federal offenses that involve schemes to defraud and the deprivation of money and property through the use of mails or wire communications. The passage also highlights that attempts or conspiracies to commit these frauds are punishable under 18 U.S.C. § 1349, with penalties equivalent to those for the underlying fraud. This is relevant to the scenario described, as the actions of preparing fraudulent documents, stealing assets, and concealing activities could involve the use of mail or wire communications, thus potentially implicating mail and wire fraud statutes.

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

## **Extract**

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 actions described in the question could potentially involve predicate acts under federal law, specifically mail fraud (18 U.S.C. ' 1341) and wire fraud (18 U.S.C. ' 1343), as these are common predicate acts under RICO. Additionally, the Travel Act (18 U.S.C. ' 1952) could be implicated due to the interstate nature of the activities.

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

## **Extract**

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 actions described in the question could potentially involve predicate acts under federal law, specifically mail fraud and wire fraud, which are common predicate acts under the RICO statute. The use of fraudulent documents and the concealment of activities through the purchase of a second phone could involve wire fraud, while the submission of fraudulent documents to a court could involve mail fraud if the documents were sent through the mail.

This memo was compiled by Vincent AI based on vLex materials available as of June 20, 2025. [View full answer on vLex](#)