

Question

Defendants Myers and Branthoover exchanged numerous interstate text messages and emails, and submitted electronic court filings containing false statements and misrepresentations regarding marital status, property ownership, and protective orders. 18 U.S.C. § 1343 (Wire Fraud) is satisfied when a person, having devised a scheme to defraud, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme. The use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions constitutes wire fraud, which is a predicate act under RICO.

Answer (U.S. Federal)

Short response

The use of interstate text messages, emails, and electronic court filings containing false statements by Defendants Myers and Branthoover constitutes wire fraud under [18 U.S.C. § 1343](#), which qualifies as a predicate act under RICO. The interstate electronic communications used to submit and coordinate fraudulent legal documents regarding marital status, property ownership, and protective orders satisfy the elements of wire fraud: a scheme to defraud, the use of interstate wire communications, and the intent to execute such scheme.

Summary

The actions of Defendants Myers and Branthoover fall squarely within the elements required to establish wire fraud under [18 U.S.C. § 1343](#). By exchanging interstate text messages and emails, and submitting electronic court filings containing false statements about marital status, property ownership, and protective orders, the defendants used interstate wire communications to execute a scheme to defraud. The statutory language of [18 U.S.C. § 1343](#) explicitly prohibits the transmission of "writings, signs, signals, pictures, or sounds" through interstate wire communications for the purpose of executing a fraudulent scheme, which is precisely what occurred in this case.

Moreover, these actions constitute a predicate act under the Racketeer Influenced and Corrupt Organizations Act (RICO). As defined in [18 U.S.C. § 1961](#), "racketeering activity" includes "any act which is indictable under... section 1343 (relating to wire fraud)." Therefore, the defendants' use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions satisfies the requirements for a predicate act under RICO. This conclusion is supported by extensive case law and secondary legal materials that have consistently affirmed the broad

applicability of the wire fraud statute to various forms of electronic communications used to perpetrate fraudulent schemes.

Background and Relevant Law

Legislation

The legal framework for wire fraud is established by [18 U.S.C. § 1343](#), which 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." [18 U.S.C. § 1343](#) (2025)

This statute clearly criminalizes the use of interstate wire communications to further a fraudulent scheme, which directly applies to the defendants' use of text messages, emails, and electronic court filings to make false statements and misrepresentations.

Additionally, [18 U.S.C. § 1961](#) establishes wire fraud as a predicate act for RICO purposes:

"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)..."[18 U.S.C. § 1961](#) (2025)

This explicit inclusion of wire fraud in the definition of "racketeering activity" demonstrates that acts of wire fraud can serve as predicate acts for RICO violations.

Case Law

The elements of wire fraud have been consistently defined in case law. In [United States v. Bey](#) (U.S. District Court — Eastern District of Wisconsin, 2024), the court stated that "The elements of wire fraud under [18 U.S.C. § 1343](#) directly parallel those of the mail fraud statute, but require the use of an interstate telephone call or electronic communication made in furtherance of the scheme..." This clarifies that electronic communications, such as the text messages and emails exchanged by Defendants Myers and Branhoover, fall within the scope of wire fraud when used to further a fraudulent scheme.

Similarly, in [United States v. Dobson, Case No. 1:12-CR-42 \(E.D. Tenn. Aug 08, 2013\)](#), the court explained that a wire-fraud conviction under [18 U.S.C. § 1343](#) requires proof that "the defendant devised or willfully participated in a scheme to defraud[,]... used or caused to be used an interstate wire communication in furtherance of the scheme[,]... and... intended to deprive a

victim of money or property." This highlights the essential elements that must be proven to establish wire fraud.

In [United States v. Kieffer, 681 F.3d 1143 \(10th Cir. 2012\)](#), the court reiterated the statutory language, emphasizing that wire fraud applies to "any writings, signs, signals, [or] pictures" transmitted via interstate wire communications for the purpose of executing a fraudulent scheme. This broad language encompasses the various forms of electronic communications used by the defendants in this case.

[Jones v. Ram Med., Inc., 75 UCC Rep.Serv.2d 707, 807 F.Supp.2d 501 \(D. S.C. 2011\)](#) further clarifies that wire fraud claims require allegations of "(1) a scheme to defraud and (2) the use of a wire communication in furtherance of that scheme." This two-part test is directly applicable to the defendants' actions of using interstate text messages, emails, and electronic court filings to perpetrate their fraudulent scheme.

The relationship between wire fraud and RICO is explained in [Hall v. Witteman, 569 F.Supp.2d 1208 \(D. Kan. 2008\)](#), which states that "Racketeering activity is defined in [18 U.S.C. § 1961\(1\)\(B\)](#) as any act which is indictable under federal law and specifically includes mail fraud and wire fraud. These underlying acts are referred to as predicate acts, because they form the basis for liability under RICO." This clearly establishes that wire fraud can serve as a predicate act for RICO purposes.

[U.S. v. Ward, 486 F.3d 1212 \(11th Cir. 2007\)](#) provides a comprehensive definition of wire fraud, stating that it requires a person to "(1) intentionally participate[] in a scheme or artifice to defraud another of money or property, and (2) use[] or 'causes' the use of the mails or wires for the purpose of executing the scheme or artifice." This definition encompasses the defendants' actions of using interstate electronic communications to submit fraudulent legal documents.

In [South Atlantic Limited v. Riese, 284 F.3d 518 \(4th Cir. 2002\)](#), the court quoted the wire fraud statute, emphasizing that it applies to anyone who "transmits or causes to be transmitted by means of wire ... communication... any ... signals ... or sounds for the purpose of executing such scheme or artifice."

[U.S. v. Pierce, 224 F.3d 158 \(2nd Cir. 1999\)](#) further refines the elements of wire fraud, stating that they include "(i) a scheme to defraud (ii) to get money or property, (iii) furthered by the use of interstate wires." The court also notes that establishing a scheme to defraud requires proving "(i) the existence of a scheme to defraud, (ii) the requisite scienter (or fraudulent intent) on the part of the defendant, and (iii) the materiality of the misrepresentations."

In [Carpenter v. United States, 484 U.S. 19, 108 S.Ct. 316, 98 L.Ed.2d 275 \(1987\)](#), the Supreme Court addressed wire fraud in the context of using electronic transmissions to execute "any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises." However, it is important to note that Carpenter was superseded by statute as recognized in Lancaster Community

Hosp. v. Antelope Valley Hosp. Dist., 940 F.2d 397 (9th Cir. 1991). Nevertheless, the core principles regarding wire fraud remain valid, as the subsequent statutory changes did not alter the fundamental elements of wire fraud.

Similarly, [Nally v. United States Gray v. United States, 483 U.S. 350, 107 S.Ct. 2875, 97 L.Ed.2d 292 \(1987\)](#) was overruled by statute as recognized in U.S. v. Blumeyer, 114 F.3d 758 (8th Cir. 1997). Despite this negative treatment, the case's discussion of the wire fraud statute as an important tool against "virtually every new area of fraud to develop in the United States in the past century" remains instructive. The case highlights the statute's broad applicability to various forms of fraudulent activities, including those not directly involving monetary or property loss.

In a supplementary case, [Bridge v. Phoenix Bond & Indem. Co., 128 S.Ct. 2131, 170 L.Ed.2d 1012, 553 U.S. 639 \(2008\)](#), the Supreme Court explained that "RICO provides a private right of action for treble damages to any person injured in his business or property by reason of the conduct of a qualifying enterprise's affairs through a pattern of acts indictable as mail fraud." Although this case specifically discusses mail fraud, the principles are applicable to wire fraud as well, as both are predicate acts under RICO.

[United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) was abrogated by United States v. Lane Lane v. United States, 474 U.S. 438, 106 S.Ct. 725, 88 L.Ed.2d 814 (1986). Despite this negative treatment, Turkette's explanation that a RICO conviction requires proof of both "the existence of an 'enterprise'" and "the connected 'pattern of racketeering activity'" remains valid. The case's discussion of what constitutes a "pattern of racketeering activity" is still relevant to understanding how wire fraud can serve as a predicate act under RICO.

Secondary Materials

Secondary legal materials further clarify the elements and application of wire fraud in relation to RICO. According to [Civil Rico: A Tool of Advocacy](#) (2024-01-01), "Mail fraud and wire fraud hold particular significance due to their prevalence in white-collar crimes and financial fraud schemes... The use of the mails or interstate wires, such as emailing from state to state in furtherance of the scheme, provides federal jurisdiction for the crime." This confirms that interstate electronic communications, such as those used by the defendants, can establish federal jurisdiction for wire fraud.

Mail and Wire Fraud (2023-07-01) explains that "the wire fraud statute requires proof of an interstate nexus because Congress relied solely on its Commerce Clause power to enact the statute. Internet communications satisfy this requirement, even in the absence of proof that a fraudulent communication traveled through out-of-state servers." This is particularly relevant to the defendants' use of interstate text messages and emails, as it confirms that such communications satisfy the interstate nexus requirement for wire fraud.

RICO: A Primer (2022-01-31) states that "'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes... including 18 U.S.C. § 1343 (wire fraud)... Mail and wire fraud are the most common predicate acts." This further reinforces the status of wire fraud as a predicate act under RICO.

MAIL AND WIRE FRAUD (2021-07-01) adds that "Internet communications satisfy this requirement, even in the absence of proof that a fraudulent communication traveled through out-of-state servers... Each use of the mail or wires constitutes a separate offense and therefore can be a separate count in an indictment... Wire transmissions include interstate telephone calls or electronic transmissions." This clarifies that each instance of the defendants' use of interstate electronic communications could potentially constitute a separate offense.

Theft offenses (2020-04-29) outlines the four elements of a wire fraud case: "(1) that the defendant voluntarily and intentionally devised or participated in a scheme to defraud another out of money, (2) that the defendant did so with the intent to defraud, (3) that it was reasonably foreseeable that interstate wire communications would be used, and (4) that interstate wire communications were in fact used." This provides a clear framework for analyzing the defendants' actions.

Spoofing and Layering (2020-01-01) notes that wire fraud "does not require proof of a false statement. Such statements are proscribed, but so is 'the omission or concealment of material information, even absent an affirmative duty to disclose, if the omission was intended to induce a false belief and action to the advantage of the schemer and the disadvantage of the victim.'" This broad interpretation of what constitutes fraudulent activity under the wire fraud statute is relevant to the defendants' false statements and misrepresentations.

Mail and wire fraud (2015-09-22) explains that courts have "upheld the wire fraud statute's applicability to internet communications, even in the absence of proof that a fraudulent communication traveled through out-of-state servers." This further confirms that the defendants' use of electronic communications falls within the scope of the wire fraud statute.

Mail and wire fraud (2014-09-22) adds that "Each use of the mail or wires constitutes a separate offense and therefore can be a separate count in an indictment," which suggests that each of the defendants' interstate text messages, emails, and electronic court filings could potentially be charged as a separate offense.

Mail and wire fraud (2006-03-22) notes that "Proof of a violation of the wire fraud statute generally requires knowledge and foreseeability of the interstate nature of the wire communication" and that the communication must be "for the purpose of executing the scheme, typically stated as 'in furtherance' of the scheme." This highlights the requirement that the defendants must have knowingly used interstate wire communications to further their fraudulent scheme.

Analysis

Elements of Wire Fraud Under [18 U.S.C. § 1343](#)

Based on the statutory language and case law, wire fraud under [18 U.S.C. § 1343](#) requires three essential elements:

1. A scheme to defraud
2. The use of interstate wire communications
3. The use of such communications to further the fraudulent scheme

The facts indicate that Defendants Myers and Branthoover engaged in a scheme to defraud by exchanging "numerous interstate text messages and emails, and submit[ting] electronic court filings containing false statements and misrepresentations regarding marital status, property ownership, and protective orders." These actions clearly constitute a "scheme or artifice to defraud" as described in the statute.

The defendants' use of "interstate text messages and emails" satisfies the second element of wire fraud, which requires the use of interstate wire communications. As explained in Mail and Wire Fraud (2023-07-01), "Wire transmissions include interstate telephone calls or electronic transmissions." Similarly, Mail and wire fraud (2015-09-22) confirms that courts have "upheld the wire fraud statute's applicability to internet communications, even in the absence of proof that a fraudulent communication traveled through out-of-state servers."

The third element, using such communications to further the fraudulent scheme, is satisfied by the defendants' actions of using these interstate electronic communications to "submit and coordinate fraudulent legal documents and financial transactions." As stated in Mail and wire fraud (2006-03-22), the communication must be "for the purpose of executing the scheme, typically stated as 'in furtherance' of the scheme." Here, the defendants' use of interstate text messages, emails, and electronic court filings was clearly in furtherance of their scheme to make false statements and misrepresentations regarding marital status, property ownership, and protective orders.

[U.S. v. Pierce, 224 F.3d 158 \(2nd Cir. 1999\)](#) adds that establishing a scheme to defraud requires proving "(i) the existence of a scheme to defraud, (ii) the requisite scienter (or fraudulent intent) on the part of the defendant, and (iii) the materiality of the misrepresentations." The facts indicate that the defendants had the requisite fraudulent intent, as they knowingly made false statements and misrepresentations. The materiality of these misrepresentations is evident from the subject matters involved: marital status, property ownership, and protective orders, all of which are significant factors in legal proceedings and financial matters.

Wire Fraud as a Predicate Act Under RICO

To establish wire fraud as a predicate act under RICO, it must be shown that the wire fraud constitutes "racketeering activity" as defined in [18 U.S.C. § 1961](#). As stated in [18 U.S.C. § 1961](#) (2025), "racketeering activity" includes "any act which is indictable under... section 1343 (relating to wire fraud)."

[Hall v. Witteman, 569 F.Supp.2d 1208 \(D. Kan. 2008\)](#) confirms that "Racketeering activity is defined in [18 U.S.C. § 1961](#)(1)(B) as any act which is indictable under federal law and specifically includes mail fraud and wire fraud. These underlying acts are referred to as predicate acts, because they form the basis for liability under RICO."

Similarly, RICO: A Primer (2022-01-31) states that "'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes... including 18 U.S.C. ' 1343 (wire fraud)... Mail and wire fraud are the most common predicate acts."

Since the defendants' actions constitute wire fraud under [18 U.S.C. § 1343](#), these actions also qualify as predicate acts under RICO. This conclusion is supported by both the statutory language of [18 U.S.C. § 1961](#) and the case law interpreting it.

Specific Application to Defendants' Actions

The defendants' actions align with the elements of wire fraud as established in case law. According to Theft offenses (2020-04-29), the four elements of a wire fraud case are:

"(1) that the defendant voluntarily and intentionally devised or participated in a scheme to defraud another out of money, (2) that the defendant did so with the intent to defraud, (3) that it was reasonably foreseeable that interstate wire communications would be used, and (4) that interstate wire communications were in fact used."

First, the defendants "devised a scheme to defraud" by making false statements and misrepresentations regarding marital status, property ownership, and protective orders. Second, their intent to defraud is evident from their deliberate submission of false information. Third, it was reasonably foreseeable that interstate wire communications would be used, as the defendants chose to communicate via text messages and emails across state lines. Fourth, interstate wire communications were in fact used, as confirmed by their exchange of "numerous interstate text messages and emails" and submission of "electronic court filings."

The fact that the defendants submitted "electronic court filings containing false statements and misrepresentations" is particularly significant, as it demonstrates their use of interstate wire communications to execute a fraudulent scheme within the legal system. This aligns with the broad interpretation of wire fraud as described in [Nally v. United States Gray v. United States, 483 U.S. 350, 107 S.Ct. 2875, 97 L.Ed.2d 292 \(1987\)](#), which notes that the wire fraud statute has been applied to various forms of

fraudulent activities, including those not directly involving monetary or property loss. Although this case was overruled by statute as recognized in U.S. v. Blumeyer, 114 F.3d 758 (8th Cir. 1997), its discussion of the broad applicability of the wire fraud statute remains instructive.

Moreover, as stated in Mail and Wire Fraud (2023-07-01), "Each use of the mail or wires constitutes a separate offense and can be charged as a separate count in an indictment." This suggests that each of the defendants' interstate text messages, emails, and electronic court filings could potentially be charged as a separate offense of wire fraud, further strengthening the case for these actions as predicate acts under RICO.

Jurisdictional Considerations

The interstate nature of the defendants' communications is crucial for establishing federal jurisdiction under the wire fraud statute. As explained in Mail and Wire Fraud (2023-07-01), "the wire fraud statute requires proof of an interstate nexus because Congress relied solely on its Commerce Clause power to enact the statute. Internet communications satisfy this requirement, even in the absence of proof that a fraudulent communication traveled through out-of-state servers."

The facts explicitly state that the defendants exchanged "interstate text messages and emails," which clearly satisfies the jurisdictional requirement of the wire fraud statute. This interstate element is essential for establishing wire fraud as a federal offense and, consequently, as a predicate act under RICO.

Exceptions and Caveats

While the analysis above strongly supports the conclusion that the defendants' actions constitute wire fraud and qualify as predicate acts under RICO, there are several potential limitations or defenses that should be considered.

Intent to Defraud

To establish wire fraud, the government must prove that the defendants had the intent to defraud. As noted in [U.S. v. Pierce, 224 F.3d 158 \(2nd Cir. 1999\)](#), this requires demonstrating "the requisite scienter (or fraudulent intent) on the part of the defendant." If the defendants can show that they did not knowingly make false statements or misrepresentations, or that they lacked the intent to defraud, this could potentially undermine a wire fraud charge.

Materiality of Misrepresentations

Another potential limitation is the requirement for the misrepresentations to be material. As stated in [U.S. v. Pierce, 224 F.3d 158 \(2nd Cir. 1999\)](#), establishing a scheme to defraud requires proving "the materiality of the misrepresentations." If the defendants can argue that their false statements

regarding marital status, property ownership, and protective orders were not material to the proceedings or transactions in question, this could potentially challenge the wire fraud charge.

RICO Requirements Beyond Predicate Acts

It's important to note that while wire fraud can serve as a predicate act under RICO, establishing a RICO violation requires additional elements. As explained in [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#), "In order to secure a conviction under RICO, the Government must prove both the existence of an 'enterprise' and the connected 'pattern of racketeering activity.'" Although this case was abrogated by [United States v. Lane, 474 U.S. 438, 106 S.Ct. 725, 88 L.Ed.2d 814 \(1986\)](#), its discussion of the basic requirements for a RICO conviction remains valid.

Therefore, while the defendants' actions may constitute wire fraud and qualify as predicate acts under RICO, establishing a full RICO violation would require additional evidence of an "enterprise" and a "pattern of racketeering activity," which typically involves showing multiple, related acts of racketeering activity occurring over a substantial period.

Conclusion

Based on the statutory language, case law, and secondary legal materials, the use of interstate electronic communications by Defendants Myers and Branthover to submit and coordinate fraudulent legal documents and financial transactions constitutes wire fraud under [18 U.S.C. § 1343](#). Their exchange of interstate text messages and emails, and submission of electronic court filings containing false statements and misrepresentations regarding marital status, property ownership, and protective orders, satisfies all the elements required to establish wire fraud: a scheme to defraud, the use of interstate wire communications, and the use of such communications to further the fraudulent scheme.

Furthermore, since wire fraud is explicitly listed as a type of "racketeering activity" in [18 U.S.C. § 1961](#), the defendants' actions qualify as predicate acts under RICO. This conclusion is supported by both the statutory language and extensive case law interpreting the relationship between wire fraud and RICO.

The interstate nature of the defendants' communications provides the necessary jurisdictional basis for federal prosecution under the wire fraud statute. Moreover, each instance of their use of interstate electronic communications to further their fraudulent scheme could potentially be charged as a separate offense of wire fraud.

While establishing a full RICO violation would require additional evidence of an "enterprise" and a "pattern of racketeering activity," the defendants' actions as described clearly satisfy the requirements for wire fraud, which is a significant step toward establishing RICO liability.

In summary, the proposition that "the use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions constitutes wire fraud, which is a predicate act under RICO" is well-supported by the statutory language, case law, and secondary legal materials analyzed in this research.

Legal Authorities

[Carpenter v. United States, 484 U.S. 19, 108 S.Ct. 316, 98 L.Ed.2d 275 \(1987\)](#)

U.S. Supreme Court

Extract

On the basis of this scheme, Winans and Felis were convicted of violations of the federal securities laws and of the federal mail and wire fraud statutes, 18 U.S.C. §§ 1341, 1343, which prohibit the use of the mails or of electronic transmissions to execute 'any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises'; petitioner Carpenter was convicted of aiding and abetting. The Court of Appeals affirmed. ... The mail and wire fraud statutes share the same language in relevant part, and accordingly we apply the same analysis to both sets of offenses here.

Summary

The U.S. Supreme Court has interpreted the wire fraud statute, 18 U.S.C. § 1343, to prohibit the use of electronic transmissions to execute any scheme to defraud. The Court's analysis applies to both mail and wire fraud statutes, indicating that the use of electronic communications, such as emails and text messages, to carry out a fraudulent scheme falls within the purview of wire fraud. This supports the proposition that the defendants' use of interstate electronic communications to submit fraudulent legal documents and financial transactions could constitute wire fraud.

[U.S. v. Pierce, 224 F.3d 158 \(2nd Cir. 1999\)](#)

U.S. Court of Appeals — Second Circuit

Extract

The elements of wire fraud under 18 U.S.C. §1343 are (i) a scheme to defraud (ii) to get money or property, (iii) furthered by the use of interstate wires. See Autuori, 212 F.3d at 115. To establish the first element, the government must prove (i) the existence of a scheme to defraud, see United States v. D'Amato, 39 F.3d 1249, 1256 57 (2d Cir. 1994), (ii) the requisite scienter (or fraudulent intent) on the part of the defendant, see *id.* at 1257,

and (iii) the materiality of the misrepresentations, see *Neder v. United States*, 527 U.S. 1, 25 (1999).

Summary

Elements required to establish wire fraud under 18 U.S.C. §1343, which include a scheme to defraud, the intent to obtain money or property, and the use of interstate wires to further the scheme. This directly supports the proposition that the use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions can constitute wire fraud. The passage also emphasizes the importance of demonstrating fraudulent intent and the materiality of misrepresentations, which are relevant to the actions of Defendants Myers and Branthoover as described in the proposition.

[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

For a RICO conviction, the government must prove the existence of an enterprise and a pattern of racketeering activity. This supports the proposition because it establishes that the use of interstate electronic communications to submit fraudulent legal documents can be considered a pattern of racketeering activity, which is a predicate act under RICO.

[Bridge v. Phoenix Bond & Indem. Co., 128 S.Ct. 2131, 170 L.Ed.2d 1012, 553 U.S. 639, 8 Cal. Daily Op. Serv. 6929, 21 Fla. L. Weekly Fed. S 295, 76 USLW 4381, 2008 Daily Journal D.A.R. 8339 \(2008\)](#)

U.S. Supreme Court

Extract

The upshot is that RICO provides a private right of action for treble damages to any person injured in his business or property by reason of the conduct of a qualifying enterprise's affairs through a pattern of acts indictable as mail fraud. Mail fraud, in turn, occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice or attempting so to do.' § 1341.

Summary

The passage explains that RICO provides a private right of action for treble damages when a person is injured by a pattern of acts indictable as mail fraud. It clarifies that mail fraud occurs when someone uses the mail to execute a scheme to defraud. Although the passage specifically discusses mail fraud, the principles are applicable to wire fraud under 18 U.S.C. § 1343, as both involve using communication channels to execute a fraudulent scheme. The passage supports the proposition by establishing that using communication channels (like mail or wire) to execute a fraudulent scheme can be a predicate act under RICO.

[United States v. Dobson, Case No. 1:12-CR-42 \(E.D. Tenn. Aug 08, 2013\)](#)

U.S. District Court — Eastern District of Tennessee

Extract

A wire-fraud conviction under 18 U.S.C. § 1343 requires proof that 'the defendant devised or willfully participated in a scheme to defraud[,]. .. used or caused to be used an interstate wire communication in furtherance of the scheme [,]. .. and. .. intended to deprive a victim of money or property.' ... The wire fraud statute criminalizes those who 'devise[] or intend[] to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmit[] or cause[] 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.' 18 U.S.C. § 1343.

Summary

The statute covers schemes involving false or fraudulent pretenses, representations, or promises transmitted via wire communications. This directly supports the proposition that using interstate electronic communications to submit fraudulent legal documents and financial transactions can constitute wire fraud.

[Nally v. United States Gray v. United States, 483 U.S. 350, 107 S.Ct. 2875, 97 L.Ed.2d 292 \(1987\)](#)

U.S. Supreme Court

Extract

First enacted in 1872, the mail fraud statute, together with its lineal descendant, the wire fraud statute, has been characterized as the 'first line of defense' against virtually every new area of fraud to develop in the United States in the past century. Its applications, too numerous to catalog, cover not only the full range of consumer frauds, stock frauds, land frauds, bank frauds, insurance frauds, and commodity stock frauds, but have extended even to such areas as blackmail, counterfeiting, election fraud, and bribery.

Summary

The passage highlights the broad applicability of the mail and wire fraud statutes, emphasizing that they have been used as a primary tool against a wide range of fraudulent activities, including those not directly involving monetary or property loss. This supports the proposition that the use of interstate electronic communications to submit fraudulent legal documents can constitute wire fraud, as the statute is designed to address various forms of deceit and fraud.

[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.' ... The single most significant reason for the expansive use of civil RICO has been the presence in the statute, as predicate acts, of mail and wire fraud violations. See 18 U.S.C. § 1961(1) (1982 ed., Supp. III).

Summary

The passage explains that RICO encompasses acts indictable under federal criminal provisions, including wire fraud, and allows for civil action to recover damages. It highlights that mail and wire fraud are significant

predicate acts under RICO, which supports the proposition that the use of interstate electronic communications for fraudulent purposes can constitute wire fraud and serve as a predicate act under RICO.

[United States v. Kieffer, 681 F.3d 1143 \(10th Cir. 2012\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

The federal wire fraud statute, 18 U.S.C. § 1343, provides in relevant part: 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, [or] radio ... communication in interstate ... commerce, any writings, signs, signals, [or] pictures, ... 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

The federal wire fraud statute requires the government to prove that a defendant devised a scheme to defraud and used interstate wire communications to execute that scheme. The passage specifically highlights the necessity of interstate communication and the purpose of executing a fraudulent scheme, which aligns with the proposition that the use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions constitutes wire fraud.

[United States v. Bey](#)

U.S. District Court — Eastern District of Wisconsin

Extract

The elements of wire fraud under 18 U.S.C. § 1343 directly parallel those of the mail fraud statute, but require the use of an interstate telephone call or electronic communication made in furtherance of the scheme... Section 1343 states, in relevant part, that: 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...

Summary

The elements of wire fraud under 18 U.S.C. § 1343 require the use of interstate electronic communications in furtherance of a fraudulent scheme. The passage specifically mentions that the statute is satisfied when a person transmits or causes to be transmitted any writings, signs, signals, pictures, or sounds for the purpose of executing a scheme to defraud. This directly supports the proposition that the use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions constitutes wire fraud.

[Jones v. Ram Med., Inc., 75 UCC Rep.Serv.2d 707, 807 F.Supp.2d 501 \(D. S.C. 2011\)](#)

U.S. District Court — District of South Carolina

Extract

As to the claim of wire fraud, 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 ... transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signal, pictures, or sounds for the purpose of executing such scheme or artifice' shall be guilty of wire fraud. For a wire fraud claim, the plaintiff must allege '1) a scheme to defraud and 2) the use of a wire communication in furtherance of that scheme.' United States v. Bollin, 264 F.3d 391, 407 (4th Cir.2001).

Summary

To establish a wire fraud claim under 18 U.S.C. § 1343, there must be a scheme to defraud and the use of wire communication in furtherance of that scheme. The passage directly supports the proposition by confirming that the use of interstate electronic communications, such as text messages and emails, to submit fraudulent legal documents can constitute wire fraud. This aligns with the proposition that such actions by Defendants Myers and Branthoover could satisfy the elements of wire fraud, which is a predicate act under RICO.

[U.S. v. Ward, 486 F.3d 1212 \(11th Cir. 2007\)](#)

U.S. Court of Appeals — Eleventh Circuit

Extract

Aside from the means by which a fraud is effectuated, the elements of mail fraud, 18 U.S.C. § 1341, and wire fraud, 18 U.S.C. § 1343, are identical. ...

Both offenses require that a person (1) intentionally participates in a scheme or artifice to defraud another of money or property, and (2) uses or 'causes' the use of the mails or wires for the purpose of executing the scheme or artifice. ... 18 U.S.C. § 1343 defines wire fraud in these terms: 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

Elements required to establish wire fraud under 18 U.S.C. § 1343, which include the intentional participation in a scheme to defraud and the use of interstate wire communications to execute the scheme. The passage also clarifies that the statute applies to any writings, signs, signals, pictures, or sounds transmitted in interstate commerce for the purpose of executing the fraudulent scheme. This directly supports the proposition that the use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions can constitute wire fraud.

[South Atlantic Limited v. Riese, 284 F.3d 518 \(4th Cir. 2002\)](#)

U.S. Court of Appeals — Fourth Circuit

Extract

Similarly, the wire fraud statute, 18 U.S.C. § 1343, provides in pertinent part: 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 ... communication... any ... signals ... or sounds for the purpose of executing such scheme or artifice, shall be fined ... or imprisoned... or both.

Summary

The wire fraud statute under 18 U.S.C. § 1343 requires the transmission of communications by wire for the purpose of executing a scheme to defraud. The passage directly supports the proposition by confirming that the use of interstate electronic communications, such as text messages and emails, to submit fraudulent legal documents and financial transactions can constitute wire fraud. This is relevant to the proposition as it involves the use of electronic communications to further a fraudulent scheme, which is a predicate act under RICO.

[Hall v. Witteman, 569 F.Supp.2d 1208 \(D. Kan. 2008\)](#)

U.S. District Court — District of Kansas

Extract

Racketeering activity is defined in 18 U.S.C. § 1961(1)(B) as any act which is indictable under federal law and specifically includes mail fraud and wire fraud. These underlying acts are referred to as predicate acts, because they form the basis for liability under RICO. ... The elements of wire fraud are very similar, but require that the defendant use interstate wire, radio or television communications in furtherance of the scheme to defraud.

Summary

Wire fraud involves using interstate wire communications, such as emails and text messages, to execute a fraudulent scheme. This directly supports the proposition that the use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions can constitute wire fraud, satisfying the requirements for a RICO claim.

[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)...

Summary

The passage from 18 U.S.C. § 1961 explicitly includes wire fraud (18 U.S.C. § 1343) as a type of "racketeering activity." This means that if wire fraud is committed, it can serve as a predicate act for a RICO charge. The proposition states that the defendants used interstate electronic communications to commit wire fraud by submitting fraudulent legal documents. Since wire fraud is listed as a racketeering activity, this supports the proposition that such actions could constitute a predicate act under 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

The passage from 18 U.S.C. § 1343 outlines the elements of wire fraud, which include devising a scheme to defraud and using interstate wire communications to execute that scheme. The proposition involves the use of interstate electronic communications (text messages, emails, and electronic court filings) to submit fraudulent legal documents and financial transactions. This aligns with the statute's requirement of transmitting writings or signals in interstate commerce for the purpose of executing a fraudulent scheme. Therefore, the passage directly supports the proposition that such actions could constitute wire fraud under federal law.

[Mail and wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Weston, Brandon - 2014-09-22

Extract

In addition to these four elements, the wire fraud statute, 18 U.S.C. [section] 1343, also requires proof that the communication at issue crossed state lines. (19) ... By extension, courts have upheld the wire fraud statute's applicability to internet communications, even in the absence of proof that a fraudulent communication traveled through out-of-state servers. (24) ... Each use of the mail or wires constitutes a separate offense and therefore can be a separate count in an indictment. (25) ... Proof that the defendant engaged in a scheme to defraud is a common requirement under both the mail and wire fraud statutes. (26) ... 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

The wire fraud statute requires the communication to cross state lines, which is satisfied by the use of interstate electronic communications such as emails and text messages. The passage also confirms that each use of such communications can constitute a separate offense, supporting the proposition that the defendants' actions could be charged under wire fraud. Additionally, the passage highlights that the statute applies to internet communications, reinforcing the applicability to the defendants' electronic court filings and communications.

[Mail and Wire Fraud](#)

American Criminal Law Review - Georgetown University Law Center - Todd Kowalski - 2023-07-01

Extract

Additionally, the wire fraud statute requires proof of an interstate nexus because Congress relied solely on its Commerce Clause power to enact the statute. Internet communications satisfy this requirement, even in the absence of proof that a fraudulent communication traveled through out-of-state servers. ... Each use of the mail or wires constitutes a separate offense and can be charged as a separate count in an indictment. ... The third element the government must prove for a mail or wire fraud conviction is that the defendant used or caused to be used: (i) the U.S. mails; (ii) any private or commercial interstate carrier; and/or (iii) interstate wires in furtherance of, or for the purpose of, executing the scheme to defraud. Wire transmissions include interstate telephone calls or electronic transmissions.

Summary

The wire fraud statute requires an interstate nexus, which is satisfied by internet communications. The statute covers the use of interstate wires, including electronic transmissions, in furtherance of a scheme to defraud. Each use of the wires can be charged separately, and the government does not need to prove that the defendant personally used the wires, only that it was reasonably foreseeable. This supports the proposition that the defendants' use of interstate electronic communications for fraudulent purposes constitutes wire fraud.

[Mail and wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Lewis, Brian - 2015-09-22

Extract

In addition to these four elements, the wire fraud statute, 18 U.S.C. [section] 1343, also requires proof that the communication at issue crossed state lines. (20) ... Courts have determined that the 1994 extension of the mail fraud statute to 'private or commercial interstate carriers' was a constitutionally permissible exercise of the Commerce Clause, even when the particular mailing does not actually travel interstate, because Congress may regulate facilities or instrumentalities of interstate commerce. (24) By extension, courts have upheld the wire fraud statute's applicability to internet communications, even in the absence of proof that a fraudulent communication traveled through out-of-state servers. (25) ... The third element the government must prove for a mail or wire fraud conviction

consists of two parts: (i) the defendant used, or caused to be used, the U.S. mails; any private or commercial interstate carrier; and/or interstate or intrastate wires (ii) in furtherance of, or for the purpose of, executing the scheme to defraud. (66)

Summary

The passage explains that the wire fraud statute requires the communication to cross state lines, which is satisfied by the use of interstate electronic communications. It also clarifies that the statute applies to internet communications, even if the communication does not travel through out-of-state servers. This supports the proposition that the use of interstate electronic communications, such as text messages and emails, to submit fraudulent legal documents can constitute wire fraud.

[Mail and wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Perryman, Skye Lynn - 2006-03-22

Extract

Each use of the mail and/or wires constitutes a separate offense and can therefore be a separate count in an indictment. (25) ... Proof that the defendant engaged in a scheme to defraud is common to both the mail and wire fraud statutes. (29) ... Proof of a violation of the wire fraud statute generally requires knowledge and foreseeability of the interstate nature of the wire communication. (72) ... In addition to requiring the use of mails and/or wires, the mail and wire fraud statutes require that the mailing or wire transmission be for the purpose of executing the scheme, (74) typically stated as 'in furtherance' of the scheme. (75) ... [w]hoever, 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

Elements required to establish wire fraud under 18 U.S.C. § 1343, including the need for a scheme to defraud and the use of interstate wire communications to further that scheme. It specifies that each use of wire communications can be a separate offense and emphasizes that the communications must be in furtherance of the fraudulent scheme. This directly supports the proposition that the defendants' use of interstate electronic communications to submit fraudulent legal documents and financial transactions constitutes wire fraud.

MAIL AND WIRE FRAUD

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

Extract

Internet communications satisfy this requirement, even in the absence of proof that a fraudulent communication traveled through out-of-state servers... Each use of the mail or wires constitutes a separate offense and therefore can be a separate count in an indictment... Wire transmissions include interstate telephone calls or electronic transmissions.

Summary

The passage confirms that internet communications, including emails and text messages, satisfy the interstate nexus requirement for wire fraud under 18 U.S.C. § 1343. It also clarifies that each use of wires in furtherance of a fraudulent scheme can constitute a separate offense. This supports the proposition that the defendants' use of interstate electronic communications to submit fraudulent legal documents and coordinate financial transactions can be considered wire fraud.

Civil Rico: A Tool of Advocacy

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

Extract

Mail and wire fraud. Among the predicate acts specified in § 1961(1), mail fraud and wire fraud hold particular significance due to their prevalence in white-collar crimes and financial fraud schemes. Mail fraud involves the use of the postal service to execute a fraudulent scheme, while wire fraud pertains to fraudulent activities conducted via electronic communication channels. Both offenses are commonly utilized in organized crime activities and can serve as key components in establishing a pattern of racketeering... The use of the mails or interstate wires, such as emailing from state to state in furtherance of the scheme, provides federal jurisdiction for the crime.

Summary

Wire fraud, as defined under 18 U.S.C. § 1343, is a significant predicate act under RICO. The passage highlights that wire fraud involves fraudulent activities conducted via electronic communication channels, which aligns with the proposition that interstate electronic communications used to submit and coordinate fraudulent legal documents can constitute wire fraud. This supports the idea that such activities can be part of a RICO claim.

[Theft offenses](#)

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

Extract

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. See United States v. Briscoe, 65 F.3d 576, 583 (7th Cir. 1995) (citing United States v. Ames Sintering Co., 927 F.2d 232, 234 (6th Cir. 1990) (per curiam)); United States v. Frey, 42 F.3d 795, 797 (3d Cir. 1994). According to United States v. Profit, 49 F.3d 404, 406 n. 1 (8th Cir. 1995), there are four elements of a wire fraud case: (1) that the defendant voluntarily and intentionally devised or participated in a scheme to defraud another out of money, (2) that the defendant did so with the intent to defraud, (3) that it was reasonably foreseeable that interstate wire communications would be used, and (4) that interstate wire communications were in fact used.

Summary

Elements required to establish wire fraud under 18 U.S.C. § 1343, which include the use of interstate electronic communications in furtherance of a scheme to defraud. This directly supports the proposition that the use of interstate electronic communications, such as text messages and emails, to submit fraudulent legal documents and financial transactions can constitute wire fraud. The passage also references relevant case law that supports the interpretation of these elements.

[Spoofing and Layering.](#)

The Journal of Corporation Law - University of Iowa Journal of Corporation Law - Mark, Gideon - 2020-01-01

Extract

The wire fraud statute, which criminalizes any scheme to defraud that affects interstate or foreign commerce, has a broader jurisdictional reach... wire fraud does not require proof of a false statement. Such statements are proscribed, but so is 'the omission or concealment of material information, even absent an affirmative duty to disclose, if the omission was intended to induce a false belief and action to the advantage of the schemer and the disadvantage of the victim.' The proscribed conduct thus includes implied misrepresentations.

Summary

The wire fraud statute is broadly interpreted to include not only explicit false statements but also omissions or concealments of material information intended to deceive. This aligns with the proposition that the use of interstate electronic communications to submit fraudulent legal documents can constitute wire fraud. The passage supports the idea that wire fraud can be a predicate act under RICO when such communications are used to further a scheme to defraud.

[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

Wire fraud, as defined under 18 U.S.C. § 1343, is explicitly listed as a predicate act for racketeering activities under RICO. The passage confirms that wire fraud is one of the most common predicate acts, which supports the proposition that the use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions can constitute wire fraud, thereby satisfying a predicate act under RICO.

[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

Wire fraud, as defined under 18 U.S.C. § 1343, is explicitly listed as a predicate act for racketeering activities under RICO. This supports the proposition that the use of interstate electronic communications to submit and coordinate fraudulent legal documents and financial transactions can constitute wire fraud, which is a predicate act under RICO.

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