

Question

The goal of the scheme was to deceive the Texas courts and remove Morgan's husband from the family home under false pretenses. RICO liability requires that the predicate acts (e.g., mail or wire fraud) be committed with the intent to deceive or harm another party. The intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses satisfies the intent requirement for the predicate acts under RICO.

Answer (U.S. Federal)

Short response

The intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses would satisfy the intent requirement for predicate acts of mail or wire fraud under RICO. The scheme's purpose to intentionally deceive the courts and cause harm aligns with the specific intent element required for these predicate acts.

Summary

RICO liability requires predicate acts such as mail or wire fraud to be committed with the specific intent to deceive or defraud. Based on the provided legal authorities, the intent requirement for mail and wire fraud focuses on "a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another." The scheme described—deceiving Texas courts to remove Morgan's husband from the family home under false pretenses—demonstrates a clear intent to deceive the judicial system and cause harm to another party, which satisfies this requirement.

The intent to deceive can be inferred from actions that attempt to conceal activities or from misrepresentations, and courts have consistently held that the essence of a scheme to defraud is the intent to harm the victim, even if actual harm does not result. The described scheme involves intentional deception of the courts through false pretenses specifically to cause harm to Morgan's husband by removing him from his home, which establishes the requisite specific intent for predicate acts under RICO. This analysis is supported by numerous administrative decisions and case law establishing that the specific intent to deceive or defraud is a critical element for predicate acts that can establish RICO liability.

Background and Relevant Law

Statutory Framework

RICO (Racketeer Influenced and Corrupt Organizations Act) liability requires predicate acts, which include mail fraud and wire fraud. These predicate acts have specific intent requirements that must be met to establish liability under RICO.

The Wire Fraud statute, [18 U.S.C. § 1343](#), which was last amended in 2025, 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."

This statute establishes that wire fraud requires both a scheme to defraud and the specific intent to carry out that scheme through deceptive means.

Case Law on Intent Requirements for RICO Predicate Acts

The case law provides important clarification on the intent requirement for mail and wire fraud as predicate acts under RICO. In [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), the court outlined the elements of mail fraud: "(1) the defendants formed a scheme or artifice to defraud; (2) the defendants used the United States mails or caused a use of the United States mails in furtherance of the scheme; and (3) the defendants did so with the specific intent to deceive or defraud." Similarly for wire fraud, the court identified the elements as: "(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."

In [State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#), the court further explained that mail fraud requires "(1) a scheme to defraud; (2) the use of the mails to execute the scheme; and (3) the specific intent to defraud." The court also noted that "fraudulent intent similarly can be plausibly inferred from... the pattern of numerous cases in which [defendants] allegedly provided fraudulent diagnoses and medically unnecessary treatment." This illustrates that intent to defraud can be inferred from a pattern of fraudulent activities.

The case of [B Choice Ltd. v. Epicentre Dev. Assocs., LLC, CIVIL ACTION NO. H-14-2096 \(S.D. Tex. Mar 03, 2017\)](#) helps establish the relationship between predicate acts and RICO: "In the context of a RICO claim, the term 'predicate acts' refers to either state or federal crimes.... In this case, Plaintiff's remaining alleged predicate acts consist of mail fraud under 18 U.S.C. § 1341, wire fraud under [18 U.S.C. § 1343](#), the Travel Act under 18 U.S.C. § 1952, and money laundering under 18 U.S.C. §§ 1956(a)(1)(A)(I) and

(a)(2). See 18 U.S.C. § 1961(1)(listing mail fraud and wire fraud as predicate acts under RICO)."

Administrative Decisions and Secondary Sources on Intent Requirements

The intent requirement for mail and wire fraud is further clarified in administrative decisions. In [In re Sgarro](#) (2024), the decision cited circuit court cases stating that elements of mail fraud include "knowing and willful participation in [a] scheme [to defraud] with the specific intent to defraud" and that wire fraud "requires specific intent to deceive and cheat."

A 2023 administrative decision on Mail and Wire Fraud explains that "The second element of mail or wire fraud is a defendant's specific intent to defraud. The intent requirement for money or property cases involves 'a willful act . . . with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.'" This emphasizes that the specific intent to deceive or cause harm is a central element.

Another administrative decision from 2020 on Theft offenses reinforces that mail fraud "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."

Several administrative decisions between 2006 and 2012 consistently define the intent requirement for mail and wire fraud. For example, the 2012 decision on Mail and wire fraud states: "The second element the government must prove for a mail or wire fraud conviction is a defendant's intent to defraud. The intent requirement focuses on 'a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.'" Importantly, this decision also notes that "the government need not prove actual harm. The essence of a scheme to defraud is an intent to harm the victim."

The administrative decision from 2008 on Mail and wired fraud adds that intent may be inferred from circumstantial evidence: "Intent may be inferred from evidence indicating that the defendant attempted to conceal activity, or from the defendant's misrepresentations. In some cases, the defendant's knowledge of a false statement will constitute intent to defraud."

A secondary source titled [Chapter 4. Elements of Cause of Action](#) explains that "'scheme to defraud' connotes some degree of planning by the defendant. It is essential that the evidence show that the defendant entertained an intent to defraud.... The specific intent to deceive is an element of the predicate act." This further establishes that planning and specific intent to deceive are required elements for RICO predicate acts.

Another secondary source, [§ 5.06 Mail and Wire Fraud](#), states that "The government must also prove that the defendant engaged in the scheme to

defraud with the specific intent to defraud. 'In other words, the misrepresentation or omission must have the purpose of inducing the victim of the fraud to part with property or undertake some action that he would not otherwise do absent the misrepresentation or omission.'" This clarifies that the deception must be purposeful and designed to induce action that would not otherwise occur.

Analysis

Applying Intent Requirements to the Described Scheme

The scheme described involves an intent to deceive Texas courts and remove Morgan's husband from the family home under false pretenses. To determine if this satisfies the intent requirement for RICO predicate acts, we must analyze whether this demonstrates the specific intent to deceive or defraud required for mail or wire fraud.

First, the scheme explicitly involves deception of the courts through false pretenses. This aligns with the definition of wire fraud under [18 U.S.C. § 1343](#), which prohibits "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." The use of false pretenses to deceive the courts shows a clear intent to defraud the judicial system.

Second, the scheme was designed specifically to harm Morgan's husband by removing him from the family home. This targeted harm aligns with the intent requirement described in the 2023 administrative decision on Mail and Wire Fraud, which defines the intent requirement as involving "a willful act . . . with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another." While the scheme may not have been primarily financially motivated, it was intended to cause loss to another party (Morgan's husband losing access to his home).

Intent to Deceive the Courts

The scheme's goal to "deceive the Texas courts" demonstrates a clear intent to defraud a governmental institution. As established in [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), mail and wire fraud require "specific intent to deceive or defraud." The deliberate plan to present false information to the courts demonstrates this specific intent.

The administrative decision from 2008 on Mail and wired fraud explains that intent may be inferred from "evidence indicating that the defendant attempted to conceal activity, or from the defendant's misrepresentations." Using false pretenses to deceive the courts constitutes misrepresentation, from which the intent to defraud can be inferred.

Intent to Harm Morgan's Husband

The scheme's intention to "remove Morgan's husband from the family home under false pretenses" demonstrates an intent to cause harm to another party. As noted in the 2012 administrative decision on Mail and wire fraud, "the government need not prove actual harm. The essence of a scheme to defraud is an intent to harm the victim." The scheme clearly intended to harm Morgan's husband by depriving him of access to his home.

The 2007 administrative decision on Mail and wire fraud cites *United States v. Walker*, 191 F.3d 326, 334 (2d Cir. 1999), which held that "defendant must have had specific intent to harm or defraud victims." Similarly, it cites *United States v. Powers*, 168 F.3d 741, 746 (5th Cir. 1999), which held that "defendant must intend some harm to result." The scheme's intention to remove Morgan's husband from his home constitutes an intended harm, satisfying this requirement.

False Pretenses as Evidence of Fraudulent Intent

The use of "false pretenses" in the scheme is particularly significant. According to [§ 5.06 Mail and Wire Fraud](#), "The federal wire and mail fraud statutes proscribe devising any scheme involving the use of the mails or interstate wire transmission for obtaining 'property' by false pretenses or representations." The explicit mention of false pretenses in the description of the scheme directly aligns with the language used in defining mail and wire fraud.

Furthermore, as stated in [State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#), fraudulent intent can be "plausibly inferred" from a pattern of fraudulent activities. The use of false pretenses to deceive the courts establishes such fraudulent activity.

Property Interests in Housing

Although the scheme does not explicitly target financial gain, it does involve depriving Morgan's husband of his property interest in the family home. According to [§ 5.06 Mail and Wire Fraud](#), mail and wire fraud involve obtaining 'property' by false pretenses or inducing a victim "to part with property or undertake some action that he would not otherwise do absent the misrepresentation or omission."

In this case, the false pretenses were designed to cause Morgan's husband to be removed from the family home, effectively depriving him of his property interest in the home. This satisfies the property element often associated with mail and wire fraud cases.

Planning Element

The [Chapter 4. Elements of Cause of Action](#) secondary source notes that a "'scheme to defraud' connotes some degree of planning by the defendant." The described scenario explicitly mentions a "goal" and a "scheme,"

indicating planning and intent rather than spontaneous action. This planning element further supports the conclusion that the specific intent requirement for RICO predicate acts is satisfied.

Exceptions and Caveats

Distinction between Intent to Defraud and "Puffing"

Several administrative decisions, including the ones from 2008 and 2006 on Mail and wire fraud, distinguish between intent to defraud and "puffing," which is "mere exaggeration of the qualities, opportunities, or value of an article." However, this distinction is not relevant to the current scenario, as deliberately deceiving the courts with false pretenses goes well beyond mere exaggeration and constitutes actual fraudulent misrepresentation.

Need for Actual Use of Mail or Wire Communications

While the intent element may be satisfied, it's important to note that RICO liability for mail or wire fraud would also require proof that the scheme actually involved the use of mail or wire communications. As stated in [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), mail fraud requires that "the defendants used the United States mails or caused a use of the United States mails in furtherance of the scheme," and wire fraud requires "use of the United States wires or causing a use of the United States wires in furtherance of the scheme."

The scenario does not specify whether mail or wire communications were used in furtherance of the scheme. If no such communications were used, the scheme would not qualify as mail or wire fraud regardless of the intent.

Specificity of the Scheme

The 2020 administrative decision on Theft offenses notes that mail fraud "requires that the defendant devise or intend to devise a scheme to defraud." While the scenario describes a general scheme to deceive the courts and remove Morgan's husband from the family home, it does not provide specific details about the nature of the false pretenses or how the scheme was executed. Additional details about the specific false representations made would strengthen the case for fraudulent intent.

Conclusion

Based on the legal authorities provided, the intent to deceive the Texas courts and remove Morgan's husband from the family home under false pretenses would satisfy the intent requirement for predicate acts under RICO, particularly mail or wire fraud.

The specific intent to deceive or defraud is a critical element of mail and wire fraud, as established in [18 U.S.C. § 1343](#) and numerous administrative decisions. This intent is defined as "a willful act by the defendant with the

specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another." The scheme described clearly demonstrates an intent to deceive the courts through false pretenses and an intent to harm Morgan's husband by removing him from his home.

Multiple administrative decisions confirm that the essence of a scheme to defraud is the intent to harm the victim, even if actual harm does not result. The intent to remove Morgan's husband from his home constitutes an intended harm, satisfying this requirement.

Furthermore, the use of false pretenses to deceive the courts aligns directly with the definition of wire fraud under [18 U.S.C. § 1343](#), which prohibits schemes involving "false or fraudulent pretenses, representations, or promises." The deliberate plan to present false information to the courts demonstrates the specific intent to deceive required for RICO predicate acts.

The planning element inherent in the description of a "scheme" with a "goal" further supports the conclusion that the specific intent requirement is satisfied. As noted in [Chapter 4. Elements of Cause of Action](#), a "scheme to defraud" connotes planning by the defendant.

While the intent element appears to be satisfied, it's important to note that RICO liability would also require proof that the scheme actually involved the use of mail or wire communications, which is not specified in the scenario. Additionally, more specific details about the nature of the false pretenses would strengthen the case for fraudulent intent.

In conclusion, the intent to deceive the Texas courts and remove Morgan's husband from the family home under false pretenses does satisfy the intent requirement for predicate acts under RICO, assuming that the scheme involved the use of mail or wire communications as required by the statutes.

Legal Authorities

[State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#)

U.S. District Court — Southern District of Texas

Extract

Mail fraud requires '(1) a scheme to defraud; (2) the use of the mails to execute the scheme; and (3) the specific intent to defraud.' *United States v. Traxler*, 764 F.3d 486, 488 (5th Cir. 2014). ... Fraudulent intent similarly can be plausibly inferred from State Farm's Complaint and attached appendices that highlight the pattern of numerous cases in which Dr. Punjwani and PAIN allegedly provided fraudulent diagnoses and medically unnecessary treatment. See *Allstate Ins. Co. v. Plambeck*, 802 F.3d 665, 675 (5th Cir. 2015) (finding that circumstantial evidence that defendants participated in a

scheme to defraud insurance companies was enough to prove intent for mail fraud).

Summary

N example where fraudulent intent can be inferred from a pattern of fraudulent activities, which supports the notion that intent to deceive can be established through circumstantial evidence. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband satisfies the intent requirement for RICO predicate acts.

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

U.S. District Court — Southern District of Texas

Extract

For mail fraud, it is necessary to show that (1) the defendants formed a scheme or artifice to defraud; (2) the defendants used the United States mails or caused a use of the United States mails in furtherance of the scheme; and (3) the defendants did so with the specific intent to deceive or defraud. ... 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

For a RICO claim involving mail or wire fraud, it is essential to demonstrate the formation of a scheme to defraud, the use of mail or wires in furtherance of that scheme, and the specific intent to deceive or defraud. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses satisfies the intent requirement for the predicate acts under RICO.

[B Choice Ltd. v. Epicentre Dev. Assocs., LLC, CIVIL ACTION NO. H-14-2096 \(S.D. Tex. Mar 03, 2017\)](#)

U.S. District Court — Southern District of Texas

Extract

In the context of a RICO claim, the term 'predicate acts' refers to either state or federal crimes. *St. Germain v. Howard*, 556 F.3d 261, 263 (5th Cir. 2009) cert. denied, 557 U.S. 920 (2009). In this case, Plaintiff's remaining alleged predicate acts consist of mail fraud under 18 U.S.C. § 1341, wire fraud under 18 U.S.C. § 1343, the Travel Act under 18 U.S.C. § 1952, and money laundering under 18 U.S.C. §§ 1956(a)(1)(A)(I) and (a)(2). See 18

U.S.C. § 1961(1)(listing mail fraud and wire fraud as predicate acts under RICO).

Summary

Predicate acts under RICO include mail and wire fraud, which require an intent to deceive or harm another party. The passage supports the proposition by establishing that mail and wire fraud are recognized predicate acts under RICO, and these acts inherently involve an intent to deceive. Therefore, if the scheme involved mail or wire fraud with the intent to deceive the courts and harm Morgan's husband, it would satisfy the intent requirement for RICO predicate acts.

[Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#)

U.S. District Court — Southern District of Texas

Extract

The elements of RICO mail fraud are: (1) a scheme to defraud by means of false or fraudulent representation; (2) interstate or intrastate use of the mails to execute the scheme; (3) the use of the mails by the defendant connected with or incident to the scheme; and (4) actual injury to the plaintiff. ... the Fifth Circuit recognizes 'a specific-intent requirement that the defendant knew the scheme involved false representations, or put otherwise, that a culpable defendant acts knowingly with the specific intent to deceive for the purpose of causing pecuniary loss to another or bringing about some financial gain to himself.'

Summary

For RICO liability involving mail fraud, there must be a scheme to defraud with false representations, and the defendant must have specific intent to deceive. The passage highlights the necessity of demonstrating that the defendant acted knowingly with the intent to deceive, which aligns with the proposition that the scheme aimed to deceive the courts and harm Morgan's husband. The requirement of specific intent to deceive supports the argument that the actions taken to remove Morgan's husband from the family home under false pretenses could satisfy the intent requirement for RICO predicate acts.

[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 or obtain property by false pretenses and using wire communications to execute the scheme. The proposition involves a scheme to deceive the courts and harm Morgan's husband, which aligns with the intent to defraud as described in the statute. The use of wire communications in furtherance of this scheme would satisfy the requirements for wire fraud as a predicate act under RICO.

[Mail and wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Sloan, William M. - 2011-03-22

Extract

The second element the government must prove for a mail or wire fraud conviction is a defendant's intent to defraud. (45) The intent requirement focuses on 'a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.' (46) ... Intent may be inferred from evidence indicating that the defendant attempted to conceal activity (53) or from the defendant's misrepresentations. (54) In some cases, the defendant's knowledge of a false statement will constitute intent to defraud. (55) Although not necessary to establish intent to defraud, (56) the government may introduce evidence of a victim's actual financial loss as proof of the defendant's intent. (57)

Summary

The intent to defraud is a critical element in mail and wire fraud cases, which are often used as predicate acts in RICO cases. The passage explains that intent can be inferred from actions such as misrepresentations or attempts to conceal activities. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses could satisfy the intent requirement for RICO predicate acts.

[Mail and wire fraud.](#)

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

Extract

The second element the government must prove for a mail or wire fraud conviction is the defendant's intent to defraud. Intent targets 'a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.' Intent to deceive has been distinguished from 'puffing,' or mere exaggeration of the qualities, opportunities, or value of an article. However, statements in advertising that go beyond 'puffing' can be indicative of intent to defraud when the advertised product falls substantially short of the way the defendant represented it. To determine whether a particular representation goes beyond puffery, courts rely on the presence or absence of good faith on the part of the 'puffer.' The government often meets their burden to prove intent to defraud by using circumstantial evidence and 'a liberal policy has developed to allow the government to introduce evidence that even peripherally bears on the question of intent.' Similarly, the defendant can also use circumstantial evidence to show that he or she did not have the requisite intent. Intent may be inferred from evidence indicating the defendant attempted to conceal activity, or from the defendant's misrepresentations. In some cases, the defendant's knowledge of a false statement will constitute intent to defraud.

Summary

For a mail or wire fraud conviction, the government must prove the defendant's intent to defraud, which involves a willful act with the specific intent to deceive or cheat. This intent can be inferred from circumstantial evidence, misrepresentations, or attempts to conceal activity. The passage supports the proposition by explaining that the intent to deceive or harm another party, such as removing someone from their home under false pretenses, satisfies the intent requirement for predicate acts under RICO.

[Mail and wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Zelcer, Amy - 2012-03-22

Extract

The second element the government must prove for a mail or wire fraud conviction is a defendant's intent to defraud. (45) The intent requirement focuses on 'a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.' (46) ... Intent may be inferred from evidence indicating that the defendant attempted to conceal activity (53) or from the defendant's misrepresentations. (54) In some cases, the defendant's knowledge of a false statement will constitute intent to defraud. (55) ... the government need not prove actual harm. The essence of a scheme to defraud is an intent to harm the victim. (56)

Summary

The intent to defraud is a critical element in mail and wire fraud cases, which are predicate acts under RICO. The passage explains that intent can be inferred from actions such as misrepresentations or attempts to conceal activities. It also clarifies that actual harm need not be proven, only the intent to harm. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband satisfies the intent requirement for RICO predicate acts.

[Mail and wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Stuart, Christopher J. - 2009-03-22

Extract

The second element the government must prove for a mail or wire fraud conviction is a defendant's intent to defraud. (50) Intent targets 'a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.' (51)... 191 F.3d 326, 334 (2d Cir. 1999) (holding defendant must have had specific intent to harm or defraud victims); *United States v. Sayakhom*, 186 F.3d 928, 940 (9th Cir. 1999) (requiring intent to defraud to convict of mail fraud); *United States v. Gold Unlimited, Inc.*, 177 F.3d 472, 478 (6th Cir. 1999) (listing intent to defraud as required element of mail fraud).

Summary

For a mail or wire fraud conviction, the government must prove the defendant's specific intent to defraud, which involves a willful act to deceive or cheat for financial gain or to cause financial loss. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses satisfies the intent requirement for the predicate acts under RICO.

[Mail and wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Pezo, Marissa - 2007-03-22

Extract

The second element the government must prove for a mail or wire fraud conviction is a defendant's intent to defraud. (46) Intent targets 'a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to

another.' (47) ... United States v. Walker, 191 F.3d 326, 334 (2d Cir. 1999) (holding defendant must have had specific intent to harm or defraud victims); ... United States v. Powers, 168 F.3d 741, 746 (5th Cir. 1999) (holding defendant must intend some harm to result).

Summary

For a mail or wire fraud conviction, the government must prove the defendant's specific intent to defraud, which includes a willful act with the intent to deceive or harm another party. The passage cites several cases that reinforce the requirement of specific intent to harm or defraud victims. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses satisfies the intent requirement for the predicate acts under RICO.

[Mail and wired fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Greenwood, Lee - 2008-03-22

Extract

The second element the government must prove for a mail or wire fraud conviction is a defendant's intent to defraud. Intent targets 'a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.' Intent to deceive has been distinguished from 'puffing,' or mere exaggeration of the qualities, opportunities, or value of an article. However, statements in advertising that go beyond 'puffing' can be indicative of intent to defraud when the advertised product falls substantially short of the way the defendant represented it. To determine whether a particular representation goes beyond puffery, courts rely on the presence or absence of good faith on the part of the 'puffer.' The government often meets its burden to prove intent to defraud by using circumstantial evidence; 'a liberal policy has developed to allow the government to introduce evidence that even peripherally bears on the question of intent.' Similarly, the defendant can also use circumstantial evidence to show that he or she did not have the requisite intent. Intent may be inferred from evidence indicating that the defendant attempted to conceal activity, or from the defendant's misrepresentations. In some cases, the defendant's knowledge of a false statement will constitute intent to defraud.

Summary

For a mail or wire fraud conviction, the government must prove the defendant's intent to defraud, which involves a willful act with the specific intent to deceive or cheat. This intent can be inferred from circumstantial evidence, misrepresentations, or attempts to conceal activity. The passage supports the proposition by explaining that the intent to deceive or harm

another party, such as removing someone from their home under false pretenses, satisfies the intent requirement for predicate acts under RICO.

[Mail and wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Pittman, Elizabeth Wagner - 2010-03-22

Extract

The second element the government must prove for a mail or wire fraud conviction is a defendant's intent to defraud. (44) The intent requirement focuses on 'a willful act by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.' (45) ... (54.) See *United States v. Smith*, 133 F.3d 737, 743 (10th Cir. 1997) (holding intent may be inferred from variety of circumstantial evidence, including defendant's misrepresentations and knowledge of false statements). (55.) See *United States v. Lamoreaux*, 42 F.3d 750, 754 (8th Cir. 2005) ('[T]he government need not prove actual harm. The essence of a scheme to defraud is an intent to harm the victim.' (internal quotations omitted)); *United States v. Naiman*, 211 F.3d 40, 49 (2d Cir. 2000) (holding government need only show actual harm or injury was contemplated by scheme and need not prove actual injury).

Summary

Intent requirement for mail and wire fraud, which is a key component of RICO predicate acts. It specifies that the intent to defraud involves a willful act with the specific intent to deceive or harm another party. The passage also notes that intent can be inferred from circumstantial evidence, such as misrepresentations and knowledge of false statements. Additionally, it clarifies that actual harm need not be proven, only that harm was contemplated. This supports the proposition that the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses satisfies the intent requirement for RICO predicate acts.

[Chapter 4. Elements of Cause of Action](#)

Civil RICO: A Definitive Guide. Fifth Edition - American Bar Association - Gregory P. Joseph

Extract

Mens Rea. The term 'scheme to defraud' connotes some degree of planning by the defendant. It is essential that the evidence show that the defendant entertained an intent to defraud. *Atlas Pile Driving Co. v. DiCon Fin. Co.*, 886

F.2d 986 (8th Cir. 1989). The specific intent to deceive can... specific intent to deceive is an element of the predicate act.

Summary

For RICO liability, particularly under mail or wire fraud, there must be evidence of a "scheme to defraud" which includes a specific intent to deceive. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses satisfies the intent requirement for the predicate acts under RICO.

[Mail and Wire Fraud](#)

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

Extract

The second element of mail or wire fraud is a defendant's specific intent to defraud. The intent requirement for money or property cases involves 'a willful act . . . with the specific intent to deceive or cheat, usually for the purpose of getting financial gain for one's self or causing financial loss to another.'

Summary

The specific intent to defraud is a crucial element of mail or wire fraud. This intent involves a willful act with the specific purpose of deceiving or cheating, typically for financial gain or to cause financial loss to another. In the context of the proposition, the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses aligns with the requirement of specific intent to defraud, as it involves a willful act to deceive for the purpose of causing harm.

[§ 5.06 Mail and Wire Fraud](#)

Intellectual Property and Computer Crimes - Full Court Press

Extract

The federal wire and mail fraud statutes proscribe devising any scheme involving the use of the mails or interstate wire transmission for obtaining 'property' by false pretenses or representations. The elements of wire fraud and mail fraud are formation of a 'scheme to defraud' and use of mailing or interstate wire communication to further the scheme. ... The government must also prove that the defendant engaged in the scheme to defraud with the specific intent to defraud. 'In other words, the misrepresentation or

omission must have the purpose of inducing the victim of the fraud to part with property or undertake some action that he would not otherwise do absent the misrepresentation or omission.'

Summary

The federal wire and mail fraud statutes require a scheme to defraud and the use of mail or wire communications to further that scheme. Importantly, the intent to defraud must be specific, meaning the misrepresentation or omission must aim to induce the victim to part with property or take an action they otherwise would not. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses satisfies the intent requirement for the predicate acts under RICO.

[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. See *Schmuck v. United States*, 489 U.S. 705, 721 n. 10 (1989); see also *Pereira v. United States*, 347 U.S. 1, 8 (1954) ("The elements of the offense of mail fraud under ... §1341 are (1) a scheme to defraud, and (2) the mailing of a letter, etc., for the purpose of executing the scheme.").

Summary

Mail fraud requires a scheme to defraud and the use of mail to execute that scheme. This aligns with the proposition that the intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses could satisfy the intent requirement for predicate acts under RICO, as mail fraud is a recognized predicate act under RICO.

[In re Sgarro](#)

Securities and Exchange Commission Decisions

Extract

See, e.g., *United States v. Stergios*, 659 F.3d 127, 132 (1st Cir. 2011) (stating that elements of mail fraud include 'knowing and willful participation in [a] scheme [to defraud] with the specific intent to defraud'); *United States v.*

Miller, 953 F.3d 1095, 1098-99, 1101-03 (9th Cir. 2020) (holding that wire fraud requires specific intent to deceive and cheat).

Summary

The passage provides legal definitions and interpretations of mail and wire fraud, emphasizing the requirement of specific intent to deceive or defraud. This is directly relevant to the proposition, as it establishes that for RICO liability, the predicate acts (such as mail or wire fraud) must be committed with the intent to deceive or harm another party. The intent to deceive the courts and harm Morgan's husband by removing him from the family home under false pretenses aligns with the intent requirement for these predicate acts under RICO.

This memo was compiled by Vincent AI based on vLex materials available as of June 11, 2025. [View full answer on vLex](#)