

Question

Does traveling to Oklahoma to prepare fraudulent documents for submission in Texas state courts satisfy any obstruction of justice provisions under the federal RICO statute (18 U.S.C. §§ 1961-1968) if it is part of a broader scheme to deprive someone of federally protected civil rights, even if the fraudulent documents are intended to affect only state court proceedings?

Answer (U.S. Federal)

Short response

Preparing fraudulent documents in Oklahoma for submission in Texas state courts can potentially satisfy obstruction of justice provisions under the federal RICO statute when part of a broader scheme to deprive someone of federally protected civil rights. This conclusion is supported by the inclusion of obstruction of justice (18 U.S.C. § 1503) and obstruction of state or local law enforcement (18 U.S.C. § 1511) as predicate acts within RICO's definition of "racketeering activity" under [18 U.S.C. § 1961](#).

Summary

The preparation of fraudulent documents in Oklahoma for submission in Texas state courts may constitute obstruction of justice under the federal RICO statute (18 U.S.C. §§ 1961-1968) if it forms part of a broader scheme to deprive someone of federally protected civil rights. While the fraudulent documents themselves may be intended to affect only state court proceedings, several provisions within the RICO statute's definition of "racketeering activity" encompass obstruction of justice (§ 1503), obstruction of criminal investigations (§ 1510), obstruction of state or local law enforcement (§ 1511), and witness tampering (§ 1512). These provisions could apply to interstate activities aimed at interfering with judicial proceedings, regardless of whether they target federal or state courts.

For such activity to fall under RICO, it must constitute a "pattern of racketeering activity" that affects interstate commerce and is connected to an "enterprise." The interstate nature of preparing documents in Oklahoma for use in Texas inherently implicates interstate commerce. Additionally, if these activities are part of a broader scheme to deprive someone of federally protected civil rights, they likely satisfy the "continuity plus relationship" requirement established by the Supreme Court for a pattern of racketeering activity. The key consideration is whether the preparation of fraudulent documents, combined with other activities in the scheme, forms a pattern of related criminal acts sufficient to trigger RICO's provisions.

Background and Relevant Law

Legislation: The RICO Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. §§ 1961-1968, was designed to combat organized crime and corruption. Two key provisions are central to answering the question at hand: the definition of "racketeering activity" in § 1961 and the prohibited activities outlined in § 1962.

Section 1961 defines "racketeering activity" as encompassing various criminal offenses, including obstruction of justice and related crimes. Specifically, [18 U.S.C. § 1961](#) states that racketeering activity includes "section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)."

The prohibited activities under RICO are outlined in [18 U.S.C. § 1962](#), which states: "It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." This provision establishes that RICO violations require a pattern of racketeering activity that affects interstate or foreign commerce.

Case Law: Requirements for RICO Claims

In [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), the court elucidated the elements necessary for RICO claims. The court noted that "Under RICO, while four distinct offenses are declared to be unlawful, common elements are present in all four offenses... 'Racketeering activity' is defined in § 1961(1) in terms of a list of state and federal crimes... Under § 1961(1)(B), racketeering activity includes any act which is indictable under a number of federal criminal statutes, including mail fraud and wire fraud. Any act that does not fall within the purview of RICO's definition of predicate offenses is not an act of 'racketeering activity.'"

This clarification is crucial because it establishes that for an activity to qualify as "racketeering" under RICO, it must be specifically enumerated in the statute's definition. As noted earlier, obstruction of justice (§ 1503) and obstruction of state or local law enforcement (§ 1511) are expressly included in this definition.

Secondary Materials: Pattern Requirement and RICO Violations

The secondary source RICO: A Primer (2022) provides additional insight into the requirements for establishing a RICO violation. It emphasizes that "The heart of a RICO case is the existence of a pattern of racketeering activity"

and that "A 'pattern' may exist where any combination of two or more offenses occurred within a period of time."

Importantly, the source references the Supreme Court case *Sedima, S.P.R.L. v. Imrex Co.*, which held that "the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary." This establishes that a pattern requires not just multiple acts, but acts that are related and demonstrate some form of continuity.

The source also outlines the four distinct RICO violations under section 1962: "(a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct."

Analysis

Obstruction of Justice Provisions Under RICO

To determine whether traveling to Oklahoma to prepare fraudulent documents for submission in Texas state courts satisfies obstruction of justice provisions under the federal RICO statute, we must analyze whether such activities constitute "racketeering activity" as defined in § 1961.

The definition of "racketeering activity" explicitly includes multiple provisions related to obstruction of justice:

1. Section 1503 (obstruction of justice)
2. Section 1510 (obstruction of criminal investigations)
3. Section 1511 (obstruction of state or local law enforcement)
4. Section 1512 (tampering with a witness, victim, or informant)
5. Section 1513 (retaliating against a witness, victim, or informant)

Of particular relevance to the present question are sections 1503 and 1511. Section 1503 addresses obstruction of justice generally, while section 1511 specifically addresses obstruction of state or local law enforcement. The preparation of fraudulent documents intended for submission in state court proceedings could potentially violate either or both of these provisions if the activity is designed to interfere with the proper administration of justice.

Notably, section 1511's inclusion as a predicate act suggests that RICO contemplates federal jurisdiction over schemes that obstruct state and local judicial processes, not just federal ones. This is significant because it indicates that the fraudulent documents' intended use in state courts does not automatically preclude RICO applicability.

Interstate Activity and Commerce Nexus

The preparation of fraudulent documents in Oklahoma for submission in Texas courts inherently involves interstate activity. This interstate element is important because [18 U.S.C. § 1962](#) requires that the enterprise in question

"is engaged in, or the activities of which affect, interstate or foreign commerce."

The fact that the hypothetical involves traveling across state lines to prepare fraudulent documents that will then be transported back across state lines for use in another state's courts demonstrates a clear connection to interstate commerce. This interstate nature of the activity helps establish the commerce nexus required under RICO.

Pattern of Racketeering Activity

According to RICO: A Primer (2022), a pattern of racketeering activity requires both "continuity plus relationship" among the predicate acts. The preparation of fraudulent documents alone may not constitute a pattern. However, the question specifies that these activities are "part of a broader scheme to deprive someone of federally protected civil rights."

This broader scheme context is crucial. If the preparation of fraudulent documents is one of multiple related acts aimed at depriving someone of federally protected civil rights, and these acts occur over a sufficient period of time or with a threat of continued criminal activity, they likely satisfy the "continuity plus relationship" requirement for establishing a pattern under RICO.

The requirement that the fraudulent documents be part of a "broader scheme" suggests the existence of additional predicate acts beyond the document preparation itself. If these additional acts also qualify as racketeering activity under § 1961, and they demonstrate sufficient continuity and relationship to the document preparation, they collectively could establish the required pattern.

Connection to an Enterprise

RICO violations require connection to an "enterprise." While the provided materials don't extensively address the enterprise requirement, [18 U.S.C. § 1962](#) clarifies that the prohibited activities involve a "pattern of racketeering activity" that affects an "enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

In the context of the hypothetical scenario, the "enterprise" might be a group of individuals organized for the purpose of depriving someone of federally protected civil rights, using fraudulent documents in state court proceedings as one means to accomplish this goal. If this group demonstrates sufficient organization and continuity to qualify as an enterprise under RICO, and the preparation of fraudulent documents is conducted through or benefits this enterprise, then this element of RICO would be satisfied.

Impact of State vs. Federal Court Proceedings

A key aspect of the question is whether RICO applies when the fraudulent documents are "intended to affect only state court proceedings." Based on

the provided materials, there are several reasons why RICO could still apply in this scenario:

1. Section 1511, which relates to "obstruction of State or local law enforcement," is explicitly included as a predicate act under [18 U.S.C. § 1961](#). This indicates that RICO contemplates federal jurisdiction over schemes that obstruct state judicial processes.
2. The interstate nature of the activity (Oklahoma to Texas) provides a nexus to federal jurisdiction, regardless of whether the targeted proceedings are in state or federal court.
3. The broader context of depriving someone of "federally protected civil rights" suggests a federal interest that could justify federal jurisdiction under RICO, even if the immediate target of the fraudulent documents is a state court proceeding.

[Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#) emphasizes that racketeering activity includes "any act which is indictable under a number of federal criminal statutes, including mail fraud and wire fraud." If the preparation and submission of fraudulent documents involved mail or wire communications across state lines, this could potentially implicate mail fraud or wire fraud statutes, which are also predicate acts under RICO.

The Broader Scheme to Deprive Federally Protected Civil Rights

The question specifies that the preparation of fraudulent documents is "part of a broader scheme to deprive someone of federally protected civil rights." This context is significant because:

1. It suggests a purpose and continuity that may help establish the "pattern" requirement under RICO.
2. It indicates potential violations of federal civil rights laws, which could serve as additional predicate acts under RICO if they qualify under § 1961.
3. It reinforces the federal interest in the scheme, despite the state-court focus of the fraudulent documents themselves.

The deprivation of federally protected civil rights often involves multiple acts over time, which aligns with the "continuity plus relationship" requirement discussed in RICO: A Primer (2022). If the preparation of fraudulent documents is one component of this broader pattern, and the pattern includes at least two predicate acts under § 1961 that demonstrate continuity and relationship, then RICO could apply.

Exceptions and Caveats

Requirement of Specific Predicate Acts

As emphasized in [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), "Any act that does not fall within the purview of RICO's definition of predicate offenses is not an act of 'racketeering activity.'" This means that the preparation of fraudulent documents must specifically violate one of the enumerated offenses in § 1961 to qualify as a predicate act under RICO.

While obstruction of justice (§ 1503) and obstruction of state or local law enforcement (§ 1511) are included in the definition, the specific elements of these offenses must be met. The mere preparation of fraudulent documents may not, by itself, satisfy these elements without additional factors such as:

1. Intent to influence, obstruct, or impede the due administration of justice
2. A pending judicial proceeding
3. Knowledge of the pending proceeding
4. A nexus between the obstructive conduct and the proceeding

Without meeting these specific elements, the document preparation might not qualify as a predicate act, regardless of its fraudulent nature or interstate character.

Pattern Requirement Limitations

The "pattern" requirement presents another potential limitation. As noted in RICO: A Primer (2022), the Supreme Court in Sedima established that a pattern requires "continuity plus relationship," not merely two predicate acts. If the preparation of fraudulent documents is an isolated event with insufficient connection to other racketeering activities, it may fail to establish the required pattern.

Additionally, if the "broader scheme" referenced in the question does not involve additional acts that qualify as racketeering activity under § 1961, or if these acts lack sufficient continuity and relationship, then a pattern may not be established despite the interstate nature of the document preparation.

Enterprise Connection Requirement

For RICO to apply, the pattern of racketeering activity must be connected to an "enterprise." If the preparation of fraudulent documents and the broader scheme to deprive civil rights are conducted by individuals acting independently, without sufficient organization or continuity to constitute an enterprise, then RICO may not apply despite the presence of predicate acts.

Interstate Commerce Nexus Requirements

While the interstate nature of traveling from Oklahoma to Texas suggests a commerce nexus, this connection must be substantive rather than merely incidental. If the interstate aspect of the activity is minimal or tangential to the scheme, it might not satisfy the requirement that the enterprise "is engaged in, or the activities of which affect, interstate or foreign commerce" as required by [18 U.S.C. § 1962](#).

Conclusion

Based on the analysis of the provided materials, traveling to Oklahoma to prepare fraudulent documents for submission in Texas state courts can potentially satisfy obstruction of justice provisions under the federal RICO statute when it is part of a broader scheme to deprive someone of federally protected civil rights.

The inclusion of both obstruction of justice (§ 1503) and obstruction of state or local law enforcement (§ 1511) as predicate acts under [18 U.S.C. § 1961](#) indicates that RICO contemplates federal jurisdiction over schemes that obstruct state judicial processes. The interstate nature of the activity provides a nexus to federal jurisdiction and helps satisfy the commerce requirement under [18 U.S.C. § 1962](#).

However, for RICO to apply, several additional requirements must be met:

1. The preparation of fraudulent documents must specifically violate one of the enumerated offenses in § 1961, such as obstruction of justice or obstruction of state law enforcement.
2. The fraudulent document preparation must be part of a "pattern of racketeering activity," which requires not just multiple acts but "continuity plus relationship" among these acts, as established in Supreme Court precedent and noted in RICO: A Primer (2022).
3. The pattern must be connected to an "enterprise" that affects interstate commerce, as required by [18 U.S.C. § 1962](#).
4. The interstate element must be substantive rather than merely incidental to the scheme.

Therefore, while the preparation of fraudulent documents in Oklahoma for submission in Texas state courts could potentially trigger RICO's obstruction of justice provisions, especially when part of a broader scheme to deprive someone of federally protected civil rights, the applicability of RICO would ultimately depend on whether all elements of the statute are satisfied. The fact that the fraudulent documents are intended to affect only state court proceedings does not, by itself, preclude RICO's application, particularly given the explicit inclusion of obstruction of state law enforcement as a predicate act and the broader context of deprivation of federally protected civil rights.

Legal Authorities

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

U.S. District Court — Southern District of Texas

Extract

Under RICO, while four distinct offenses are declared to be unlawful, common elements are present in all four offenses... 'Racketeering activity' is defined in § 1961(1) in terms of a list of state and federal crimes... Under § 1961(1)(B), racketeering activity includes any act which is indictable under a number of federal criminal statutes, including mail fraud and wire fraud. Any act that does not fall within the purview of RICO's definition of predicate offenses is not an act of 'racketeering activity.'

Summary

If an act does not fall within the definition of predicate offenses under RICO, it is not considered "racketeering activity." Therefore, the preparation of fraudulent documents, if it involves mail or wire fraud, could potentially be considered racketeering activity under RICO.

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

Extract

As used in this chapter- ... section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), ...

Summary

The passage lists various acts that constitute "racketeering activity" under the RICO statute, including obstruction of justice (section 1503), obstruction of criminal investigations (section 1510), and obstruction of State or local law enforcement (section 1511). These provisions could potentially apply to the preparation of fraudulent documents intended to obstruct justice in state court proceedings, especially if part of a broader scheme to violate federally protected civil rights. The RICO statute is designed to address organized crime and corruption, and its provisions are broadly construed to include various forms of obstruction.

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

Extract

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

Summary

The passage from 18 U.S.C. § 1962 outlines unlawful activities related to racketeering, specifically focusing on the acquisition or maintenance of interest in an enterprise through racketeering activities that affect interstate or foreign commerce. The key element here is the impact on interstate commerce, which could be relevant if the fraudulent activities in Oklahoma and Texas are part of a broader scheme that affects interstate commerce. The RICO statute is designed to address patterns of racketeering activity, which could include the preparation and submission of fraudulent documents if they are part of a larger scheme.

[RICO: A Primer](#)

Extract

The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary... There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct.

Summary

For an action to satisfy the RICO statute, it must be part of a "pattern of racketeering activity," which involves more than just two predicate acts; it requires "continuity plus relationship." The passage also outlines the four types of RICO violations under section 1962, which include conducting the affairs of an enterprise through racketeering activities. The passage does not specifically address the obstruction of justice provisions or the impact on state court proceedings, but it provides a framework for understanding how a broader scheme involving fraudulent documents could potentially fit into a RICO violation if it meets the criteria of affecting interstate commerce and being part of a pattern of racketeering activity.

This memo was compiled by Vincent AI based on vLex materials available as of June 19, 2025. [View full answer on vLex](#)