

# **Question**

Morgan Michelle Myers and Daniel Kenneth Branthoover engaged in multiple acts, including preparing fraudulent documents, transferring money across state lines, and lying about indigency, abuse, and harassment to influence court proceedings. A "pattern of racketeering activity" requires at least two predicate acts of racketeering activity within a 10-year period. Predicate acts include mail fraud, wire fraud, and obstruction of justice (18 U.S.C. § 1961(1)). The preparation of fraudulent documents and the transfer of funds across state lines for fraudulent purposes could constitute predicate acts of wire fraud under 18 U.S.C. § 1343. Lying to the court about indigency, abuse, and harassment could constitute obstruction of justice under 18 U.S.C. § 1503. These acts, taken together, establish a pattern of racketeering activity.

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

## **Short response**

The actions of Morgan Michelle Myers and Daniel Kenneth Branthoover that include preparing fraudulent documents, transferring money across state lines, and lying about indigency, abuse, and harassment to influence court proceedings could establish a pattern of racketeering activity under RICO as they likely constitute wire fraud under [18 U.S.C. § 1343](#) and obstruction of justice under [18 U.S.C. § 1503](#), both of which qualify as predicate acts under [18 U.S.C. § 1961](#)(1).

## **Summary**

Under the Racketeer Influenced and Corrupt Organizations Act (RICO), a "pattern of racketeering activity" requires at least two predicate acts of racketeering activity within a ten-year period. The behaviors described—preparing fraudulent documents, transferring money across state lines, and lying to courts about indigency, abuse, and harassment—could satisfy this requirement by constituting predicate acts under the RICO statute. Specifically, the preparation of fraudulent documents and interstate transfer of funds may constitute wire fraud under [18 U.S.C. § 1343](#), while making false statements to the court about indigency, abuse, and harassment could constitute obstruction of justice under [18 U.S.C. § 1503](#).

The legal analysis supports the conclusion that these actions, when taken together, could establish a pattern of racketeering activity under RICO. The preparation of fraudulent documents and transfer of funds across state lines likely satisfy the elements of wire fraud by involving a scheme to defraud using interstate wire communications. Similarly, lying to the court about matters material to proceedings may constitute obstruction of justice by endeavoring to impede the due administration of justice. Since both wire fraud and obstruction of justice are enumerated as predicate acts under [18](#)

[U.S.C. § 1961](#)(1), and the scenario involves multiple acts that could satisfy these definitions, the elements required to establish a pattern of racketeering activity appear to be met.

## Background and Relevant Law

### Statutory Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. §§ 1961-1968, was designed as a flexible tool to combat organized crime [Portionpac Chemical Corp. v. Sanitech Systems](#), 217 F.Supp.2d 1238, 1238 (M.D. Fla. 2002). RICO makes it unlawful, among other things, to "conduct or participate, directly or indirectly, in the conduct of [an] enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." [18 U.S.C. § 1962\(c\)](#).

### Definition of "Racketeering Activity"

Under RICO, "racketeering activity" is defined to include "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ... section 1503 (relating to obstruction of justice)." [18 U.S.C. § 1961](#)(1). The statute encompasses a wide range of federal and state crimes, including acts that are "chargeable" under several generically described state criminal laws, any act "indictable" under numerous specific federal criminal provisions, including mail and wire fraud, and any "offense" involving bankruptcy or securities fraud or drug-related activities that are "punishable" under federal law. [Lockhart v. Deluca](#), No. 23-cv-11488, 2023 WL 5938466 (E.D. Mich. Sept. 13, 2023) ("The Racketeering Influenced and Corrupt Organizations Act, or RICO, was enacted to curb 'racketeering activity,' which it defines as any act 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud, and any 'offense' involving bankruptcy or securities fraud or drug-related activities that is 'punishable' under federal law.").

### Definition of a "Pattern of Racketeering Activity"

A "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity. [18 U.S.C. § 1961](#)(5).

As the Supreme Court has noted, to prove a pattern of racketeering activity, a plaintiff or prosecutor must show both "relationship" and "continuity"—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity. [Inc v. Northwestern Bell Telephone Company](#), 492 U.S. 229, 229 (1989) ("RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and

'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity.").

The pattern element serves to prevent application of the racketeering statute to "perpetrators of isolated or sporadic criminal acts." [United States v. Coppola](#), [671 F.3d 220](#), 220 (2nd Cir. 2012) ("The pattern element serves to prevent application of the racketeering statute to 'perpetrators of isolated or sporadic criminal acts.'").

## **Wire Fraud as a Predicate Act**

Wire fraud is defined in [18 U.S.C. § 1343](#) as follows:

"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](#).

To convict a person of wire fraud under [18 U.S.C. § 1343](#), the government must prove that he "(1) was involved in a scheme to defraud; (2) had an intent to defraud; and (3) used the wires in furtherance of that scheme." [3BTech Inc. v. Garelick](#), [3:21-CV-34 JD \(N.D. Ind. Nov 09, 2021\)](#).

## **Obstruction of Justice as a Predicate Act**

Obstruction of justice is defined in [18 U.S.C. § 1503](#), which states in relevant part:

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b)." [18 U.S.C. § 1503](#).

Under Section 1503, "an act with the natural and probable effect of interfering with due administration of justice satisfies the intent requirement for obstruction of justice." Obstruction of justice., ALR Fed. (Mar. 22, 2008).

A broad variety of actions constitute endeavors for obstruction of justice purposes. The Eleventh Circuit has held that a false statement need not actually be used in court or delivered to a court officer to satisfy the endeavor element; however, such a statement must have the natural and probable consequence of obstructing the due administration of justice. Obstruction of justice., ALR Fed. (Mar. 22, 2005).

## **Case Law Interpreting RICO and Predicate Acts**

The courts have extensively interpreted the requirements for establishing a pattern of racketeering activity under RICO.

In [Sedima, S.P.R.L. v. Imrex Co., Inc.](#), 473 U.S. 479, 481-82 (1985), as cited in [Torwest DBC, Inc. v. Dick](#), 810 F.2d 925, 925 (10th Cir. 1987), the Supreme Court explained that a violation of section 1962(c) "requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity."

In [Inc v. Northwestern Bell Telephone Company](#), 492 U.S. 229, 229 (1989), the Supreme Court described the pattern concept as "fairly flexible," so that it can be "demonstrated by reference to a range of different ordering principles or relationships between predicates."

Similarly, in [U.S. v. Licavoli](#), 725 F.2d 1040, 1040 (6th Cir. 1984), the Sixth Circuit noted that "The legislative history clearly demonstrates that the RICO statute was intended to provide new weapons of unprecedented scope for an assault upon organized crime and its economic roots.... Further, Congress directed, by Sec. 904(a) of Pub.L. 91-452, 84 Stat. 947: 'The provisions of this title shall be liberally construed to effectuate its remedial purposes.'"

In [United States v. Turkette](#), 452 U.S. 576, 576 (1981), the Supreme Court further clarified the scope of RICO, though it is worth noting that this case was later abrogated by [Lane v. United States](#), 474 U.S. 438 (1986) on issues related to harmless error standards, not on its interpretation of RICO's substantive provisions.

Multiple courts have emphasized that establishing a RICO violation requires showing at least two predicate acts within a ten-year period. For instance, in [P & P MARKETING, INC. v. Ditton](#), 746 F. Supp. 1354, 1354 (N.D. Ill. 1990), the court stated that "as a necessary element of any civil RICO claim, a plaintiff must allege a 'pattern of racketeering activity'... Section 1961(5) provides: 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after October 15, 1970 and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity."

The court in [3BTech Inc. v. Garelick](#), 3:21-CV-34 JD (N.D. Ind. Nov 09, 2021) also noted that "A pattern of racketeering activity requires two or more predicate acts of racketeering. [18 U.S.C. § 1961](#)(5). Racketeering activity includes a long list of crimes which are defined in 18 U.S.C. 1961(1), including wire fraud, fraud in connection with access devices, and interference with commerce by threats or violence."

For predicate acts specifically, courts have clarified that wire fraud requires a scheme to defraud, intent to defraud, and use of the wires in furtherance of the scheme. [3BTech Inc. v. Garelick](#), 3:21-CV-34 JD (N.D. Ind. Nov 09, 2021). Importantly, in [Bridge v. Phoenix Bond & Indem. Co.](#), 553 U.S. 639, 639 (2008), the Supreme Court held that a plaintiff asserting a RICO claim predicated on mail fraud need not show that it relied on the defendant's

alleged misrepresentations, which suggests that the same principle would apply to wire fraud.

With respect to obstruction of justice, courts have held that a false statement must have the natural and probable consequence of obstructing the due administration of justice. *Obstruction of justice.*, ALR Fed. (Mar. 22, 2005). Moreover, "forged letters can constitute an 'endeavor' to influence the judge, even if not relied upon by the court in its sentencing determination." *Obstruction of justice.*, ALR Fed. (Mar. 22, 2005).

The Second Circuit in [United States v. Coppola, 671 F.3d 220](#), 220 (2nd Cir. 2012) explained that "at the highest level of generality," both vertical and horizontal relatedness "can be established simply by connecting diverse predicate acts to an enterprise 'whose business is racketeering activity,' such as an organized crime family."

Additionally, [Smith v. Aldridge, No. 3:17-cv-01485-HZ \(D. Or. Mar 22, 2018\)](#) clarified that "Racketeering activity is defined in § 1961 of the statute, which provides a list of acts chargeable or indictable under state and federal law. [18 U.S.C. § 1961\(1\)](#). The acts chargeable under state law are limited to 'any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical... punishable by imprisonment for more than one year.' Id. The indictable federal acts are wide-ranging and include, for purposes of this opinion, obstruction of justice under 18 U.S.C. §§ 1503 and 1512."

## **Administrative Decisions and Secondary Materials**

Administrative decisions and secondary materials provide further guidance on the interpretation of RICO and its predicate acts.

In [Blanchard v. Exelis Sys. Corporation/Vectrus Sys. Corp.](#), Case No. 4:16-cv-00853-ALM (2017), it was noted that "The RICO statute defines 'racketeering activity' to include specified, criminal offences (both federal and state) known in RICO jurisprudence as 'predicates.' A minimum of two predicate offences committed within 10 years of each other are necessary to constitute a 'pattern of racketeering' action in violation of RICO... Obvious examples of extraterritorial predicate offences included in the definition of 'racketeering activity' under § 1961 include money laundering (§§ 1956-57) and providing material support to terrorist organizations (§ 2339B), as well as wire fraud (§ 1343), and securities fraud (§ 1344)."

According to RICO: A Primer (Jan. 31, 2022), "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... Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes... Mail and wire fraud are the most common predicate acts."

Similarly, [Civil Rico: A Tool of Advocacy](#) (Jan. 1, 2024) explains that "A violation of § 1962(c), the section on which Sedima relies, requires (1)

conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim... In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity."

## **Analysis**

### **Establishing Wire Fraud as a Predicate Act**

Based on the provided legal framework, the preparation of fraudulent documents and the transfer of funds across state lines for fraudulent purposes could constitute predicate acts of wire fraud under [18 U.S.C. § 1343](#).

To establish wire fraud, three elements must be proven: (1) involvement in a scheme to defraud; (2) intent to defraud; and (3) use of the wires in furtherance of that scheme. [3BTech Inc. v. Garelick, 3:21-CV-34 JD \(N.D. Ind. Nov 09, 2021\)](#).

The preparation of fraudulent documents suggests involvement in a scheme to defraud. If Morgan Michelle Myers and Daniel Kenneth Branthoover knowingly prepared documents containing false information with the intent to deceive others, this would satisfy the first two elements of wire fraud. The transfer of money across state lines likely involved the use of electronic means, which would constitute using "wires" in interstate commerce. As explained in [18 U.S.C. § 1343](#), the statute applies to anyone who "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."

It's worth noting that under [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639](#), 639 (2008), reliance on the fraudulent misrepresentations is not required to establish mail fraud as a predicate act under RICO, and by extension, the same principle would apply to wire fraud. This means that even if no one was actually deceived by the fraudulent documents, the acts could still constitute wire fraud if the other elements are met.

### **Establishing Obstruction of Justice as a Predicate Act**

Lying to the court about indigency, abuse, and harassment could constitute obstruction of justice under [18 U.S.C. § 1503](#), which prohibits acts that "corruptly... endeavor to influence, obstruct, or impede, the due administration of justice." [18 U.S.C. § 1503](#).

As stated in Obstruction of justice., ALR Fed. (Mar. 22, 2008), "Under Section 1503, an act with the natural and probable effect of interfering with due administration of justice satisfies the intent requirement for obstruction of justice." Making false statements to the court about indigency, abuse, and harassment would likely have the natural and probable effect of interfering

with the due administration of justice, particularly if these statements were made to gain an advantage in court proceedings.

Additionally, Obstruction of justice., ALR Fed. (Mar. 22, 2005) states that "a false statement need not actually be used in court or delivered to a court officer to satisfy the endeavor element; however such a statement must have the natural and probable consequence of obstructing the due administration of justice." This suggests that even if the false statements about indigency, abuse, and harassment did not ultimately influence the court's decision, they could still constitute obstruction of justice if they had the natural and probable consequence of interfering with the administration of justice.

The same source also notes that "forged letters can constitute an 'endeavor' to influence the judge, even if not relied upon by the court in its sentencing determination." Obstruction of justice., ALR Fed. (Mar. 22, 2005). By analogy, false statements about indigency, abuse, and harassment could constitute an endeavor to influence the court, regardless of whether they were ultimately successful.

## **Establishing a Pattern of Racketeering Activity**

To establish a pattern of racketeering activity under RICO, there must be at least two predicate acts of racketeering activity within a ten-year period. [18 U.S.C. § 1961](#)(5). If the preparation of fraudulent documents, transfer of funds across state lines, and lying to the court about indigency, abuse, and harassment can be established as wire fraud and obstruction of justice, they would constitute predicate acts under RICO.

The requirement of a pattern also includes elements of relationship and continuity, as established by the Supreme Court in [Inc v. Northwestern Bell Telephone Company](#), 492 U.S. 229, 229 (1989). The acts must be related and either constitute or threaten long-term criminal activity. In the present case, the acts appear to be related as they were all committed with the apparent purpose of influencing court proceedings. The continuity requirement might be satisfied if these acts occurred over a sufficient period or threatened future criminal activity.

As noted in [United States v. Coppola](#), 671 F.3d 220, 220 (2nd Cir. 2012), both vertical and horizontal relatedness "can be established simply by connecting diverse predicate acts to an enterprise 'whose business is racketeering activity.'" If Myers and Branthoover were operating as an enterprise engaged in fraudulent activities, this would strengthen the case for establishing a pattern of racketeering activity.

## **The Enterprise Requirement**

It's important to note that a RICO violation also requires the existence of an "enterprise." [18 U.S.C. § 1962](#)(c) makes it unlawful for "any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt."

The term "enterprise" is defined broadly in [18 U.S.C. § 1961](#)(4) as including "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity," as noted in [United States v. Turkette](#), 452 U.S. 576, 576 (1981).

If Morgan Michelle Myers and Daniel Kenneth Branthoover were acting together as an "association in fact," they could satisfy the enterprise requirement. The Supreme Court in Turkette clarified that the term "enterprise" encompasses both legitimate and illegitimate enterprises. Although this interpretation was from a case that was later abrogated by [Lane v. United States](#), 474 U.S. 438 (1986), the abrogation related to harmless error standards and did not affect the interpretation of "enterprise" under RICO.

## **Interstate Commerce Requirement**

Another requirement for a RICO violation is that the enterprise's activities affect interstate commerce. [18 U.S.C. § 1962\(c\)](#). The transfer of money across state lines would likely satisfy this requirement, as it directly involves interstate commerce.

As noted in [Civil Rico: A Tool of Advocacy](#) (Jan. 1, 2024), "It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce." Given that the scenario involves transferring money across state lines, this would likely constitute a sufficient effect on interstate commerce to satisfy this requirement.

## **Application to Myers and Branthoover's Actions**

Based on the facts provided and the legal framework outlined above, Morgan Michelle Myers and Daniel Kenneth Branthoover's actions could establish a pattern of racketeering activity under RICO.

First, the preparation of fraudulent documents and transfer of funds across state lines may constitute wire fraud under [18 U.S.C. § 1343](#). These actions involve a scheme to defraud, intent to defraud, and the use of interstate wires.

Second, lying to the court about indigency, abuse, and harassment may constitute obstruction of justice under [18 U.S.C. § 1503](#). These actions could be seen as endeavoring to influence, obstruct, or impede the due administration of justice.

Since wire fraud and obstruction of justice are both listed as predicate acts under [18 U.S.C. § 1961](#)(1), and there are multiple acts that could qualify as these predicate offenses, Myers and Branthoover's actions could satisfy the requirement of at least two predicate acts within a ten-year period.

Furthermore, if Myers and Branthoover were acting together, they might be considered an "enterprise" under RICO. The transfer of money across state lines would likely satisfy the interstate commerce requirement.

In addition, the acts appear to be related as they all pertain to influencing court proceedings, which would satisfy the relationship requirement. If these acts occurred over a sufficient period or threatened future criminal activity, they might also satisfy the continuity requirement.

## Exceptions and Caveats

There are several potential exceptions or caveats that could affect whether Myers and Branthoover's actions establish a pattern of racketeering activity under RICO.

First, the "pattern" requirement includes elements of relationship and continuity, which might not be met if the acts were isolated incidents rather than related activities that constitute or threaten long-term criminal behavior. As noted in [Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952](#), 952 (D. Ariz. 2016), a pattern of racketeering activity must be "related" and "amount to or pose a threat of continued criminal activity."

Second, to establish wire fraud, it must be shown that the defendants had the specific intent to defraud. [3BTech Inc. v. Garelick, 3:21-CV-34 JD \(N.D. Ind. Nov 09, 2021\)](#). If Myers and Branthoover did not intend to defraud but were merely mistaken or careless in their actions, this element might not be satisfied.

Third, for obstruction of justice, the false statements must have the "natural and probable consequence" of obstructing the due administration of justice. Obstruction of justice., ALR Fed. (Mar. 22, 2005). If the false statements about indigency, abuse, and harassment were not material to the court proceedings, they might not satisfy this requirement.

Fourth, the RICO statute was primarily designed to combat organized crime and might not be applicable to all situations involving fraudulent acts. As noted in [U.S. v. Licavoli, 725 F.2d 1040](#), 1040 (6th Cir. 1984), "The legislative history clearly demonstrates that the RICO statute was intended to provide new weapons of unprecedented scope for an assault upon organized crime and its economic roots." While the statute can be applied beyond traditional organized crime, courts might be hesitant to apply it to situations that do not involve substantial criminal activity.

Finally, it's worth noting that [Mowett v. Jpmorgan Chase Bank, Case No. 15-12612 \(E.D. Mich. Mar 31, 2016\)](#), which discusses the requirements for establishing a RICO violation, was "Stated as Abrogated by Fuller v. Select Portfolio Servicing, Inc., Case No. 1:19-cv-28 (W.D. Mich. Mar 02, 2021)". While this abrogation might not directly affect the interpretation of what constitutes a pattern of racketeering activity, it suggests that the legal standards for RICO claims continue to evolve, and courts may apply different standards in different jurisdictions.

# Conclusion

Based on the legal framework provided, Morgan Michelle Myers and Daniel Kenneth Branthoover's actions—including preparing fraudulent documents, transferring money across state lines, and lying about indigency, abuse, and harassment to influence court proceedings—could establish a pattern of racketeering activity under RICO.

The preparation of fraudulent documents and transfer of funds across state lines may constitute wire fraud under [18 U.S.C. § 1343](#), and lying to the court about indigency, abuse, and harassment may constitute obstruction of justice under [18 U.S.C. § 1503](#). Both of these are listed as predicate acts under [18 U.S.C. § 1961\(1\)](#).

Since there are multiple acts that could qualify as predicate offenses, and these acts appear to be related and potentially continuous, they might satisfy the requirement for a pattern of racketeering activity under [18 U.S.C. § 1961\(5\)](#).

Furthermore, if Myers and Branthoover were acting together, they might be considered an "enterprise" under RICO, and their activities, particularly the transfer of money across state lines, would likely affect interstate commerce as required by [18 U.S.C. § 1962\(c\)](#).

However, there are several caveats to consider, including the need to establish specific intent to defraud, the materiality of the false statements, and the evolving standards for RICO claims across different jurisdictions.

Overall, the actions described could potentially establish a pattern of racketeering activity under RICO, but a definitive determination would depend on the specific details of the case and the applicable legal standards in the relevant jurisdiction.

# Legal Authorities

[P & P MARKETING, INC. v. Ditton, 746 F. Supp. 1354 \(N.D. Ill. 1990\)](#)

**U.S. District Court — Northern District of Illinois**

## Extract

Defendants contend plaintiff failed to adequately allege a pattern of racketeering activity. As a necessary element of any civil RICO claim, a plaintiff must allege a 'pattern of racketeering activity'. See 18 USC § 1962(a)-(d); H.G. Gallimore, Inc. v. Abdula, 652 F.Supp. 437, 441 (N.D. Ill. 1987). Section 1961(5) provides: 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after October 15, 1970 and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity.

## **Summary**

Requirement for establishing a "pattern of racketeering activity" under the RICO statute, which is directly relevant to the proposition. It specifies that at least two acts of racketeering activity are needed, aligning with the proposition's assertion that Myers and Branthoover's actions could constitute such a pattern. The passage also references the statutory framework (18 U.S.C. § 1961(5)) that defines this requirement, which is crucial for supporting the legal argument.

[United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#)

### **U.S. Supreme Court**

#### **Extract**

Chapter 96 of Title 18 of the United States Code, entitled Racketeer Influenced and Corrupt Organizations (RICO), was added to Title 18 by the Organized Crime Control Act of 1970. Title 18 U.S.C. § 1962(c), which is part of RICO, makes it unlawful 'for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' The term 'enterprise' is defined in 18 U.S.C. § 1961(4) as including 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.'

## **Summary**

A pattern of racketeering activity involves a series of criminal acts, which can include wire fraud and obstruction of justice. This supports the proposition that the actions of Morgan Michelle Myers and Daniel Kenneth Branthoover could be considered a pattern of racketeering activity under RICO.

[3BTech Inc. v. Garellick, 3:21-CV-34 JD \(N.D. Ind. Nov 09, 2021\)](#)

### **U.S. District Court — Northern District of Indiana**

#### **Extract**

A pattern of racketeering activity requires two or more predicate acts of racketeering. 18 U.S.C. § 1961(5). Racketeering activity includes a long list of crimes which are defined in 18 U.S.C. 1961(1), including wire fraud, fraud in connection with access devices, and interference with commerce by threats or violence. ... The Court believes that Plaintiffs have adequately

alleged, at least two, predicate acts of racketeering. “To convict a person [of wire fraud] under 18 U.S.C. § 1343, the government must prove that he “(1) was involved in a scheme to defraud; (2) had an intent to defraud; and (3) used the wires in furtherance of that scheme.”

## **Summary**

Legal framework for understanding how multiple fraudulent acts, such as those alleged against Morgan Michelle Myers and Daniel Kenneth Branthover, could be considered a pattern of racketeering activity if they involve wire fraud and other predicate acts.

[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**

Held: A plaintiff asserting a RICO claim predicated on mail fraud need not show, either as an element of its claim or as a prerequisite to establishing proximate causation, that it relied on the defendant's alleged misrepresentations. ... Using the mail to execute or attempt to execute a scheme to defraud is indictable as mail fraud, and hence a predicate racketeering act under RICO, even if no one relied on any misrepresentation, see Neder v. United States, 527 U.S. 1, 24–25, 119 S.Ct. 1827, 144 L.Ed.2d 35; and one can conduct the affairs of a qualifying enterprise through a pattern of such acts without anyone relying on a fraudulent misrepresentation.

## **Summary**

For a RICO claim predicated on mail fraud, it is not necessary to prove that anyone relied on the fraudulent misrepresentations. This supports the proposition that preparing fraudulent documents and transferring funds across state lines for fraudulent purposes could constitute predicate acts of wire fraud under 18 U.S.C. § 1343, as reliance is not a required element. The passage also reinforces that such acts can be part of a pattern of racketeering activity under RICO.

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#)

## **U.S. Supreme Court**

## **Extract**

RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity. ... The Racketeer Influenced and Corrupt Organizations Act (RICO or Act), Pub.L. 91-452, Title IX, 84 Stat. 941, as amended, 18 U.S.C. §§ 1961-1968 (1982 ed. and Supp. V), imposes criminal and civil liability upon those who engage in certain 'prohibited activities.' Each prohibited activity is defined in 18 U.S.C. § 1962 to include, as one necessary element, proof either of 'a pattern of racketeering activity' or of 'collection of an unlawful debt.' 'Racketeering activity' is defined in RICO to mean 'any act or threat involving' specified state-law crimes, any 'act' indictable under various specified federal statutes, and certain federal 'offenses,' 18 U.S.C. § 1961(1) (1982 ed., Supp. V); but of the term 'pattern' the statute says only that it 'requires at least two acts of racketeering activity' within a 10-year period, 18 U.S.C. § 1961(5).

## **Summary**

A pattern requires at least two acts of racketeering activity within a 10-year period, which aligns with the proposition that Myers and Branhoover's actions could constitute such a pattern if they include acts like wire fraud and obstruction of justice.

[Bankers Trust Co. v. Feldesman, 648 F.Supp. 17 \(S.D. N.Y. 1987\)](#)

## **U.S. District Court — Southern District of New York**

### **Extract**

A 'pattern of racketeering activity' 'requires' the commission of 'at least two acts of racketeering activity.' 18 U.S.C. § 1961(5). The enumerated acts of racketeering activity include nine state law felonies and the violation of more than 25 federal statutes. Id. § 1961(1).

### **Summary**

The definition of a "pattern of racketeering activity" under RICO requires at least two acts of racketeering activity, which can include violations of federal statutes such as wire fraud and obstruction of justice. This aligns with the proposition that the actions of Myers and Branhoover could constitute a pattern of racketeering activity if they engaged in multiple predicate acts like wire fraud and obstruction of justice.

[U.S. v. Welch, 656 F.2d 1039 \(5th Cir. 1981\)](#)

## **U.S. Court of Appeals — Fifth Circuit**

### **Extract**

The RICO count charged that the four defendants violated 18 U.S.C.A. § 1962(c) by conducting the affairs of the Sheriff's Office through a pattern of racketeering activity. Engaging in a 'pattern of racketeering activity' requires at least two acts of racketeering within a ten-year period. Finally, racketeering activity is expressly defined to include only certain types of conduct, including acts indictable under 18 U.S.C.A. § 1511. Here, the Cantrell's game conspiracy (Count III) and the fairgrounds conspiracy (Count IV) were each alleged to constitute one of the required two acts of racketeering activity necessary for the substantive RICO violation.

### **Summary**

An example of how different conspiracies can serve as predicate acts for a RICO violation. This supports the proposition that multiple acts, such as preparing fraudulent documents and transferring money across state lines, could constitute a pattern of racketeering activity if they meet the criteria of predicate acts under RICO.

[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.' ... Under the Court's opinion today, two fraudulent mailings or uses of the wires occurring within 10 years of each other might constitute a 'pattern of racketeering activity,' § 1961(5), leading to civil RICO liability.

### **Summary**

The passage explains that RICO targets "racketeering activity," which includes acts indictable under federal criminal provisions such as mail and wire fraud. It also clarifies that a "pattern of racketeering activity" requires at least two acts within a 10-year period. This aligns with the proposition that the fraudulent activities and misrepresentations by Morgan Michelle Myers and Daniel Kenneth Branhoover could constitute a pattern of

racketeering activity under RICO, as they involve potential wire fraud and obstruction of justice.

[United States v. Coppola, 671 F.3d 220 \(2nd Cir. 2012\)](#)

**U.S. Court of Appeals — Second Circuit**

**Extract**

The pattern element serves to prevent application of the racketeering statute to 'perpetrators of isolated or sporadic criminal acts.' United States v. Payne, 591 F.3d 46, 64 (2d Cir. 2010) (internal quotation marks omitted). The Supreme Court, however, has described the pattern concept as 'fairly flexible,' so that it can be 'demonstrated by reference to a range of different ordering principles or relationships between predicates.' H.J., Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 238-39, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). 'At the highest level of generality,' both vertical and horizontal relatedness 'can be established simply by connecting diverse predicate acts to an enterprise 'whose business is racketeering activity,' such as an organized crime family.'

**Summary**

The concept of a "pattern of racketeering activity" is flexible and can be demonstrated by showing a relationship between diverse predicate acts and an enterprise engaged in racketeering. This supports the proposition that multiple acts, such as preparing fraudulent documents and transferring funds for fraudulent purposes, can establish a pattern of racketeering activity if they are related to an enterprise's activities.

[Sedima, S.P.R.L. v. Imrex Co., Inc., 741 F.2d 482 \(2nd Cir. 1984\)](#)

**U.S. Court of Appeals — Second Circuit**

**Extract**

Two of the RICO counts allege that the fraudulent purchase orders, invoices and credit memoranda constitute a pattern of racketeering activity, the predicate acts being separate and numerous violations of the Mail Fraud Act, 18 U.S.C. Sec. 1341 (1982) and the Wire Fraud Act, 18 U.S.C. Sec. 1343 (1982). ... Section 1964(c) states that anyone 'injured' 'by reason of' a violation of section 1962 is entitled to treble damages. Section 1962 'violations' include conducting 'enterprises' 'through a pattern of racketeering'; a 'pattern of racketeering' is defined by section 1961(5) as two or more 'acts of racketeering' occurring within a given time. 'Acts of racketeering' are defined by section 1961(1), inter alia, as any of a number of acts 'chargeable under State law,' acts 'indictable' under a variety of federal laws, or an 'offense' under the federal securities law.

## **Summary**

A pattern of racketeering activity under RICO requires at least two predicate acts, which can include wire fraud and obstruction of justice. The passage confirms that fraudulent activities, such as those alleged against Myers and Branthoover, can constitute predicate acts under RICO if they involve violations of federal laws like the Wire Fraud Act. This supports the proposition that their actions could establish a pattern of racketeering activity.

[Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#)

### **U.S. District Court — District of Arizona**

#### **Extract**

RICO makes it unlawful for 'any person employed by or associated with any enterprise engaged in...interstate or foreign commerce, to conduct or participate...in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). 'Racketeering activity' includes any of several listed crimes 'which is chargeable under State law and punishable by imprisonment for more than one year,' as well as any act chargeable under one of several enumerated federal statutes. § 1961(1). A 'pattern of racketeering activity' requires at least two acts of racketeering activity, § 1961(5), which must be 'related' and 'amount to or pose a threat of continued criminal activity.'

## **Summary**

These acts must be chargeable under federal statutes listed in § 1961(1). This directly supports the proposition that the acts of preparing fraudulent documents and transferring funds across state lines could constitute wire fraud, and lying to the court could constitute obstruction of justice, both of which are predicate acts under RICO.

[Torwest DBC, Inc. v. Dick, 810 F.2d 925 \(10th Cir. 1987\)](#)

### **U.S. Court of Appeals — Tenth Circuit**

#### **Extract**

A violation of section 1962(c) thus 'requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346 (1985). RICO defines racketeering activity as, inter alia, any act that is indictable under 18 U.S.C. Sec. 1341 (mail fraud) or 18 U.S.C. Sec. 1343 (wire fraud). See 18

U.S.C. Sec. 1961(1)(B). RICO also states that a 'pattern of racketeering activity' requires at least two acts of racketeering activity.

## **Summary**

Requirements for a RICO violation, specifically noting that a pattern of racketeering activity requires at least two acts of racketeering, which can include wire fraud. This directly supports the proposition that the actions of Myers and Branthoover, if they include wire fraud and obstruction of justice, could constitute a pattern of racketeering activity under RICO.

### [Lockhart v. Deluca](#)

#### **U.S. District Court — Eastern District of Michigan**

##### **Extract**

The Racketeering Influenced and Corrupt Organizations Act, or RICO, was enacted to curb "racketeering activity," which it defines as any act "chargeable" under several generically described state criminal laws, any act "indictable" under numerous specific federal criminal provisions, including mail and wire fraud, and any "offense" involving bankruptcy or securities fraud or drug-related activities that is "punishable" under federal law." 18 U.S.C. § 1961(1); see also Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 481-82 (1985).

## **Summary**

Definition of "racketeering activity" under the RICO Act, which includes acts indictable under federal criminal provisions such as mail and wire fraud. This directly supports the proposition that preparing fraudulent documents and transferring funds across state lines for fraudulent purposes could constitute predicate acts of wire fraud under 18 U.S.C. § 1343. Additionally, the passage references the broader context of RICO, which is relevant to establishing a pattern of racketeering activity.

### [Mowett v. Jpmorgan Chase Bank, Case No. 15-12612 \(E.D. Mich. Mar 31, 2016\)](#)

#### **U.S. District Court — Eastern District of Michigan**

##### **Extract**

To establish a RICO violation under § 1962(c), a plaintiff must allege that the RICO enterprise engaged in a 'pattern of racketeering activity' consisting of at least two predicate acts of racketeering activity occurring within a ten-year period. 18 U.S.C. § 1961(5). The alleged predicate acts may consist of offenses 'which are indictable' under any of a number of federal statutes,

including the mail (18 U.S.C. § 1341) and wire fraud statutes (18 U.S.C. § 1343). 18 U.S.C. § 1961(1).

## **Summary**

To establish a RICO violation, there must be a pattern of racketeering activity, which includes at least two predicate acts within a ten-year period. The passage specifically mentions wire fraud as a predicate act under 18 U.S.C. § 1343, which aligns with the proposition that preparing fraudulent documents and transferring funds across state lines could constitute wire fraud. This supports the idea that such actions could be part of a pattern of racketeering activity.

[Smith v. Aldridge, No. 3:17-cv-01485-HZ \(D. Or. Mar 22, 2018\)](#)

## **U.S. District Court — District of Oregon**

### **Extract**

In order to state a civil claim for relief under RICO, a plaintiff must show: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Rezner v. Bayerische Hypo-Und Vereinsbank*, 630 F.3d 866, 873 (9th Cir.2010) (quoting *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985)). The plaintiff must also show that 'the racketeering activity was both a but-for cause and proximate cause of his injury' *Id.* (citing *Holmes v. SEC Investor Prot. Corp.*, 503 US 258, 268 (1992)). ... Racketeering activity is defined in § 1961 of the statute, which provides a list of acts chargeable or indictable under state and federal law. 18 U.S.C. § 1961(1). The acts chargeable under state law are limited to 'any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical. ... punishable by imprisonment for more than one year.' *Id.* The indictable federal acts are wide-ranging and include, for purposes of this opinion, obstruction of justice under 18 U.S.C. §§ 1503 and 1512.

## **Summary**

Obstruction of justice under 18 U.S.C. § 1503 is considered a racketeering activity. This supports the proposition that lying to the court could constitute obstruction of justice, which is a predicate act under RICO. Additionally, the requirement of a pattern of racketeering activity aligns with the proposition's assertion of multiple acts constituting such a pattern.

[Portionpac Chemical Corp. v. Sanitech Systems, 217 F.Supp.2d 1238 \(M.D. Fla. 2002\)](#)

## **U.S. District Court — Middle District of Florida**

## **Extract**

Congress designed the Federal Racketeering Influenced and Corrupt Organizations Act (RICO), Title 18, United States Code, Section 1961, et seq. as a flexible tool to fight organized crime. As such, it makes the following activities unlawful: (a) investing income derived, directly or indirectly, from a pattern of racketeering activity through collection of an unlawful debt in any enterprise which affects interstate commerce; (b) acquiring or maintaining an interest in any enterprise which affects interstate commerce through a pattern of racketeering activity or through collection of an unlawful debt; (c) conducting or participating in the affairs of any enterprise which affects interstate commerce through a pattern of racketeering activity or collection of an unlawful debt; or (d) conspiring to violate any of the provisions of Section 1962(a)-(c). 18 U.S.C. § 1962.

'Racketeering activities' covers a wide range of federal and state crimes, including acts that are 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud, and any 'offense' involving bankruptcy or securities fraud or drug-related activities that [are] 'punishable' under federal law. *Sedima, S.P.R.L. v. Imrex Co. Inc.*, 473 U.S. 479, 482, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985) (quoting 18 U.S.C. § 1961(1)). To engage in a 'pattern of racketeering activity,' the defendant must have participated in 'at least two acts of racketeering activity, one of which occurred after the effective date of [RICO] and the last of which occurred within ten years (excluding any term of imprisonment) after the commission of a prior act of racketeering activity.' 18 U.S.C. § 1961(5).

## **Summary**

The RICO statute is designed to combat organized crime by making it unlawful to engage in a pattern of racketeering activity. The statute requires at least two acts of racketeering activity within a 10-year period, and these acts can include mail and wire fraud, which are relevant to the proposition. The passage supports the idea that preparing fraudulent documents and transferring funds across state lines for fraudulent purposes could constitute wire fraud, and lying to the court could constitute obstruction of justice, both of which are predicate acts under RICO.

[U.S. v. Licavoli, 725 F.2d 1040 \(6th Cir. 1984\)](#)

## **U.S. Court of Appeals — Sixth Circuit**

### **Extract**

In order to sustain a prosecution under RICO the government must establish that defendants engaged in a 'pattern of racketeering activity,' defined as at least two acts of racketeering activity. 18 U.S.C. Sec. 1961(5). 'Racketeering activity' is defined in 18 U.S.C. Sec. 1961(1). ... The legislative history clearly demonstrates that the RICO statute was intended to provide new weapons of unprecedented scope for an assault upon organized crime and its economic

roots.... Further, Congress directed, by Sec. 904(a) of Pub.L. 91-452, 84 Stat. 947: 'The provisions of this title shall be liberally construed to effectuate its remedial purposes.'

## **Summary**

The RICO statute requires at least two acts of racketeering activity to establish a pattern. The statute is intended to be liberally construed to address organized crime effectively. This supports the proposition that the acts of preparing fraudulent documents, transferring money across state lines, and lying to the court could be considered predicate acts under RICO, as they align with the statute's broad interpretation and intent to combat organized crime.

### [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 federal crime of wire fraud, which involves devising a scheme to defraud and using wire communications in interstate or foreign commerce to execute the scheme. This directly supports the proposition that preparing fraudulent documents and transferring funds across state lines for fraudulent purposes could constitute predicate acts of wire fraud. The passage provides the legal basis for considering such actions as wire fraud, which is a predicate act under the RICO statute (18 U.S.C. § 1961(1)).

### [18 U.S.C. § 1503](#) [18 U.S.C. § 1503 Influencing Or Injuring Officer Or Juror Generally](#)

## **Extract**

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b).

## **Summary**

18 U.S.C. § 1503 addresses actions that corruptly endeavor to influence, obstruct, or impede the due administration of justice. This statute is relevant to the proposition because lying to the court about indigency, abuse, and harassment could be seen as an attempt to obstruct justice. The statute provides a legal basis for considering such actions as predicate acts of obstruction of justice, which are necessary to establish a pattern of racketeering activity under the RICO statute.

### [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), ... section 1503 (relating to obstruction of justice), ... 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

## **Summary**

The definition of "racketeering activity" includes acts indictable under sections 1343 (wire fraud) and 1503 (obstruction of justice). The passage also specifies that a "pattern of racketeering activity" requires at least two acts within a ten-year period. This directly supports the proposition that the actions of preparing fraudulent documents, transferring money across state lines, and lying to the court could constitute a pattern of racketeering activity if they meet the criteria of wire fraud and obstruction of justice.

### [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 the unlawful nature of engaging in a pattern of racketeering activity to acquire or maintain control over an enterprise affecting interstate or foreign commerce. This directly supports

the proposition that the actions of Morgan Michelle Myers and Daniel Kenneth Branthoover, if they constitute a pattern of racketeering activity, would be unlawful under this statute. The preparation of fraudulent documents and transferring money across state lines could be seen as part of such a pattern, especially if they are intended to influence court proceedings and affect interstate commerce.

### [Obstruction of justice.](#)

**American Criminal Law Review - Georgetown University Law Center - Auchincloss, Kalah - 2005-03-22**

#### **Extract**

A broad variety of actions constitute endeavors for obstruction of justice purposes. For example, a defendant may be convicted of endeavoring to obstruct justice even when success is impossible because the object of the endeavor is an undercover authority. The Eleventh Circuit has held that a false statement need not actually be used in court or delivered to a court officer to satisfy the endeavor element; however such a statement must have the natural and probable consequence of obstructing the due administration of justice. Similarly, forged letters can constitute an 'endeavor' to influence the judge, even if not relied upon by the court in its sentencing determination.

#### **Summary**

Obstruction of justice can be established through a variety of actions, including making false statements or creating forged documents, even if these actions do not directly influence the court's decision. The passage supports the proposition by illustrating that lying about indigency, abuse, and harassment, as well as preparing fraudulent documents, can be considered endeavors to obstruct justice, which aligns with the predicate acts required for a pattern of racketeering activity.

### [Obstruction of justice.](#)

**American Criminal Law Review - Georgetown University Law Center - Kendall, Andrea - 2008-03-22**

#### **Extract**

"Under Section 1503, an act with the natural and probable effect of interfering with due administration of justice satisfies the intent requirement for obstruction of justice"; United States v. Cueto, 151 F.3d 620, 630-31 (7th Cir. 1998) ("[T]he government only has to establish that the defendant should have reasonably seen that the natural and probable consequences of his acts was the obstruction of justice."); Buffalano, 727 F.

2d at 54 (stating that intent is inferred where natural and probable consequences of defendant's actions is obstruction of justice).

## **Summary**

The passage explains that under Section 1503, the intent requirement for obstruction of justice is satisfied if an act naturally and probably interferes with the administration of justice. This aligns with the proposition that lying to the court about indigency, abuse, and harassment could constitute obstruction of justice. The cited cases support the idea that intent can be inferred from the natural consequences of one's actions, which is relevant to establishing a pattern of racketeering activity.

### [Civil Rico: A Tool of Advocacy](#)

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

#### **Extract**

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity. The practitioner through their pleadings must articulate with great care and attention a viable racketeering claim. In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce.

## **Summary**

Essential elements required to establish a RICO violation under § 1962(c), which includes conduct of an enterprise through a pattern of racketeering activity. It emphasizes the need for at least two predicate acts, such as mail or wire fraud, and highlights the requirement for these acts to affect interstate commerce. This directly supports the proposition that the actions of Morgan Michelle Myers and Daniel Kenneth Branhoover could constitute a pattern of racketeering activity if they engaged in wire fraud and obstruction of justice.

### [Blanchard v. Exelis Sys. Corporation/Vectrus Sys. Corp.](#)

### **USDOL Administrative Review Board Decisions**

## **Extract**

The RICO statute defines 'racketeering activity' to include specified, criminal offences (both federal and state) known in RICO jurisprudence as 'predicates.' A minimum of two predicate offences committed within 10 years of each other are necessary to constitute a 'pattern of racketeering' action in violation of RICO... Obvious examples of extraterritorial predicate offences included in the definition of 'racketeering activity' under § 1961 include money laundering (§§ 1956-57) and providing material support to terrorist organizations (§ 2339B), as well as wire fraud (§ 1343), and securities fraud (§ 1344).

## **Summary**

The RICO statute requires at least two predicate offenses within a 10-year period to establish a pattern of racketeering activity. The passage specifically mentions wire fraud as a predicate offense under 18 U.S.C. § 1343, which aligns with the proposition that fraudulent document preparation and interstate money transfers could constitute wire fraud. Additionally, the passage supports the idea that these acts can be considered part of a pattern of racketeering activity under RICO.

### [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. 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**

A RICO case requires a pattern of racketeering activity, which includes a variety of offenses such as mail fraud and wire fraud. The passage specifically mentions that mail and wire fraud are common predicate acts under RICO, which aligns with the proposition that the preparation of fraudulent documents and the transfer of funds across state lines for fraudulent purposes could constitute predicate acts of wire fraud. Additionally, the passage supports the idea that these acts, when related to the affairs of an enterprise, can establish a pattern of racketeering activity.

## [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. Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. § 1951 (extortion); 18 U.S.C. § 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. § 1831 (economic espionage); 18 U.S.C. § 1832 (theft of trade secrets); 18 U.S.C. § 1952 (Travel Act); 18 U.S.C. § 1956, 1957 (money laundering); and 18 U.S.C. § 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts.

### **Summary**

The RICO statute defines "racketeering activity" to include a wide range of federal offenses, including wire fraud and obstruction of justice. The passage specifically mentions that mail and wire fraud are common predicate acts under RICO. This supports the proposition that the preparation of fraudulent documents and the transfer of funds across state lines for fraudulent purposes could constitute predicate acts of wire fraud. Additionally, the passage supports the idea that lying to the court could be considered obstruction of justice, another predicate act under RICO.

## [Important Decisions Regarding Arbitration, Judgment Enforcement And Sovereign Immunity](#)

### **Extract**

Smagin alleged these actions constituted wire fraud and other RICO predicate acts such as witness tampering and obstruction of justice. Under the RICO statute, an individual has a right of action when that individual's business or property is injured by the violation of a substantive RICO provision. Successfully pleading and proving RICO claims can be a challenge, as the plaintiff must show 'conduct of an enterprise through a pattern of racketeering activity (known as 'predicate acts') causing injury to plaintiff's business or property.'

### **Summary**

Legal framework for understanding how these acts could establish a pattern of racketeering activity.

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

### **Extract**

Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim.

### **Summary**

For a RICO claim to be valid, there must be qualifying criminal actions such as mail or wire fraud, and a pattern of racketeering activity must be established. The passage supports the proposition by highlighting the necessity of proving predicate acts like wire fraud and establishing a pattern of racketeering activity, which aligns with the actions described in the proposition.

This memo was compiled by Vincent AI based on vLex materials available as of June 14, 2025. [View full answer on vLex](#)