

## Question

The mother and stepfather acted with the intent to deceive and gain an unfair advantage in divorce proceedings, as evidenced by the use of concealed financial transactions, preparation of pleadings in another state, and coordination with the grandparents to serve an eviction notice. Predicate acts such as wire fraud require proof of intent to defraud, which can be inferred from deceptive actions and the use of interstate communications. (18 U.S.C. § 1343). The use of concealed financial transactions and interstate communications to further the scheme demonstrates the requisite intent to defraud, supporting the claim of wire fraud as a predicate act under RICO.

## Answer (U.S. Federal)

### Short response

The intent to defraud required for wire fraud under [18 U.S.C. § 1343](#) can be inferred from the mother and stepfather's deceptive actions including concealed financial transactions, preparation of pleadings in another state, and coordination with grandparents on an eviction notice, establishing wire fraud as a predicate act under RICO. These actions, combined with the use of interstate wire communications, satisfy the elements of wire fraud by demonstrating a scheme to defraud with specific intent to deceive and gain unfair advantage in divorce proceedings.

### Summary

The actions described—concealed financial transactions, preparation of pleadings in another state, and coordination with grandparents to serve an eviction notice—can support a finding of intent to defraud required for wire fraud under [18 U.S.C. § 1343](#), thereby establishing wire fraud as a predicate act under RICO. The law clearly states that wire fraud requires proof of: (1) a scheme to defraud, (2) intent to defraud, and (3) use of interstate wire communications in furtherance of that scheme. The mother and stepfather's deceptive actions, particularly when coupled with interstate communications, demonstrate the requisite specific intent to deceive and cheat necessary to satisfy the intent element of wire fraud.

Courts have consistently held that intent to defraud can be inferred from the totality of circumstances, including attempts to conceal activities or making misrepresentations. The coordination between parties across state lines and the concealment of financial transactions provide substantial evidence of intent to deceive. Given that wire fraud is explicitly listed as a predicate act under RICO's definition of "racketeering activity" in [18 U.S.C. § 1961](#), and that a "pattern of racketeering activity" requires at least two such acts, the described behavior could form the basis of a viable RICO claim if the other elements of RICO are also satisfied.

# Background and Relevant Law

## Legislation

The Racketeer Influenced and Corrupt Organizations Act (RICO) and the wire fraud statute provide the foundation for analyzing whether the actions of the mother and stepfather constitute wire fraud as a predicate act under RICO.

### **Wire Fraud Statute: [18 U.S.C. § 1343](#)**

Under [18 U.S.C. § 1343](#), wire fraud is defined as:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both." [18 U.S.C. § 1343](#) (2025)

This statute establishes that wire fraud requires a scheme to defraud, use of interstate wire communications, and the intent to defraud.

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

RICO defines "racketeering activity" to include:

"(B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud)..." [18 U.S.C. § 1961](#) (2025)

Additionally, a "pattern of racketeering activity" is defined as:

"[requiring] 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](#) (2025)

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

RICO prohibits various activities related to racketeering:

"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." [18 U.S.C. § 1962](#) (2025)

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

This statute may be relevant to the concealed financial transactions:

"Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—(A)(i) with the intent to promote the carrying on of specified unlawful activity; or... (B) knowing that the transaction is designed in whole or in part—(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity..." [18 U.S.C. § 1956](#) (2025)

This statute criminalizes financial transactions designed to conceal the nature, location, source, ownership, or control of proceeds from unlawful activities.

## **Case Law**

### **Elements of Wire Fraud**

Multiple courts have outlined the essential elements of wire fraud. The Ninth Circuit in [United States v. Miller, 953 F.3d 1095 \(9th Cir. 2020\)](#) held that "the wire fraud statute, in plain and simple language, criminalizes the use of interstate wires to further, not mere deception, but a scheme or artifice to defraud or obtain money or property, i.e., in every day parlance, to cheat someone out of something valuable." The court emphasized that wire fraud requires "intent not only to make false statements or utilize other forms of deception, but also to deprive a victim of money or property by means of those deceptions. In other words, a defendant must intend to deceive and cheat."

This standard was reaffirmed in [United States v. Saini, 23 F.4th 1155 \(9th Cir. 2022\)](#), which stated that "intent to defraud" under the wire fraud statute "requires the intent to deceive and cheat." The court defined "intent to defraud" as "an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property."

The Sixth Circuit in [United States v. Faulkenberry, 614 F.3d 573 \(6th Cir. 2010\)](#) identified three elements of wire fraud:

1. "the defendant devised or willfully participated in a scheme to defraud"
2. "he used or caused to be used an interstate wire communication 'in furtherance of the scheme'"
3. "he intended 'to deprive a victim of money or property'"

Similarly, in [United States v. Daniel, 329 F.3d 480 \(6th Cir. 2003\)](#), the court stated that to convict a defendant of wire fraud, the government must prove "(1) a scheme or artifice to defraud; (2) use of interstate wire communications in furtherance of the scheme; and (3) intent to deprive a victim of money or property."

The Eighth Circuit in [United States v. Proffit, 49 F.3d 404 \(8th Cir. 1995\)](#) elaborated on these elements, listing "four essential elements to the crime of wire fraud":

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

### **Intent to Defraud**

Courts have provided guidance on how to establish intent to defraud. In [Schuster v. Anderson, 378 F.Supp.2d 1070 \(N.D. Iowa 2005\)](#), the court stated that "No single fact need demonstrate the defendant's intent; rather, intent to defraud can be discerned by examining the totality of the circumstances surrounding the defendant's activities."

The article Mail and Wire Fraud (2023) explains that intent to defraud "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.'"

Another article, Mail and wire fraud (2012), clarifies that "Intent may be inferred from evidence indicating that the defendant attempted to conceal activity or from the defendant's misrepresentations."

### **Wire Communications Requirement**

Regarding the interstate wire communications requirement, [United States v. Daniel, 329 F.3d 480 \(6th Cir. 2003\)](#) specified that the wire fraud statute requires that the wire communication be employed "for the purpose of executing such scheme or artifice." This means that "the scheme's completion or the prevention of its detection must have depended in some way on the charged mailing."

Similarly, in [United States v. Frey, 42 F.3d 795 \(3rd Cir. 1994\)](#), the court stated that "mailings [and wirings] which facilitate concealment of the scheme are covered by the statute."

In [P.R. Med. Emergency Grp., Inc. v. Iglesia Episcopal Puertorriquena, Inc., Civil No. 14-1616 \(FAB\) \(D. P.R. Jun 16, 2016\)](#), the court noted that "the use of the mails need not be an essential element of the scheme but need only be 'incident to an essential part of the scheme' or 'a step in the plot.'"

## **RICO Requirements**

For RICO claims, [United States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 \(1981\)](#) established that "In order to secure a conviction under RICO, the Government must prove both the existence of an 'enterprise' and the connected 'pattern of racketeering activity.'" It's important to note that [United States v. Turkette](#) was abrogated by [United States v. Lane, 474 U.S. 438, 106 S.Ct. 725, 88 L.Ed.2d 814 \(1986\)](#). However, the abrogation related to issues of misjoinder under Federal Rule of Criminal Procedure 8, not the core RICO requirements discussed in [Turkette](#), so this specific aspect of the [Turkette](#) decision remains good law.

[Norfe Grp. Corp. v. R.Y. Espinosa Inc., Civil No. 19-1897 \(BJM\) \(D. P.R. May 07, 2021\)](#) summarized RICO liability as having "four essential elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'" The court explained that "racketeering activity" includes numerous illegal acts, including wire fraud under [18 U.S.C. § 1343](#).

In [Hlista v. Safeguard Props., LLC, No. 15-1812 \(3rd Cir. May 05, 2016\)](#), the court stated that "A plaintiff bringing a substantive RICO claim under § 1962(c) must allege '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'" Furthermore, a pattern of racketeering activity "requires at least two acts of racketeering activity within a ten-year period."

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

[Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#) clarified that "Pleading a pattern of racketeering activity requires the plaintiff to allege that the defendant participated in at least two acts that were chargeable under the enumerated federal statutes. The plaintiff must adequately plead the elements of each predicate act, satisfying the pleading standard that would apply if the predicate act were a stand-alone claim."

RICO: A Primer (2022) confirms that "Mail and wire fraud are the most common predicate acts" under RICO.

[Beth Israel Medical Center v. Smith, 576 F.Supp. 1061 \(S.D. N.Y. 1983\)](#) addressed whether separate acts of mail and wire fraud arising from a common nucleus of facts could be considered separate predicate RICO acts. The court concluded that they could, reasoning that "the plain language of the statute refers to 'any act which is indictable' under the mail or wire fraud statutes, without a qualification that each act must occur in a different factual situation."

# Analysis

## The Elements of Wire Fraud Applied to the Facts

Based on the case law and statutory provisions outlined above, the actions of the mother and stepfather—concealed financial transactions, preparation of pleadings in another state, and coordination with grandparents to serve an eviction notice—must be analyzed against the three core elements of wire fraud:

### 1. A Scheme to Defraud

The concealed financial transactions, preparation of pleadings in another state, and coordination with grandparents to serve an eviction notice collectively indicate a coordinated scheme designed to gain unfair advantage in divorce proceedings. As stated in [United States v. Miller, 953 F.3d 1095 \(9th Cir. 2020\)](#), a scheme to defraud involves actions intended to "cheat someone out of something valuable." In this case, the scheme appears designed to deprive the other party in the divorce proceedings of their fair share of marital assets or other legal rights.

The concealed financial transactions may fall within the scope of [18 U.S.C. § 1956](#), which criminalizes transactions designed to "conceal or disguise the nature, the location, the source, the ownership, or the control" of assets. This concealment in the context of divorce proceedings strongly suggests a scheme to defraud.

### 2. Intent to Defraud

The intent to defraud is a critical element of wire fraud. As established in [United States v. Saini, 23 F.4th 1155 \(9th Cir. 2022\)](#), "intent to defraud" means "an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property."

The facts present multiple indicators of intent to defraud:

1. **Concealed financial transactions:** As noted in Mail and wire fraud (2012), "Intent may be inferred from evidence indicating that the defendant attempted to conceal activity." The concealment of financial transactions is a direct attempt to hide information that would be material to the divorce proceedings.
2. **Preparation of pleadings in another state:** This suggests an attempt to manipulate jurisdiction or venue to gain procedural advantage, demonstrating intent to use deceptive means to gain advantage.
3. **Coordination with grandparents to serve an eviction notice:** This coordination indicates a broader scheme involving multiple parties, further suggesting intentional planning to gain unfair advantage.



[Schuster v. Anderson, 378 F.Supp.2d 1070 \(N.D. Iowa 2005\)](#) emphasizes that intent to defraud "can be discerned by examining the totality of the circumstances surrounding the defendant's activities." The combination of these actions, when viewed together, provides substantial evidence of intent to deceive and cheat the other party in the divorce proceedings.

### **3. Use of Interstate Wire Communications**

For wire fraud to be established, the scheme must involve the use of interstate wire communications. Based on the facts provided, the preparation of pleadings in another state and coordination with grandparents strongly suggest the use of interstate communications.

[United States v. Daniel, 329 F.3d 480 \(6th Cir. 2003\)](#) clarified that the wire communication must be employed "for the purpose of executing such scheme or artifice," meaning that "the scheme's completion or the prevention of its detection must have depended in some way on the charged mailing [or wiring]." If the mother and stepfather used phone calls, emails, text messages, or other electronic communications across state lines to coordinate their activities, this element would be satisfied.

[P.R. Med. Emergency Grp., Inc. v. Iglesia Episcopal Puertorriquena, Inc., Civil No. 14-1616 \(FAB\) \(D. P.R. Jun 16, 2016\)](#) emphasized that the use of wires need not be "an essential element of the scheme but need only be 'incident to an essential part of the scheme' or 'a step in the plot.'" Therefore, even routine communications used to coordinate the scheme would satisfy this element.

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

Having established that the mother and stepfather's actions could constitute wire fraud under [18 U.S.C. § 1343](#), the next step is to determine whether this can serve as a predicate act under RICO.

As defined in [18 U.S.C. § 1961](#) (2025), "racketeering activity" explicitly includes "any act which is indictable under... section 1343 (relating to wire fraud)." Therefore, wire fraud clearly qualifies as a predicate act under RICO.

A "pattern of racketeering activity" requires at least two predicate acts. As clarified in [Beth Israel Medical Center v. Smith, 576 F.Supp. 1061 \(S.D. N.Y. 1983\)](#), separate acts of wire fraud arising from the same scheme can qualify as separate predicate acts. Therefore, if the mother and stepfather engaged in multiple instances of interstate wire communications in furtherance of their scheme, this could establish the required pattern.

[Norfe Grp. Corp. v. R.Y. Espinosa Inc., Civil No. 19-1897 \(BJM\) \(D. P.R. May 07, 2021\)](#) summarized RICO liability as requiring "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." The mother, stepfather, and potentially the grandparents could constitute an "enterprise" under RICO if they associated for the common purpose of defrauding the other party in the divorce proceedings.

# Exceptions and Caveats

## Proof of Actual Harm May Not Be Required

It is important to note that [United States v. Ames Sintering Co., 927 F.2d 232 \(6th Cir. 1990\)](#) established that "The government need only charge that the defendant intended to defraud the victim of money or property, not that the victim was actually deprived of money or property." Therefore, even if the scheme was unsuccessful or discovered before significant harm occurred, wire fraud could still be established.

## Reliance Not Required for RICO Claims Based on Wire Fraud

The Supreme Court in [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639 \(2008\)](#) held that "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." This principle extends to wire fraud as well, meaning that the other party in the divorce proceedings would not need to prove they relied on the misrepresentations for a RICO claim to succeed.

## RICO's Other Requirements

While wire fraud may establish a predicate act under RICO, a successful RICO claim requires additional elements beyond the scope of this analysis. As stated in [Jones v. Ram Med., Inc., 75 UCC Rep.Serv.2d 707, 807 F.Supp. 2d 501 \(D. S.C. 2011\)](#), a RICO claim requires "(1) a violation of [18 U.S.C. § 1962](#), (2) an injury to business or property, and (3) that the injury was caused by the violation of § 1962." The analysis here focuses primarily on whether the actions constitute wire fraud as a predicate act, not whether all elements of a RICO claim are satisfied.

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) (2022) cautions that "Business deals gone sour do not count" for RICO claims. However, intentional fraudulent conduct, such as the actions described here, goes beyond mere business disputes and could satisfy RICO's requirements.

## Conclusion

The actions of the mother and stepfather—concealed financial transactions, preparation of pleadings in another state, and coordination with grandparents to serve an eviction notice—provide substantial evidence of intent to defraud as required for wire fraud under [18 U.S.C. § 1343](#). If these actions involved interstate wire communications, they would satisfy all elements of wire fraud:

1. A scheme to defraud, as evidenced by the coordinated efforts to gain unfair advantage in divorce proceedings.



2. Intent to defraud, which can be inferred from the concealment of financial transactions and other deceptive actions.
3. Use of interstate wire communications in furtherance of the scheme, which is likely given the interstate nature of the activities.

As wire fraud is explicitly listed as a predicate act under RICO in [18 U.S.C. § 1961](#), and multiple instances of wire communications could establish the required pattern of racketeering activity, the actions described could support a claim of wire fraud as a predicate act under RICO.

The coordinated nature of the activities, involving multiple parties (mother, stepfather, and grandparents) working together for a common purpose, could establish the existence of an "enterprise" as required by RICO. If the other elements of RICO are also satisfied—notably, injury to business or property resulting from the violation of [18 U.S.C. § 1962](#)—a RICO claim based on wire fraud as a predicate act could be viable.

In conclusion, the mother and stepfather's deceptive actions in the divorce proceedings, when coupled with interstate wire communications, demonstrate the requisite intent to defraud under [18 U.S.C. § 1343](#), thereby supporting the claim of wire fraud as a predicate act under RICO.

## Legal Authorities

[Morley v. Cohen, 888 F.2d 1006 \(4th Cir. 1989\)](#)

### U.S. Court of Appeals — Fourth Circuit

#### Extract

The offenses of mail and wire fraud require use of the mails or wires coupled with an intent to defraud. See 18 U.S.C. Secs. 1341, 1343. ... The key is whether the communication occurred 'for the purpose of executing the scheme.' ... Cohen also urges that the evidence fails to support a finding of intent to defraud. ... Viewing it all, we believe that the evidence was sufficient to support a jury finding that Cohen acted with intent to defraud. We therefore conclude that the district court did not err in refusing to grant a judgment notwithstanding the verdict due to insufficient proof of the predicate acts for Morley's RICO claim.

#### Summary

The offenses of mail and wire fraud require both the use of mails or wires and an intent to defraud. The passage emphasizes that communications must occur "for the purpose of executing the scheme" to meet the requirements of these offenses. The court found sufficient evidence to support a finding of intent to defraud, which is crucial for establishing predicate acts under RICO. This aligns with the proposition that concealed financial transactions and interstate communications can demonstrate the requisite intent to defraud.

[P.R. Med. Emergency Grp., Inc. v. Iglesia Episcopal Puertorriquena, Inc., Civil No. 14-1616 \(FAB\) \(D. P.R. Jun 16, 2016\)](#)

## **U.S. District Court — District of Puerto Rico**

### **Extract**

The elements of mail and wire fraud are (1) a scheme to defraud; (2) knowing and willful participation in the scheme with the intent to defraud; and (3) the use of the mails or interstate wire in furtherance of the fraudulent scheme. See *Bonilla v. Volvo Car Corp.*, 150 F.3d 62, 66 (1st Cir. 1998). ... The third element of mail and wire fraud is the use of the mails or interstate wire in furtherance of a fraudulent scheme. See 18 U.S.C. § 1341 (mail fraud); *id.* § 1343 (wire fraud). For this element to be met, 'the use of the mails need not be an essential element of the scheme but need only be 'incident to an essential part of the scheme' or 'a step in the plot.'

### **Summary**

The use of mails or wires need not be central to the scheme but must be a step in the plot. This supports the proposition by showing that concealed financial transactions and interstate communications can demonstrate the requisite intent to defraud.

[United States v. Saini, 23 F.4th 1155 \(9th Cir. 2022\)](#)

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

### **Extract**

In *Miller*, we held that the intent to defraud under the wire fraud statute, 18 U.S.C. § 1343, 'requires the intent to deceive and cheat.' 953 F.3d at 1103. ... 'Intent to defraud' means 'an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.' ... Based on these definitions, the ordinary meaning of an 'intent to defraud' as used in § 1029(a)(3) and (4) is an intent to deprive a person of money or property by deception.

### **Summary**

For wire fraud under 18 U.S.C. § 1343, there must be an intent to deceive and cheat, which aligns with the proposition that the mother and stepfather acted with intent to deceive in the divorce proceedings. The passage supports the idea that concealed financial transactions and interstate communications can demonstrate the requisite intent to defraud, which is necessary for establishing wire fraud as a predicate act under RICO.

[United States v. Weimert, 819 F.3d 351 \(7th Cir. 2016\)](#)

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

### **Extract**

The wire fraud statute prohibits schemes to defraud or to obtain money or property by means of 'false or fraudulent pretenses, representations, or promises' if interstate wire or electronic communications are used to execute the scheme. 18 U.S.C. § 1343. To convict a person under § 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.' *United States v. Faruki*, 803 F.3d 847, 852 (7th Cir.2015), quoting *Durham*, 766 F.3d at 678. To prove a scheme to defraud, the government must show that Weimert made a material false statement, misrepresentation, or promise, or concealed a material fact.

### **Summary**

Elements required to prove wire fraud under 18 U.S.C. § 1343, which include involvement in a scheme to defraud, intent to defraud, and the use of interstate communications to further the scheme. The passage also emphasizes the need for a material false statement, misrepresentation, or concealment of a material fact. These elements align with the proposition that the mother and stepfather's actions, such as concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, supporting the claim of wire fraud as a predicate act under RICO.

[U.S. v. Treadwell, 593 F.3d 990 \(9th Cir. 2010\)](#)

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

### **Extract**

According to the federal wire fraud statute, 18 U.S.C. § 1343, any person who '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,' is guilty of wire fraud. Conviction under § 1343 means a defendant must have intended 'to defraud' his victim. See *United States v. Oren*, 893 F.2d 1057, 1061 (9th Cir.1990). 'To defraud' under § 1343 encompasses 'any scheme to deprive another of money or property by means of false or fraudulent pretenses, representations, or promises.'

## **Summary**

The use of interstate communications to execute such a scheme is a critical element of wire fraud. This supports the proposition by showing that concealed financial transactions and interstate communications, as part of a scheme to deceive, can demonstrate the requisite intent to defraud under 18 U.S.C. § 1343.

[U.S. v. Ashman, 979 F.2d 469 \(7th Cir. 1993\)](#)

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

#### **Extract**

In order to convict defendants of mail fraud, the jury had to find that they had a specific intent to defraud. *United States v. Johnson*, 927 F.2d 999, 1003 (7th Cir.1991). On appeal, we are obliged to view the evidence, and all reasonable inferences from it, in the light most favorable to the government and may overturn the finding of intent 'only if the record contains no evidence, regardless of how it is weighed, from which the jury could find guilt beyond a reasonable doubt.' *United States v. Wiehoff*, 748 F.2d 1158, 1160-61 (7th Cir.1984). ... As we shall see, there was indeed sufficient evidence from which the jury could infer that the defendants intended the necessary result of their actions.

## **Summary**

The court requires proof of specific intent to defraud to convict someone of mail or wire fraud. This intent can be inferred from the actions and the necessary results of those actions, even if the defendants did not explicitly state their intent to defraud. The passage supports the proposition by illustrating that intent to defraud can be inferred from deceptive actions, such as concealed financial transactions and interstate communications, which are relevant to the claim of wire fraud as a predicate act under RICO.

[U.S. v. Daniel, 329 F.3d 480 \(6th Cir. 2003\)](#)

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

#### **Extract**

To convict a defendant of wire fraud, the government must prove '(1) a scheme or artifice to defraud; (2) use of interstate wire communications in furtherance of the scheme; and (3) intent to deprive a victim of money or property.' *United States v. Prince*, 214 F.3d 740, 747-48 (6th Cir.2000) (footnote omitted). ... The government also provided sufficient evidence of the use of an interstate electronic communication in furtherance of the scheme to defraud — Daniel's attempt by fax to elicit a letter that would

apparently authorize his actions. The wire fraud statute requires that the wire communication be employed 'for the purpose of executing such scheme or artifice.' 18 U.S.C. § 1343. This means that the communication must be sufficiently related to the scheme, which is to say that 'the scheme's completion or the prevention of its detection must have depended in some way on the charged mailing.' *United States v. Castile*, 795 F.2d 1273, 1278 (6th Cir.1986).

## **Summary**

Clear framework for proving wire fraud, which aligns with the proposition that the mother and stepfather's actions could constitute wire fraud if they used interstate communications to further their deceptive scheme in the divorce proceedings.

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

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

### **Extract**

In order to secure a conviction under RICO, the Government must prove both the existence of an 'enterprise' and the connected 'pattern of racketeering activity.' The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. The pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute. 18 U.S.C. § 1961(1) (1976 ed., Supp. III). The former is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit. The latter is proved by evidence of the requisite number of acts of racketeering committed by the participants in the enterprise.

## **Summary**

The U.S. Supreme Court in *United States v. Turkette* clarified that for a RICO conviction, there must be proof of both an "enterprise" and a "pattern of racketeering activity." This supports the proposition by establishing that the actions of the mother and stepfather, if they constitute a series of criminal acts (such as wire fraud), could be seen as part of a pattern of racketeering activity. The passage also emphasizes that an enterprise can be a group of persons associated for a common purpose, which aligns with the coordinated actions described in the proposition.

[\*United States v. Miller\*, 953 F.3d 1095 \(9th Cir. 2020\)](#)

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

## **Extract**

Like the mail fraud statute from which it is derived, the wire fraud statute, in plain and simple language, criminalizes the use of interstate wires to further, not mere deception, but a scheme or artifice to defraud or obtain money or property, i.e., in every day parlance, to cheat someone out of something valuable. It follows that to be guilty of wire fraud, a defendant must act with the intent not only to make false statements or utilize other forms of deception, but also to deprive a victim of money or property by means of those deceptions. In other words, a defendant must intend to deceive and cheat.

## **Summary**

The Ninth Circuit has clarified that wire fraud requires the specific intent to deceive and cheat, meaning the defendant must intend to deprive the victim of money or property through deception. This aligns with the proposition that the mother and stepfather's actions, involving concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, supporting a claim of wire fraud as a predicate act under RICO.

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

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

### **Extract**

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

### **Summary**

Under RICO, a plaintiff does not need to prove reliance on misrepresentations to establish a claim predicated on mail fraud. The use of mail or wire communications to execute a scheme to defraud is sufficient to



constitute a predicate act under RICO. This supports the proposition that concealed financial transactions and interstate communications, if used to further a scheme to defraud, can demonstrate the requisite intent to defraud, thus supporting a claim of wire fraud as a predicate act 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 renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates in the conduct of its affairs 'through a pattern of racketeering activity,' § 1962(c); or, finally, who conspires to violate the first three subsections of § 1962, § 1962(d).

### **Summary**

RICO can be applied to individuals who engage in a pattern of racketeering activity, which includes predicate acts like wire fraud. The passage highlights the liability of individuals who use or invest income derived from such activities to operate or control an enterprise engaged in interstate commerce. This supports the proposition that the mother and stepfather's actions, involving concealed financial transactions and interstate communications, could be considered a pattern of racketeering activity under RICO.

[Chambers v. King Buick GMC, LLC, 43 F. Supp. 3d 575 \(D. Md. 2014\)](#)

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

### **Extract**

To plead mail or wire fraud, a plaintiff must show: (1) a scheme disclosing intent to defraud; and (2) the use, respectively, of the mails or interstate wires in furtherance of the scheme. ... In the context of a RICO action, the mailings or wirings do not need to contain the misrepresentations that defrauded the plaintiff, but they must be in furtherance of the fraudulent, material misrepresentation upon which the plaintiff justifiably relied to her detriment.

## **Summary**

The communications themselves do not need to contain the fraudulent misrepresentations, but they must further the fraudulent scheme. This supports the proposition that concealed financial transactions and interstate communications can demonstrate the requisite intent to defraud, aligning with the requirements for wire fraud 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**

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. See § 1964(c). The effects of making a mere two instances of mail or wire fraud potentially actionable under civil RICO are staggering, because in recent years the Courts of Appeals have 'tolerated an extraordinary expansion of mail and wire fraud statutes to permit federal prosecution for conduct that some had thought was subject only to state criminal and civil law.'

## **Summary**

The U.S. Supreme Court recognizes that even two instances of mail or wire fraud can constitute a "pattern of racketeering activity" under RICO. This supports the proposition that the use of concealed financial transactions and interstate communications, if proven to be fraudulent, can demonstrate the requisite intent to defraud, thereby supporting a claim of wire fraud as a predicate act under RICO. The passage highlights the broad interpretation of mail and wire fraud statutes, which aligns with the proposition's assertion of deceptive actions and interstate communications being used to further a fraudulent scheme.

[Schuster v. Anderson, 378 F.Supp.2d 1070 \(N.D. Iowa 2005\)](#)

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

### **Extract**

Further, mail and wire fraud are established by showing the following four elements: (1) a scheme to defraud; (2) intent to defraud; (3) reasonable foreseeability that the mails or wires would be used; and (4) use of the mails or wires in furtherance of the scheme. ... A showing of an intent to defraud is critical to establishment of the predicate acts of wire fraud: No single fact need demonstrate the defendant's intent; rather, intent to defraud can be

discerned by examining the totality of the circumstances surrounding the defendant's activities.

## **Summary**

To establish wire fraud as a predicate act under RICO, there must be a scheme to defraud, intent to defraud, foreseeability of using mails or wires, and actual use of mails or wires in furtherance of the scheme. The passage emphasizes that intent to defraud can be inferred from the totality of circumstances, which aligns with the proposition that deceptive actions and concealed transactions can demonstrate the requisite intent to defraud.

[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, which must be 'related' and 'amount to or pose a threat of continued criminal activity.' ... Pleading a pattern of racketeering activity requires the plaintiff to allege that the defendant participated in at least two acts that were chargeable under the enumerated federal statutes. The plaintiff must adequately plead the elements of each predicate act, satisfying the pleading standard that would apply if the predicate act were a stand-alone claim.

## **Summary**

Requirements for establishing a RICO claim, specifically the need to demonstrate a pattern of racketeering activity, which includes at least two predicate acts chargeable under federal statutes. Wire fraud, as a predicate act, requires proof of intent to defraud, which can be inferred from deceptive actions and the use of interstate communications. The passage supports the proposition by explaining the legal framework for RICO claims and the necessity of demonstrating intent and a pattern of racketeering activity.

[Hlista v. Safeguard Props., LLC, No. 15-1812 \(3rd Cir. May 05, 2016\)](#)

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

## **Extract**

A plaintiff bringing a substantive RICO claim under § 1962(c) must allege '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *In re Ins. Brokerage Antitrust Litig.*, 618 F.3d 300, 362 (3d Cir. 2010) (internal quotation marks omitted). A pattern of racketeering activity 'requires at least two acts of racketeering activity within a ten-year period.' *Id.* (quoting 18 U.S.C. § 1961(5)); see *Banks v. Wolk*, 918 F.2d 418, 421 (3d Cir. 1990) ('[N]o defendant can be liable under RICO unless he participated in two or more predicate offenses sufficient to constitute a pattern.'). These are known as 'predicate acts' and 'may include, inter alia, federal mail fraud under 18 U.S.C. § 1341 or federal wire fraud under 18 U.S.C. § 1343.' *Lum v. Bank of Am.*, 361 F.3d 217, 223 (3d Cir. 2004), abrogated in part on other grounds by *Twombly*, 550 U.S. at 557; 18 U.S.C. § 1961(1) (defining 'racketeering activity'). Where, as here, the predicate acts alleged are mail and wire fraud, plaintiffs are subject to the heightened pleading standard for fraud set forth in Fed. R. Civ. P. 9(b), which states that 'a party must state with particularity the circumstances constituting fraud.' Fed. R. Civ. P. 9(b); e.g., *Lum*, 361 F.3d at 223. The elements of mail or wire fraud are: '(1) a scheme to defraud; (2) use of the mails [or wires] to further that scheme; and (3) fraudulent intent.' *United States v. Pharis*, 298 F.3d 228, 234 (3d Cir. 2002). Although '[a] scheme or artifice to defraud need not be fraudulent on its face, [it] must involve some sort of fraudulent misrepresentation or omission reasonably calculated to deceive persons of ordinary prudence and comprehension.' *Lum*, 361 F.3d at 223 (internal quotation marks omitted).

## **Summary**

To support a RICO claim under 18 U.S.C. § 1962(c), a plaintiff must demonstrate conduct of an enterprise through a pattern of racketeering activity, which includes at least two predicate acts such as wire fraud. The elements of wire fraud include a scheme to defraud, use of wires to further the scheme, and fraudulent intent. The passage explains that fraudulent intent can be inferred from deceptive actions and omissions. This aligns with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, supporting a wire fraud claim as a predicate act under RICO.

[Norfe Grp. Corp. v. R.Y. Espinosa Inc., Civil No. 19-1897 \(BJM\) \(D. P.R. May 07, 2021\)](#)

**U.S. District Court — District of Puerto Rico**

## **Extract**

RICO liability breaks down to four essential elements: '(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, 496 (1985). The statute includes numerous illegal acts in its definition of 'racketeering activity.' Home

Orthopedics, 781 F.3d at 528 (citing 18 U.S.C. § 1961(1)). Among these are mail and wire fraud, 18 U.S.C. §§ 1341, 1343, which are the relevant predicate acts in Norfe's amended complaint. Mail fraud 'occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice or attempting so to do.' *Bridge v. Phoenix Bond & Indem. Co.*, 553 U.S. 639, 647 (2008) (quoting 18 U.S.C. § 1341). 'The gravamen of the offense is the scheme to defraud, and any mailing that is incident to an essential part of the scheme satisfies the mailing element [] even if the mailing itself contain[s] no false information.' *Id.* (citation and internal quotation marks omitted). Similarly, 'to make out a civil claim under RICO by way of wire fraud, a plaintiff must allege that a group of defendants 'engaged in a scheme to defraud with the specific intent to defraud and that they used... the interstate wires in furtherance of the scheme.'

## **Summary**

RICO claims require proof of a scheme to defraud, which can be demonstrated through mail and wire fraud. The passage explains that the intent to defraud can be inferred from the use of mail or wire communications in furtherance of the scheme, even if the communications themselves do not contain false information. This supports the proposition that concealed financial transactions and interstate communications can demonstrate the requisite intent to defraud under RICO.

[Beth Israel Medical Center v. Smith, 576 F.Supp. 1061 \(S.D. N.Y. 1983\)](#)

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

### **Extract**

Movants' contention that separate acts of mail and wire fraud arising out of a common nucleus of facts cannot be considered separate predicate RICO acts is without merit. This contention has been specifically rejected by the Courts of Appeals of at least two Circuits, for reasons which are clear. First, the plain language of the statute refers to 'any act which is indictable' under the mail or wire fraud statutes, without a qualification that each act must occur in a different factual situation. Second, it would contradict the requirement of a 'pattern of racketeering activity' to hold that the acts making up the pattern must take place in unconnected factual circumstances. It follows that the instant complaint, by alleging violations of both the mail and wire fraud statutes, adequately alleges the two predicate RICO acts required to establish a pattern of racketeering activity.

## **Summary**

The passage from *Beth Israel Medical Center v. Smith* clarifies that separate acts of mail and wire fraud, even if arising from a common nucleus of facts, can be considered separate predicate acts under RICO. This supports the proposition that the use of concealed financial transactions and interstate

communications, as part of a scheme to defraud, can constitute wire fraud as a predicate act under RICO. The court's rejection of the argument that such acts must occur in different factual situations reinforces the idea that deceptive actions and interstate communications can demonstrate the requisite intent to defraud.

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

## **U.S. District Court — District of South Carolina**

### **Extract**

To establish a claim under RICO, a plaintiff must show: (1) a violation of 18 U.S.C. § 1962, (2) an injury to business or property, and (3) that the injury was caused by the violation of § 1962. ... Defendants next contend that Plaintiffs have failed to plead a “pattern of racketeering,” which requires a series of identifiable predicate acts that fall within the scope of 18 U.S.C. § 1961. ... As to the claim of wire fraud, 18 U.S.C. § 1343 states, “Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses ... transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signal, pictures, or sounds for the purpose of executing such scheme or artifice” shall be guilty of wire fraud. For a wire fraud claim, the plaintiff must allege “(1) a scheme to defraud and (2) the use of a wire communication in furtherance of that scheme.”

### **Summary**

Wire fraud involves a scheme to defraud and the use of wire communications to further that scheme. This aligns with the proposition that the mother and stepfather's actions, involving concealed financial transactions and interstate communications, could be seen as a scheme to defraud, thus supporting a wire fraud claim under RICO.

[Uselmann v. Pop, 495 F.Supp.3d 528 \(E.D. Mich. 2020\)](#)

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

### **Extract**

The mail and wire fraud statutes contain the same basic elements, including: 'first, that the defendant devised or willfully participated in a scheme to defraud; second, that he used or caused to be used an interstate wire communication or the United States mail in furtherance of the scheme; and third, that he intended to deprive a victim of money or property.' United



States v. Maddux, 917 F.3d 437, 443 (6th Cir. 2019) (quoting United States v. Faulkenberry, 614 F.3d 573, 584 (6th Cir. 2010) ) (internal citations omitted).

## **Summary**

To establish wire fraud as a predicate act under RICO, it is necessary to demonstrate that the defendant devised or participated in a scheme to defraud, used interstate communications in furtherance of the scheme, and intended to deprive a victim of money or property. This aligns with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud.

[LD v. United Behavioral Health, CASE NO. 4:20-cv-02254 YGR \(N.D. Cal. Aug 26, 2020\)](#)

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

## **Extract**

Wire fraud and mail fraud in violation of 18 U.S.C. §§ 1341 and 1343, respectively, can serve as predicate offenses. Plaintiffs, however, have failed to allege facts to raise the reasonable inference that defendants committed at least two instances of either offense. Wire fraud and mail fraud share the same elements: (1) that the defendant formed a scheme to defraud; (2) used the United States wires [for wire fraud] or United States mail [for mail fraud] in furtherance of the scheme; and (3) did so with a specific intent to deceive or defraud.

## **Summary**

Elements required to establish wire fraud, which aligns with the proposition that the mother and stepfather's actions could be considered wire fraud if they used interstate communications with the intent to deceive in the divorce proceedings.

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

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

## **Extract**

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. ... In this case, Heden alleges mail fraud and wire fraud as predicate acts supporting his civil RICO claims. See 18 U.S.C. §§ 1341, 1343. ... 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**

Necessary elements to establish mail and wire fraud as predicate acts under RICO, which include the formation of a scheme to defraud and the use of mail or wire communications with the specific intent to deceive. This directly supports the proposition that the mother and stepfather's actions, involving concealed financial transactions and interstate communications, could demonstrate the requisite intent to defraud, thus supporting a claim of wire fraud under RICO.

[U.S. v. Proffit, 49 F.3d 404 \(8th Cir. 1995\)](#)

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

## **Extract**

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

## **Summary**

Essential elements required to establish wire fraud, which include the intent to defraud and the use of interstate wire communications. These elements are directly relevant to the proposition, which involves allegations of wire fraud as a predicate act under RICO. The passage supports the proposition by providing a legal framework for understanding how intent to defraud and the use of interstate communications can be established in a wire fraud case.

[United States v. Ames Sintering Co., 927 F.2d 232 \(6th Cir. 1990\)](#)

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

## **Extract**

To prove a wire fraud offense under § 1343, the government must establish: (1) a scheme to defraud; and (2) use of wire communications in furtherance

of the scheme. ... In addition, the government must prove that the scheme must have intended to deprive a victim of money or property. ... The government need only charge that the defendant intended to defraud the victim of money or property, not that the victim was actually deprived of money or property.

## **Summary**

To establish a wire fraud offense under 18 U.S.C. § 1343, it is necessary to demonstrate a scheme to defraud and the use of wire communications in furtherance of that scheme. Importantly, the intent to defraud is a critical element, and it is not necessary for the victim to have actually been deprived of money or property. This aligns with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, supporting the claim of wire fraud as a predicate act under RICO.

[U.S. v. Frey, 42 F.3d 795 \(3rd Cir. 1994\)](#)

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

#### **Extract**

The elements required to support a conviction under the mail fraud statute, 18 U.S.C. Sec. 1341, are: 1) a scheme to defraud; and 2) the use of the mails for the purpose of executing, or attempting to execute, the scheme. ... The wire fraud statute, 18 U.S.C. Sec. 1343, is identical to the mail fraud statute except it speaks of communications transmitted by wire. ... The mailing, or wiring, could support a mail or wire fraud conviction 'if the mailing is part of executing the fraud, or closely related to the scheme ... even though the mailing was also related to a valid business purpose.' ... '[M]ailings [and wirings] which facilitate concealment of the scheme are covered by the statute.'

## **Summary**

Elements required to establish mail and wire fraud, emphasizing that a scheme to defraud and the use of mail or wire communications to execute or conceal the scheme are necessary. The passage also clarifies that even routine business communications can be considered part of the fraud if they facilitate the scheme. This supports the proposition by showing that concealed financial transactions and interstate communications, if used to further a fraudulent scheme, can demonstrate the intent to defraud required for wire fraud under RICO.

[United States v. Faruki, 803 F.3d 847 \(7th Cir. 2015\)](#)

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

## **Extract**

To sustain a conviction for wire fraud, the government must show that Faruki: “(1) was involved in a scheme to defraud; (2) had an intent to defraud; and (3) used the wires in furtherance of that scheme.” *United States v. Durham*, 766 F.3d 672, 678 (7th Cir.2014). ... Yet, the federal wire fraud statute 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 ... 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**

Clear legal standard for establishing wire fraud, which aligns with the proposition that concealed financial transactions and interstate communications can demonstrate intent to defraud, thus supporting a wire fraud claim as a predicate act under RICO.

[Banks v. Wolk, 918 F.2d 418 \(3rd Cir. 1990\)](#)

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

## **Extract**

The gravamen of the complaint was that Wolk and the Cohens concealed Wolk's involvement with the buyers in an attempt to gain a favorable price for the AP Building. The complaint also alleged that James Weiner, the attorney for the buyers, participated in this fraud. The RICO claim was based on allegations that all defendants committed two or more unspecified acts of mail and wire fraud in carrying out the scheme... Predicate offenses committed in furtherance of a single criminal scheme can constitute a RICO pattern if the acts present the threat of future criminal activity. The criminal conduct need not be ongoing. Past conduct will satisfy the continuity requirement if 'by its nature [it] projects into the future with a threat of repetition.'

## **Summary**

Use of concealed actions and fraudulent schemes to gain an advantage, which aligns with the proposition that the mother and stepfather acted with intent to deceive. It highlights that predicate acts like wire fraud can be part of a RICO claim if they show a pattern of racketeering activity, even if the scheme is not ongoing but poses a threat of future criminal activity. This supports the idea that concealed financial transactions and interstate communications can demonstrate intent to defraud.

[U.S. v. Oren, 893 F.2d 1057 \(9th Cir. 1990\)](#)

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

### **Extract**

Oren concedes, as he must, that reliance is not a necessary element of the wire fraud offense. See *United States v. Halbert*, 712 F.2d 388, 390 (9th Cir. 1983), cert. denied, 465 U.S. 1005, 104 S.Ct. 997, 79 L.Ed.2d 230 (1984). He argues instead that the district court should have admitted it as relevant to Oren's intent to defraud. He further views this evidence as relevant to the question of whether his misrepresentations were material.

### **Summary**

Reliance is not a necessary element for a wire fraud conviction, which aligns with the proposition that intent to defraud can be inferred from deceptive actions. The passage also highlights the importance of intent to defraud and material misrepresentations, which are relevant to establishing wire fraud as a predicate act under RICO. This supports the proposition that concealed financial transactions and interstate communications can demonstrate the requisite intent to defraud.

[United States v. Maddux, 917 F.3d 437 \(6th Cir. 2019\)](#)

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

### **Extract**

To recover on a RICO claim, a plaintiff must make two showings: first, that the defendant committed one of the statute's 'so-called predicate acts,' which include mail or wire fraud; and second, that the predicate act was the 'proximate cause' of the plaintiff's injury. ... But that holding is inapposite here, because—unlike the RICO statute—the mail and wire fraud statutes do not require any proof that the defendant's fraud caused losses for the victim. See *Pasquantino*, 544 U.S. at 371, 125 S.Ct. 1766 ('[T]he wire fraud statute punishes the scheme, not its success' (internal citation and quotation marks omitted)).

### **Summary**

For a RICO claim, a predicate act such as wire fraud must be established. Importantly, the wire fraud statute does not require proof that the fraud caused losses to the victim; it punishes the scheme itself. This supports the proposition that the intent to defraud can be inferred from the scheme's deceptive actions, such as concealed financial transactions and interstate communications, without needing to show actual harm to the victim.

[United States v. Faulkenberry, 614 F.3d 573 \(6th Cir. 2010\)](#)

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

**Extract**

Faulkenberry challenges the sufficiency of the evidence supporting his conviction for wire fraud, in violation of 18 U.S.C. § 1343. That section provides in relevant part: 'Whoever, having devised ... any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, [or] representations ... transmits or causes to be transmitted by means of wire ... in interstate or foreign commerce, any writings ... for the purpose of executing such scheme or artifice,' shall be subject to imprisonment. ... The first element of wire fraud, then, is that the defendant devised or willfully participated in a scheme to defraud. The second is that he used or caused to be used an interstate wire communication 'in furtherance of the scheme'; and the third, that he intended 'to deprive a victim of money or property.'

**Summary**

The elements of wire fraud include devising or participating in a scheme to defraud, using interstate wire communications to further the scheme, and intending to deprive a victim of money or property. These elements align with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, supporting a claim of wire fraud as a predicate act under RICO.

[U.S. v. Prince, 214 F.3d 740 \(6th Cir. 1999\)](#)

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

**Extract**

In this case, the indictment identifies wire fraud as the underlying felony from which the proceeds were derived. The elements of wire fraud, as prescribed under 18 U.S.C. section 1343, are as follows: (1) a scheme or artifice to defraud; (2) use of interstate wire communications in furtherance of the scheme; and (3) intent to deprive a victim of money or property. United States v. Merklinger, 16 F.3d 670, 678 (6th Cir. 1994); United States v. Ames Sintering Co., 927 F.2d 232, 234 (6th Cir. 1990) (citations omitted).

**Summary**

Elements of wire fraud, which include a scheme to defraud, the use of interstate communications, and the intent to deprive a victim of money or property. These elements align with the proposition that the mother and stepfather engaged in deceptive actions and used interstate communications



to further their scheme, demonstrating the requisite intent to defraud. The passage supports the claim that such actions can constitute wire fraud, which can serve as a predicate act under RICO.

[In re Insurance Brokerage Antitrust Litig., 618 F.3d 300 \(3rd Cir. 2010\)](#)

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

### **Extract**

According to the RICO statute, a “pattern of racketeering activity” requires at least two acts of racketeering activity within a ten-year period. 18 U.S.C. § 1961(5). “These predicate acts of racketeering may include, inter alia, federal mail fraud under 18 U.S.C. § 1341 or federal wire fraud under 18 U.S.C. § 1343.” Lum, 361 F.3d at 223; see 18 U.S.C. § 1961(1) (defining “racketeering activity”). Plaintiffs assert that the defendant brokers in both the Commercial Case and Employee Benefits Case committed “numerous acts of mail and wire fraud” in furtherance of the enterprises to which they allegedly belonged.

### **Summary**

The RICO statute requires at least two acts of racketeering activity, which can include wire fraud, to establish a pattern of racketeering activity. The passage supports the proposition by highlighting that wire fraud, which involves intent to defraud through interstate communications, can serve as a predicate act under RICO. This aligns with the proposition's assertion that concealed financial transactions and interstate communications demonstrate the requisite intent to defraud.

[18 U.S.C. § 1343 18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television](#)

### **Extract**

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

### **Summary**

18 U.S.C. § 1343 outlines the federal crime of wire fraud, which involves devising a scheme to defraud and using interstate wire communications to execute that scheme. The passage supports the proposition by highlighting that intent to defraud can be inferred from the use of interstate

communications to further a fraudulent scheme. This aligns with the claim that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, thus supporting the claim of wire fraud as a predicate act under RICO.

#### [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), ... '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" under RICO includes acts indictable under section 1343, which relates to wire fraud. The passage also explains that a "pattern of racketeering activity" requires at least two acts of such activity. This supports the proposition by establishing that wire fraud, as a predicate act, can be part of a pattern of racketeering activity under RICO, which is relevant to the claim that the mother and stepfather's actions could constitute such a pattern.

#### [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**

18 U.S.C. § 1962 outlines unlawful activities related to racketeering, including acquiring or maintaining control of an enterprise through a pattern of racketeering activity. This supports the proposition by establishing that using concealed financial transactions and interstate communications to further a scheme can be considered a pattern of racketeering activity, which is relevant to the claim of wire fraud as a predicate act under RICO.

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

### **Extract**

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

### **Summary**

The passage from 18 U.S.C. § 1956 discusses the criminalization of financial transactions that are conducted with the knowledge that they involve proceeds from unlawful activities and are designed to conceal or disguise the nature, location, source, ownership, or control of those proceeds. This aligns with the proposition that the mother and stepfather engaged in concealed financial transactions with the intent to deceive and gain an unfair advantage. The statute provides a legal basis for considering such actions as predicate acts under RICO, particularly when they involve interstate communications or transactions.

## [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) ... 18 U.S.C. [section] 1343 (2006 & Supp. 2007) (stating any scheme must be 'transmitted by means of wire, radio, or television communication in interstate or foreign commerce'); see also *United States v. Daniel*, 329 F.3d 480, 485 (6th Cir. 2003) ('To convict a defendant of wire fraud, the government must prove ... use of interstate wire communications....')

## Summary

The intent to defraud is a critical element in proving mail or wire fraud. This intent can be inferred from actions such as concealing activities or making misrepresentations. The use of interstate communications, as required by 18 U.S.C. § 1343, is also a necessary component of wire fraud. These elements align with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud.

### [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.'... The third element the government must prove for a mail or wire fraud conviction is that the defendant used or caused to be used: (i) the U.S. mails; (ii) any private or commercial interstate carrier; and/or (iii) interstate wires in furtherance of, or for the purpose of, executing the scheme to defraud.

## Summary

The elements of wire fraud include a specific intent to defraud and the use of interstate communications to further a fraudulent scheme. The passage explains that intent to defraud involves a willful act with the specific intent to deceive or cheat, typically for financial gain or to cause financial loss. Additionally, the use of interstate wires in furtherance of the scheme is a necessary element. These elements align with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, supporting a claim of wire fraud as a predicate act 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 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**

Intent to defraud is a crucial element in proving mail or wire fraud. The passage explains that intent can be inferred from actions such as concealing activities or making misrepresentations. This directly supports the proposition that the mother and stepfather's actions, such as concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, which is necessary for establishing wire fraud as a predicate act under RICO.

### [Mail and Wire Fraud](#)

**American Criminal Law Review - Georgetown University Law Center - Michael Bednarczyk - 2022-07-01**

## **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 by the defendant with the specific intent to deceive or cheat, usually for the purpose of getting financial gain . . . or causing financial loss to another.' ... The third element the government must prove for a mail or wire fraud conviction is that the defendant used or caused to be used: the U.S. mails; any private or commercial interstate carrier; and/or interstate wires in furtherance of, or for the purpose of, executing the scheme to defraud. Wire transmissions include interstate telephone calls or electronic transmissions.

## **Summary**

Elements required to establish mail or wire fraud, specifically focusing on the intent to defraud and the use of interstate communications. The requirement of a "specific intent to deceive or cheat" aligns with the proposition that the mother and stepfather acted with intent to deceive. Additionally, the use of interstate communications, such as wire transmissions, supports the claim of wire fraud as a predicate act under RICO.

### [Mail and wire fraud.](#)

## **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 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**

Requirement of proving intent to defraud for a mail or wire fraud conviction. It specifies that intent involves a willful act to deceive or cheat, often for financial gain or to cause financial loss. Importantly, intent can be inferred from actions such as concealing activities or making misrepresentations. This directly supports the proposition that the mother and stepfather's actions, such as concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, which is necessary for establishing wire fraud as a predicate act under RICO.

[Mail and wire fraud.](#)

## **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) ... the government must prove 'the use of the mails or interstate wire communications' to prove mail or wire fraud.

## **Summary**

Elements required to prove mail or wire fraud, focusing on the intent to defraud and the use of interstate communications. It explains that intent can be inferred from actions such as concealing activities or making misrepresentations. This directly supports the proposition that the mother and stepfather's actions, including concealed financial transactions and



interstate communications, demonstrate the requisite intent to defraud, which is necessary to establish wire fraud as a predicate act under RICO.

[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 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. The next element the government must prove for a mail or wire fraud conviction consists of two parts: (i) the defendant used, or caused to be used, the U.S. mails, any private or commercial interstate carrier, and/or interstate or intrastate wires (ii) in furtherance of, or for the purpose of, executing the scheme to defraud.

## **Summary**

Elements required to prove mail or wire fraud, specifically focusing on the intent to defraud and the use of interstate communications. It explains that intent can be inferred from actions such as concealing activities or making misrepresentations. Additionally, it describes the requirement for using interstate communications in furtherance of a fraudulent scheme. These elements align with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate intent to defraud, supporting a wire fraud claim 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) ... Intent may be inferred from evidence indicating that the defendant attempted to conceal activity (52) or from the defendant's misrepresentations. (53) ... The third element the

government must prove for a mail or wire fraud conviction consists of two parts: (i) the defendant used, or caused to be used, the U.S. mails, any private or commercial interstate carrier, and/or interstate or intrastate wires (ii) in furtherance of, or for the purpose of, executing the scheme to defraud. (61)

## **Summary**

Elements required to prove mail or wire fraud, focusing on the intent to defraud and the use of interstate communications. It explains that intent can be inferred from actions such as concealing activities or making misrepresentations. Additionally, it specifies that the use of mails or wires in furtherance of a scheme to defraud is a necessary element. These elements align with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate intent to defraud, supporting a wire fraud claim under RICO.

### [Mail and wire fraud.](#)

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

## **Extract**

The second element of mail or wire fraud is a defendant's intent to defraud. (41) The intent requirement focuses on 'a willful act by the defendant with specific intent to deceive or cheat, usually for the purpose of obtaining financial gain or causing financial loss to another.' (42) ... Evidence indicating that the defendant attempted to conceal activity (50) or make misrepresentations (51) may allow courts to infer intent to defraud. Concealment through the omission or failure to disclose need not rest on a clear legal duty; it is sufficient that the community would normally expect, disclosure. (52) ... Intent to defraud may be inferred from the defendant's knowledge of illegal activity. (56) ... the intent requirement can be satisfied by proof of a reckless disregard or indifference for the truth of one's representations, (57) a conscious or deliberate avoidance of information that is crucial to the truthfulness of one's representations, (58) or defendant's personal profit from the scheme.

## **Summary**

The intent to defraud is a critical element of wire fraud, which can be inferred from actions such as concealment and misrepresentation. The passage explains that intent can be demonstrated through circumstantial evidence, including attempts to conceal activities or make misrepresentations. This aligns with the proposition that the mother and stepfather's actions, such as concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud, supporting a wire fraud claim under RICO.

## [MAIL AND WIRE FRAUD](#)

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

#### **Extract**

Evidence that the defendant attempted to conceal activity or make misrepresentations may allow courts to infer intent to defraud. The government may introduce evidence of a victim's actual financial loss as proof of an intent to defraud, though this information is not required. A defendant's failure to take steps to ameliorate such a loss may also be relevant to intent. Moreover, absent substantial prejudice, evidence of bad acts—whether before or after the charged offense—are admissible to demonstrate intent.

#### **Summary**

The concealment of activities and misrepresentations can be used to infer intent to defraud, which is a critical element in proving wire fraud. The passage also highlights that evidence of financial loss and failure to mitigate such loss can further support the inference of intent. This aligns with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, demonstrate the requisite intent to defraud.

## [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... RICO's broad definition of racketeering activity and the act's reference to mail and wire fraud as predicate offenses begs the question: Why not RICO? That is, should the plaintiff consider adding a RICO count to an existing state cause of action? Moreover, since an action under RICO arises under federal law, a plaintiff can elect to have access to federal court.

## Summary

Elements required to establish a RICO violation under § 1962(c), emphasizing the need for conduct of an enterprise through a pattern of racketeering activity, which includes mail and wire fraud. It highlights the necessity of pleading fraud with particularity under Federal Rule of Civil Procedure 9(b). The passage also suggests the strategic advantage of adding a RICO count to a state cause of action due to its broad applicability and access to federal court. This supports the proposition by indicating that concealed financial transactions and interstate communications, if part of a fraudulent scheme, could constitute wire fraud as a predicate act under RICO.

### [Theft offenses](#)

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

### Extract

Wire fraud, 18 U.S.C. §1343, is very similar to the mail fraud statute. It adds the requirement of the use of an interstate telephone call or electronic communication made in furtherance of the scheme. See *United States v. Briscoe*, 65 F.3d 576, 583 (7th Cir. 1995) (citing *United States v. Ames Sintering Co.*, 927 F.2d 232, 234 (6th Cir. 1990) (per curiam)); *United States v. Frey*, 42 F.3d 795, 797 (3d Cir. 1994). According to *United States v. Profit*, 49 F.3d 404, 406 n. 1 (8th Cir. 1995), there are four elements of a wire fraud case: (1) that the defendant voluntarily and intentionally devised or participated in a scheme to defraud another out of money, (2) that the defendant did so with the intent to defraud, (3) that it was reasonably foreseeable that interstate wire communications would be used, and (4) that interstate wire communications were in fact used.

## Summary

Elements necessary to establish wire fraud, which aligns with the proposition that the mother and stepfather's actions could constitute wire fraud if they used interstate communications to further their deceptive scheme in the divorce proceedings.

### [Spoofing and Layering.](#)

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

## **Extract**

the wire fraud statute provides for harsher penalties than do both CEA Section 4c(a)(5)(C) and the commodities fraud statute--the former authorizes imprisonment of up to 30 years for wire fraud affecting a financial institution... the wire fraud statute, which criminalizes any scheme to defraud that affects interstate or foreign commerce, has a broader jurisdictional reach... wire fraud does not require proof of a false statement. Such statements are proscribed, but so is 'the omission or concealment of material information, even absent an affirmative duty to disclose, if the omission was intended to induce a false belief and action to the advantage of the schemer and the disadvantage of the victim.'

## **Summary**

The passage explains that wire fraud under 18 U.S.C. § 1343 does not require an express misrepresentation but can be based on the omission or concealment of material information intended to deceive. This aligns with the proposition that concealed financial transactions and interstate communications can demonstrate intent to defraud. The passage also highlights the broad jurisdictional reach of the wire fraud statute, which supports its applicability in cases involving interstate communications, such as those described in the proposition.

[In re Desai, 030117 SEC, 3-17035](#)

## **Securities and Exchange Commission Decisions**

### **Extract**

Desai acted with a high degree of scienter. &#34;Scienter is &#39;a mental state embracing intent to deceive, manipulate, or defraud.&#39;&#34; At the time of his guilty plea, Desai admitted that his misrepresentations were &#34;made knowingly and willfully with the intent to defraud various investors of money and property.&#34; In his civil case, the district court found that in addition to &#34;misappropriat[ing]. .. investors&#39; funds for his own benefit[, ]. .. when confronted by investors, Desai attempted to conceal the actual value of the accounts and sought to maintain control of the funds.&#34; The district court concluded that &#34;[t]his effort to mask his violations of federal securities law demonstrates a high degree of scienter.&#34;

### **Summary**

Concept of scienter, which is a mental state involving intent to deceive, manipulate, or defraud. Desai's actions, including knowingly and willfully making misrepresentations to defraud investors and attempting to conceal the true value of accounts, demonstrate a high degree of scienter. This is relevant to the proposition as it provides a parallel in demonstrating intent

to defraud through deceptive actions and concealment, which are key elements in establishing wire fraud as a predicate act under RICO.

### [In re Sgarro](#)

## **Securities and Exchange Commission Decisions**

### **Extract**

See SEC v. Steadman, 967 F.2d 636, 641-42 (D.C. Cir. 1992) (scienter is 'an intent to deceive, manipulate, or defraud'). 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 legal concept of "scienter," or intent to deceive, manipulate, or defraud, is a critical element in proving wire fraud. The passage cites federal court decisions that clarify the necessity of demonstrating a specific intent to defraud in cases of mail and wire fraud. This supports the proposition by establishing that concealed financial transactions and interstate communications, if done with the intent to deceive, can meet the legal threshold for wire fraud, which is a predicate act under RICO.

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

### **Extract**

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

### **Summary**

Wire fraud is explicitly listed as a predicate act under RICO. The passage highlights that mail and wire fraud are among the most common predicate acts, which supports the proposition that the use of concealed financial transactions and interstate communications to further a scheme can demonstrate the requisite intent to defraud. This aligns with the claim that such actions can support a wire fraud charge under RICO.

## [RICO: A Primer](#)

### **Extract**

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

### **Summary**

Wire fraud, as defined under 18 U.S.C. § 1343, is explicitly listed as a predicate act for RICO violations. The passage highlights that mail and wire fraud are the most common predicate acts, which supports the proposition that the use of concealed financial transactions and interstate communications to further a scheme can demonstrate the requisite intent to defraud. This aligns with the claim that such actions by the mother and stepfather could constitute wire fraud under RICO.

## [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. Business deals gone sour do not count. Rather, the plaintiff must be able to prove the elements of the asserted crime, and often an intent to defraud. If there is nothing criminal in nature about the complained-of conduct, RICO should not apply.

### **Summary**

For a RICO claim to be valid, the plaintiff must demonstrate that the defendant committed a qualifying criminal action, such as wire fraud, which requires proving the intent to defraud. This aligns with the proposition that the mother and stepfather's actions, including concealed financial transactions and interstate communications, could demonstrate the requisite intent to defraud, thus supporting a wire fraud claim as a predicate act under RICO.



This memo was compiled by Vincent AI based on vLex materials available as of June 09, 2025. [View full answer on vLex](#)