

Question

What potential federal legal violations could arise if, prior to filing for divorce, a wife transfers money to a third party to conceal her bank information from her husband, the third party communicates with the husband under false pretenses and assists the wife in effectuating the transfer, helps her file divorce paperwork, she obtains a second phone, and then lies about potential abuse to prevent the husband from obtaining her contact information, and her grandmother serves an eviction notice citing a protective order that had not yet been filed, resulting in the husband being removed from the marital home by court order?

Answer (U.S. Federal)

Short response

The described scenario could potentially violate several federal laws, including wire fraud ([18 U.S.C. § 1343](#)), mail fraud ([18 U.S.C. § 1341](#)), conspiracy ([18 U.S.C. § 371](#)), and potentially money laundering ([18 U.S.C. § 1956](#)) if the actions involved interstate communications or financial transactions designed to defraud or conceal assets.

Summary

The scenario presents multiple potential federal legal violations centered around the concealment of assets and the use of deception in the context of divorce proceedings. The wife's transfer of money to a third party to conceal bank information, coupled with the third party's communications with the husband under false pretenses to facilitate this transfer, could constitute wire fraud under [18 U.S.C. § 1343](#) or mail fraud under [18 U.S.C. § 1341](#) if these communications occurred across state lines or used postal services. Additionally, the coordinated efforts between the wife, third party, and grandmother could potentially constitute conspiracy under [18 U.S.C. § 371](#).

The financial aspects of this scenario might also implicate money laundering statutes ([18 U.S.C. § 1956](#) and § 1957) if the transfers were designed to conceal or disguise the nature, location, source, ownership, or control of the funds. The false allegations of abuse to secure protective orders that were not yet filed at the time of eviction further compounds the deceptive nature of the scheme. If convicted of any of these offenses, the involved parties could face significant fines and imprisonment, with potential criminal forfeiture of property involved in the offenses under [18 U.S.C. § 982](#).

Background and Relevant Law

Wire Fraud ([18 U.S.C. § 1343](#))

Wire fraud is a significant federal offense that may be applicable to the scenario described. According to [18 U.S.C. § 1343](#), wire fraud occurs when someone "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." The statute provides penalties of fines and/or imprisonment for up to 20 years for violations.

The case of [Johnson v. Clark, 4:21-CV-39 RLW \(E.D. Mo. Sep 22, 2021\)](#) provides further clarification on the elements of wire fraud, stating that wire fraud occurs when a person "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."

Mail Fraud ([18 U.S.C. § 1341](#))

Similar to wire fraud, mail fraud involves the use of postal services to execute fraudulent schemes. [18 U.S.C. § 1341](#) states that whoever "having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, ... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, ... shall be fined under this title or imprisoned not more than 20 years, or both."

Conspiracy ([18 U.S.C. § 371](#))

The coordinated actions described in the scenario could potentially implicate federal conspiracy law. [18 U.S.C. § 371](#) provides that "if two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both."

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

The financial transactions described in the scenario could potentially violate federal money laundering statutes. [18 U.S.C. § 1956](#) states that "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."

In [U.S. v. Prince, 214 F.3d 740 \(6th Cir. 1999\)](#), the court addressed a case where defendants "did knowingly and wilfully conduct and attempt to conduct a financial transaction which involved the proceeds of a specified unlawful activity, to wit, wire fraud, in violation of Title 18, United States Code, Section 1343, said activity being punishable under the laws of the United States, knowing that the transaction was designed to conceal and disguise the nature, the location, the source, the ownership, and the control of the specified unlawful activity."

Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity ([18 U.S.C. § 1957](#))

[18 U.S.C. § 1957](#) provides that "whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b)."

Bank Fraud ([18 U.S.C. § 1344](#))

If the wife's actions involved deceiving a financial institution, [18 U.S.C. § 1344](#) could be relevant. This statute provides that "whoever knowingly executes, or attempts to execute, a scheme or artifice- to defraud a financial institution; or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both."

Criminal Forfeiture ([18 U.S.C. § 982](#))

In the event of a conviction for any of the above offenses, [18 U.S.C. § 982](#) provides that "the court, in imposing sentence on a person convicted of an offense in violation of section 1956, 1957, or 1960 of this title, shall order

that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property."

Analysis

Wire Fraud Analysis

The scenario involves a wife transferring money to a third party to conceal bank information from her husband, with the third party communicating with the husband under false pretenses to help effectuate this transfer. If these communications occurred via interstate wire communications (such as phone calls, emails, text messages, or other electronic means), they could potentially constitute wire fraud under [18 U.S.C. § 1343](#).

To establish wire fraud, the prosecution would need to prove: (1) the existence of a scheme to defraud; (2) the use of interstate wire communications in furtherance of the scheme; and (3) the specific intent to defraud. The coordinated efforts between the wife and the third party to conceal financial assets from the husband during divorce proceedings could constitute a "scheme to defraud" if they involved false pretenses, representations, or promises.

The case of [Johnson v. Clark, 4:21-CV-39 RLW \(E.D. Mo. Sep 22, 2021\)](#) clarifies that wire fraud involves "devised or intending to devise any scheme or artifice to defraud" and using wire communications to execute that scheme. If the third party's communications with the husband under false pretenses were conducted via interstate wire communications, this element would be satisfied.

The specific intent to defraud could be inferred from the deliberate actions to conceal assets and provide false information. The combination of these elements—a scheme to defraud, use of interstate wire communications, and specific intent—could constitute wire fraud, potentially subjecting the wife and third party to significant penalties, including fines and imprisonment for up to 20 years under [18 U.S.C. § 1343](#).

Mail Fraud Analysis

Similar to wire fraud, if the scheme involved the use of the U.S. Postal Service or private interstate carriers to execute the fraudulent scheme, mail fraud charges under [18 U.S.C. § 1341](#) could apply. This might include sending documents related to the transfer of money, divorce paperwork, or the eviction notice through the mail.

The elements of mail fraud parallel those of wire fraud, requiring: (1) a scheme to defraud; (2) use of the mail in furtherance of the scheme; and (3) specific intent to defraud. If the grandmother's eviction notice citing a non-existent protective order was sent through the mail, this could constitute mail fraud. Similarly, if any divorce paperwork containing false information was sent through the mail, this could also support mail fraud charges.

The penalties for mail fraud are the same as those for wire fraud: fines and/or imprisonment for up to 20 years under [18 U.S.C. § 1341](#).

Conspiracy Analysis

The coordinated actions between the wife, the third party, and potentially the grandmother could constitute a conspiracy under [18 U.S.C. § 371](#) if there was an agreement to commit a federal offense (such as wire fraud or mail fraud) and at least one overt act was taken in furtherance of that agreement.

The elements of conspiracy include: (1) an agreement between two or more persons to commit a federal offense; (2) knowledge of and voluntary participation in the agreement; and (3) an overt act by one of the conspirators in furtherance of the agreement. The scenario suggests a coordinated effort between the wife, the third party, and potentially the grandmother to conceal assets, provide false information, and ultimately remove the husband from the marital home. If there was an agreement between these parties to engage in these activities, and if they took overt acts to further this agreement (such as transferring money, communicating under false pretenses, or serving the eviction notice), conspiracy charges could apply.

Conspiracy charges under [18 U.S.C. § 371](#) carry penalties of fines and/or imprisonment for up to five years.

Money Laundering Analysis

The financial transactions described in the scenario could potentially implicate federal money laundering statutes if they were designed to conceal or disguise the nature, location, source, ownership, or control of proceeds from unlawful activities.

Under [18 U.S.C. § 1956](#), money laundering occurs when someone conducts a financial transaction knowing that the property involved represents the proceeds of unlawful activity, with the intent to promote unlawful activity or knowing that the transaction is designed to conceal aspects of the proceeds or to avoid transaction reporting requirements. If the wife's transfer of money to a third party was designed to conceal the location or ownership of these funds, and if these funds were in some way connected to unlawful activity, this could constitute money laundering.

In [U.S. v. Prince, 214 F.3d 740 \(6th Cir. 1999\)](#), the court addressed a case involving financial transactions designed to conceal the nature, location, source, ownership, and control of proceeds from wire fraud. The case illustrates how wire fraud and money laundering charges can be connected, as they might be in this scenario if the wife and third party first engaged in wire fraud to deceive the husband and then conducted financial transactions designed to conceal assets.

Money laundering charges under [18 U.S.C. § 1956](#) carry severe penalties, including fines of up to \$500,000 or twice the value of the property involved (whichever is greater) and/or imprisonment for up to 20 years.

Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity Analysis

If the wife's transfer of money to a third party involved property derived from specified unlawful activity and exceeded \$10,000, [18 U.S.C. § 1957](#) could apply. This statute criminalizes knowingly engaging in monetary transactions involving criminally derived property of a value greater than \$10,000. Unlike [18 U.S.C. § 1956](#), this statute does not require proof that the transaction was designed to conceal or disguise the nature of the proceeds or to avoid transaction reporting requirements.

For this statute to apply, the prosecution would need to prove that the property involved in the transaction was derived from specified unlawful activity, such as wire fraud or mail fraud. If the wife's actions first constituted wire fraud or mail fraud, and then she conducted financial transactions involving the proceeds of that fraud, [18 U.S.C. § 1957](#) could potentially apply if the amount exceeded \$10,000.

Bank Fraud Analysis

If the wife's actions involved deceiving a financial institution to engage in the transactions, [18 U.S.C. § 1344](#) could be relevant. This statute prohibits schemes to defraud financial institutions or to obtain money or property under their control through false pretenses.

For bank fraud charges to apply, the prosecution would need to prove that the wife knowingly executed a scheme to defraud a financial institution or to obtain money or property under its control through false pretenses. If the wife provided false information to a bank to facilitate the transfer of money to the third party, this could potentially constitute bank fraud.

Bank fraud charges carry severe penalties, including fines of up to \$1,000,000 and/or imprisonment for up to 30 years under [18 U.S.C. § 1344](#).

Criminal Forfeiture Analysis

In the event of a conviction for money laundering under [18 U.S.C. § 1956](#) or [§ 1957](#), [18 U.S.C. § 982](#) provides for criminal forfeiture of "any property, real or personal, involved in such offense, or any property traceable to such property." This means that if the wife and/or third party were convicted of money laundering, they could be required to forfeit any property involved in the offense, including the money that was transferred.

Exceptions and Caveats

Several caveats should be noted in analyzing potential federal violations in this scenario:

- 1. Jurisdictional Requirements:** Federal wire fraud requires interstate or foreign wire communications. If all communications occurred within

a single state, federal jurisdiction might not attach, though state fraud laws might still apply.

2. **Intent Requirements:** Each of the statutes discussed requires specific types of intent. For wire fraud and mail fraud, the prosecution must prove a specific intent to defraud. For money laundering under [18 U.S.C. § 1956](#), the prosecution must prove knowledge that the transaction was designed to conceal aspects of the proceeds or to avoid transaction reporting requirements.
3. **Specified Unlawful Activity:** For money laundering charges under [18 U.S.C. § 1956](#) and § 1957, the property involved must be connected to "specified unlawful activity" as defined by statute. If the wife's actions did not first constitute a specified unlawful activity, money laundering charges might not apply.
4. **Monetary Thresholds:** [18 U.S.C. § 1957](#) requires that the monetary transaction involve property of a value greater than \$10,000. If the amount involved was less than this threshold, this specific statute would not apply.
5. **Eviction Notice and Protective Order:** The scenario mentions that the grandmother served an eviction notice citing a protective order that had not yet been filed. While this might involve false statements, it may not rise to the level of federal fraud unless interstate communications or mails were used. However, it could potentially support conspiracy charges if it was part of a broader agreement to commit federal offenses.
6. **Divorce Proceedings Context:** Courts might consider the context of divorce proceedings, where spouses might take actions to protect assets they believe are rightfully theirs. However, deliberately concealing assets through fraudulent means during divorce proceedings is generally not protected activity.

Conclusion

The scenario described presents multiple potential federal legal violations. The wife's transfer of money to a third party to conceal bank information, coupled with the third party's communications with the husband under false pretenses, could constitute wire fraud under [18 U.S.C. § 1343](#) if interstate wire communications were used. If the U.S. Postal Service or private interstate carriers were used to execute the scheme, mail fraud charges under [18 U.S.C. § 1341](#) could apply.

The coordinated efforts between the wife, the third party, and potentially the grandmother could constitute conspiracy under [18 U.S.C. § 371](#) if there was an agreement to commit federal offenses and overt acts were taken in furtherance of that agreement.

The financial transactions described could potentially implicate federal money laundering statutes if they were designed to conceal aspects of the

proceeds of unlawful activity ([18 U.S.C. § 1956](#)) or if they involved criminally derived property exceeding \$10,000 ([18 U.S.C. § 1957](#)).

If the wife's actions involved deceiving a financial institution, bank fraud charges under [18 U.S.C. § 1344](#) could potentially apply. And if convicted of money laundering, criminal forfeiture under [18 U.S.C. § 982](#) could result in the forfeiture of property involved in the offense.

The specific facts and circumstances, including the nature of the communications, the intent behind the actions, the amounts involved, and the involvement of financial institutions, would ultimately determine which, if any, federal charges might apply. However, the scenario as described suggests a coordinated scheme involving deception and concealment that could potentially violate multiple federal statutes, subjecting the participants to significant criminal penalties.

Legal Authorities

[Johnson v. Clark, 4:21-CV-39 RLW \(E.D. Mo. Sep 22, 2021\)](#)

U.S. District Court — Eastern District of Missouri

Extract

Wire fraud occurs when a person: 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.

Summary

Wire fraud involves a scheme to defraud or obtain money or property through false pretenses, representations, or promises, and involves the transmission of communications via wire, radio, or television in interstate or foreign commerce. This is relevant to the question as the wife's actions, in concert with the third party, could potentially constitute wire fraud if they involved such communications to conceal assets or deceive the husband.

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

U.S. Court of Appeals — Sixth Circuit

Extract

On or about March 10, 1995, in the Western District of Tennessee, the defendants, being aided and abetted, counseled and induced by the other,

did knowingly and wilfully conduct and attempt to conduct a financial transaction which involved the proceeds of a specified unlawful activity, to wit, wire fraud, in violation of Title 18, United States Code, Section 1343, said activity being punishable under the laws of the United States, knowing that the transaction was designed to conceal and disguise the nature, the location, the source, the ownership, and the control of the specified unlawful activity, and that while conducting and attempting to conduct such financial transactions knew the property involved in the financial transaction, to wit, a \$13,750.00 cash transfer, represented the proceeds of some form of unlawful activity, all in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and Section 2.

Summary

The passage discusses violations of federal law related to financial transactions intended to conceal or disguise the nature of proceeds from unlawful activities. Specifically, it references wire fraud under 18 U.S.C. § 1343 and money laundering under 18 U.S.C. § 1956(a)(1)(B)(i). These statutes could potentially apply to the scenario described in the question if the wife's actions involved fraudulent pretenses or attempts to conceal the nature of financial transactions.

[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 addresses schemes to defraud using wire communications. In the scenario described, if the wife and the third party used wire communications (such as phone calls, emails, or other electronic communications) to execute a scheme to conceal assets or defraud the husband, this could potentially constitute wire fraud under this statute. The statute is applicable to any fraudulent scheme involving interstate or foreign commerce, which could include the described actions if they involved such communications.

[18 U.S.C. § 371](#) [18 U.S.C. § 371 Conspiracy to Commit Offense Or to Defraud United States](#)

Extract

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

Summary

18 U.S.C. § 371 addresses conspiracies to commit offenses against the United States or to defraud the United States or its agencies. The statute provides for penalties of fines or imprisonment for up to five years for those involved in such conspiracies. In the scenario described, if the actions of the wife, third party, and grandmother were part of a conspiracy to commit a federal offense or to defraud a federal agency, they could potentially be charged under this statute.

[18 U.S.C. § 1341](#) [18 U.S.C. § 1341](#) Frauds and Swindles

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, ... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, ... shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

18 U.S.C. § 1341 addresses schemes or artifices to defraud, particularly those involving false or fraudulent pretenses, representations, or promises. The statute specifically targets actions involving the use of mail or interstate carriers to execute such schemes. In the scenario described, if the wife and the third party used mail or interstate carriers to facilitate the transfer of money or to communicate false information, they could potentially be in violation of this statute.

[18 U.S.C. § 1344](#) [18 U.S.C. § 1344](#) Bank Fraud

Extract

Whoever knowingly executes, or attempts to execute, a scheme or artifice to defraud a financial institution; or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

Summary

18 U.S.C. § 1344 addresses bank fraud, which involves executing or attempting to execute a scheme to defraud a financial institution or to obtain property under its control through false pretenses. In the scenario described, if the wife's actions involved deceiving a financial institution to conceal bank information or transfer funds, this could potentially constitute bank fraud under this statute. The statute is applicable to any fraudulent scheme targeting financial institutions, making it relevant to the question.

[18 U.S.C. § 982](#) [18 U.S.C. § 982](#) **Criminal Forfeiture**

Extract

The court, in imposing sentence on a person convicted of an offense in violation of section 1956, 1957, or 1960 of this title, shall order that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property.

Summary

Upon conviction, the court would order the forfeiture of any property involved in the offense. This is relevant to the question as it involves the potential concealment of financial assets.

[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 act of transferring money to a third party to conceal bank information could potentially fall under money laundering if the transaction is designed to conceal or disguise the nature, location, source, ownership, or control of the proceeds of specified unlawful activity. The passage outlines penalties for such actions, including fines and imprisonment. This is relevant to the question as it addresses the potential legal violations related to the financial transaction aspect of the scenario.

[18 U.S.C. § 1957](#) [18 U.S.C. § 1957 Engaging In Monetary Transactions In Property Derived From Specified Unlawful Activity](#)

Extract

Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

Summary

18 U.S.C. § 1957 addresses engaging in monetary transactions involving criminally derived property. If the wife's transfer of money to a third party involves property derived from a criminal offense and exceeds \$10,000, it could potentially violate this statute. The statute does not require the government to prove that the defendant knew the property was derived from specified unlawful activity, which broadens its applicability.

This memo was compiled by Vincent AI based on vLex materials available as of June 07, 2025. [View full answer on vLex](#)