

Question

IV. INTRODUCTION 1. This matter highlights an egregious and malicious series of actions taken by the Defendants which had four primary purposes: 1) to deprive the Plaintiff of his constitutionally protected property rights 2) by misleading the Texas courts through several false statements 3) in order to provide Defendant Myers with an advantage in divorce proceedings 4) which intent to finalize. 2. The elaborate scheme consisted of intentional deception, interstate travel, interstate communications, and the use of the U.S. Marshall service to effectuate service of these knowingly fraudulent documents. 3. First, Defendant Branthoover utilized interstate communications to assist Defendant Myers in seeking an ex-parte temporary order of protection in the Texas State courts. 4. Second, when this attempt failed, Branthoover made contact with Plaintiff under the guise of offering assistance, which involved Myers traveling to his residence in Oklahoma under false pretenses. 5. Third, after Plaintiff agreed to Myers visiting his residence for purposes of "getting space", the Defendants began executing their fraudulent scheme by working together to empty the joint-marital bank account into Branthoover's PayPal, which was later transferred to Myers' private bank account. 6. Fourth, when confronted with this transfer, Branthoover disclosed his true intentions, which was to help Myers draft and prepare legal document to later be submitted in Texas courts, and began to act like her legal representative. 7. Fifth, the proceeds from the transfer of funds across state lines was used to purchase a second phone in furtherance of the scheme for Myers, which was used on the documents prepared in Oklahoma to be later submitted in Texas. 8. These documents contained several false statements designed to influence Texas State court proceedings to the Plaintiff's detriment, which succeeded on January 16, 2024. 9. In response, Plaintiff began zealously advocating for his rights in State court while Defendants continued to communicate with each other regarding the proceedings as recently as May 24, 2025. 10. Throughout the State court proceedings, Branthoover consistently threatened and harassed Plaintiff via interstate communications, showing malicious intent and admitting to his involvement. 11. Both Defendants knew of the false statements made in these pleadings, and knew that doing so would significantly prejudice the Plaintiff. V. STATEMENT OF FACTS 21. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 20 above, as if fully set forth herein. A. Party References 22. For clarity and ease of reference throughout this Complaint, the parties shall be referred to as follows: i. Plaintiff Charles Dustin Myers shall be referred to herein as "Plaintiff " and is the husband of Morgan Michelle Myers. ii. Defendant Daniel Kenneth Branthoover shall be referred to herein as "Branthoover" and is identified as the stepfather of Defendant Morgan Michelle Myers. iii. Defendant Morgan Michelle Myers shall be referred to herein as "Myers" and is identified as the spouse of Plaintiff Charles Dustin Myers and stepdaughter of Branthoover. 23. At all relevant times, Defendant Myers has not raised any defenses to these claims in State court and has ignored all settlement offers made in an attempt to avoid this lawsuit. 24. At all relevant times, Defendants have maintained communications regarding the affairs of the enterprise's purpose. B.

Formation of the Enterprise (December 14 – 15, 2023) 25. Defendant Branthoover has extensive knowledge of protective orders given his prior criminal convictions. 26. On December 14, 2023, in response to the discovery of an extramarital affair by the Plaintiff, Defendant Myers opened a private bank account in her own name and began interstate communications with Branthoover via text message. In total, Myers and Branthoover exchanged a total of 92 text messages between Branthoover's number registered as 940-312-3434, and Myers' number registered as 817-235-5189 on this date. 27. Also on December 14, 2023, Defendant Myers, without legitimate cause or factual basis, sought an ex-parte order of protection against Plaintiff while in communications with Branthoover. 28. Later on the evening of December 14, 2023, in a stark contrast to her earlier emergency request for a protective order, Defendant Myers reminded Plaintiff of a school field trip scheduled for the following day, thereby attempting to maintain a facade of normalcy and prevent Plaintiff from suspecting of her fraudulent intentions. C. Deception, Transfer, and Planned Interstate Travel (December 15–17, 2023) 29. On December 15, 2023, Plaintiff was contacted by Branthoover at 9:51 A.M. CST, where he stated "I've been where you are before. I want to help both of you" regarding a recent divorce announcement made by Myers on December 1, 2023. 30. During this phone conversation, it was established that Myers would visit his residence over the weekend of December 15, 2023, located within this district, for the purpose of "providing space" to Myers. 31. At this time, it's important to note that Plaintiff had no knowledge of the ex-parte attempt made the day prior, and he had no reason to believe that Branthoover was being dishonest about his intentions for Myers' visit to his residence. 32. Immediately after the call, Plaintiff received notice that Myers had transferred \$1,576 from the parties' joint-marital PNC account to Branthoover's PayPal account (username "dmb575"), depleting the account's balance. 33. On December 16, 2023, Plaintiff received notification that the joint marital PNC bank account was overdrawn by -\$800.00. Concurrently, Plaintiff was informed that advertisements related to his legitimate at-home business had ceased running due to a failure of payment. 34. The PNC bank statement for December 2023 clearly documents the occurrence of this transaction, demonstrating the precise date and amount of the unauthorized withdrawal. 36. The PayPal identifier "dmb575" directly matches the information associated with the fraudulent transfer on Plaintiff's bank statement for December of 2023, linking Defendant Branthoover to the illicit financial maneuver notwithstanding his admissions via text message. 37. On December 16, 2023, at precisely 3:54 P.M. Central Standard Time, Plaintiff, to mitigate the financial damage and resolve the situation amicably, sent a text message to Defendant Branthoover. In this message, Plaintiff explicitly requested the return of the \$1,576.00 that had been fraudulently transferred, detailing the intended use of the funds, the late bills resulting from misappropriation, his inability to work due to the severe mental anguish caused by the Defendants' actions, and his sincere desire for an amicable resolution given the time of year. 38. In a callous and dismissive response to Plaintiff's plea, Defendant Branthoover informed Plaintiff via text message that "You Are Getting Divorced" and further stated, "I hope I can help with the paperwork and make things go as smoothly as possible." This communication, far from helping as initially stated by Branthoover, served as a direct threat and an overt act in

furtherance of the conspiracy, demonstrating Branthoover's intent to exploit Plaintiff's distress for the benefit of the enterprise. 39. At no time relevant to this Complaint has Defendant Branthoover possessed a license to practice law in any state within the United States. In subsequent texts, his statements regarding "paperwork" and making things "go as smoothly as possible" constituted the unauthorized practice of law and that he held an administrative role over the affairs of the enterprise. D. Eviction Attempt Influenced by Myers in Furtherance of the Scheme (December 17-22, 2023) 40. On December 17, 2023, at approximately 11:00 A.M., Plaintiff was served with an eviction notice by the grandmother of Myers, which contained the following false information: i. A purported "lease violation," which was entirely fabricated as no valid lease agreement existed between Plaintiff and Wilson; ii. The assertion that "Granddaughter getting divorced," referring to Defendant Myers, as a basis for eviction; iii. The false claim that a "Protective order has been filed." iv. The directive that "He must leave. She and the girls may stay," demonstrating the clear intent to dispossess Plaintiff for the benefit of Myers. 41. Defendant Myers was physically present in Oklahoma with Defendant Branthoover, actively collaborating in the drafting of the very documents referenced in the frivolous eviction notice, thereby demonstrating clear premeditation and coordination of the scheme. 42. Defendant Myers possessed actual knowledge that no valid lease agreement existed, and on December 17, 2023, Myers herself physically tore the fraudulent eviction notice in half and wrote "VOID" on the document in black sharpie, showing her influence over the attempt. E. A Narrative of Protection, Secondary Phone, and Initiation of Suit 43. Defendant Myers also returned from Oklahoma with a can of pepper spray mace to further the narrative of protection first established on December 14, 2023, in her ex-parte attempt. 44. On the evening of December 17, 2023, Defendant Morgan Michelle Myers explicitly disclosed to Plaintiff Charles Dustin Myers that she had acquired a secondary phone number while in Oklahoma, registered under the number 817-940-0852. This acquisition was a deliberate act of concealment and an overt act in furtherance of the enterprise, designed to facilitate clandestine communications related to the fraudulent scheme. 45. This newly acquired phone number (817-940-0852) was subsequently used on a series of fraudulent legal documents prepared under the direct administrative oversight of Defendant Branthoover, with his full knowledge and participation. These documents, which were prepared in Oklahoma and designed to unlawfully influence legal proceedings in Texas, included: i. An "Original Petition for Divorce," dated December 18, 2023, which contained numerous false statements. ii. An "Affidavit of Indigency," dated December 18, 2023, which contained material misrepresentations regarding Defendant Myers' financial status. iii. A "Request for Uncontested Cases," dated December 18, 2023, which was filed despite Plaintiff not conversing with defendant Myers regarding any divorce litigation. iv. An "Application for Protective Order," dated December 22, 2023, which was based on fabricated allegations of family violence. F. Continued Obstruction and Unauthorized Practice of Law 46. After the initial divorce paperwork was filed on December 18, 2023, Defendant Branthoover, continuing his unauthorized practice of law and his role in the conspiracy, sent a text message to Plaintiff stating: "Charlie, it's come to my understanding you have retained an attorney. I'm sure he has told you that all further communication should take place between attorneys. I must formally ask

you refrain from discussing details of this case with my client moving forward and only communicate with me or your attorney.” (emphasis added) This communication was a deliberate attempt to isolate Plaintiff from direct communication with Myers and to control the flow of information, thereby hindering Plaintiff’s ability to uncover the full extent of the fraudulent scheme. This communication also evidences that Branthoover’s role went beyond helping Myers prepare the documents by seeing them through to their submission and asserted an administrative role over the proceedings in an attempt to intimidate Plaintiff. G. Service by US Marshall 47. In furtherance of the scheme, and despite still cohabitating with Plaintiff, defendant Myers knowingly and intentionally utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff, thereby using an instrumentality of interstate commerce to further the illicit enterprise, which occurred on December 27, 2023. 48. In furtherance of the scheme, and despite living next-door to Plaintiff, defendant Myers knowingly and intentionally influenced an eviction proceeding and utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff, which occurred on December 28, 2023. H. False Statements – Divorce Petition and Affidavit of Indigency (Dec. 18, 2023) 49. When reviewing the documents prepared in part by Branthoover and filed with the court by Myers, there existed several false statements and were intended to deceive the court and prejudice Plaintiff in furtherance of the scheme to dispose him of his property interests. Specifically, these false statements included, but were not limited to: i. The assertion that the spouses had ceased living together on December 1, 2023, when in fact they were still residing together at the marital home on that date and for several weeks thereafter. ii. The claim that Defendant Myers owned both family vehicles as her separate property prior to the marriage, which was demonstrably false as these vehicles were acquired during the marriage and constituted community property, paid for by Plaintiff. iii. The representation that Defendant Myers had an active order of protection against Plaintiff with a judicial finding that family violence had occurred during the marriage, which was fabricated and without any basis in fact or law. iv. The assertion that the children or Defendant Myers would be subjected to harassment or abuse if Plaintiff were provided with her second phone number (817-940-0852) acquired in Oklahoma, which was a baseless and manipulative claim designed to conceal her communications related to the fraudulent scheme. 50. Concurrently with the fraudulent divorce petition, Defendant Myers, again with the administrative oversight and full knowledge of Defendant Branthoover, filed a fraudulent “Affidavit of Indigency” with the court. This affidavit contained material misrepresentations regarding Defendant Myers’ financial status, all of which were known to be false at the time of filing and were intended to defraud the court and avoid legitimate court costs. Specifically, these false statements included, but were not limited to: i. The claim that Defendant Myers was financially indigent and unable to pay court costs, despite her access to and control over substantial marital assets. ii. The representation that Defendant Myers was solely responsible for all family living expenses, including rent, utilities, food, and other living expenses, when in fact, Plaintiff was the primary breadwinner of the household at that time. iii. The assertion that Defendant Myers was solely responsible for both car payments, which she has no payment history to support such a claim. I. False Statements –

Application for Protective Order (Dec. 22, 2023) 51. Defendant was served with an Application for a Protective Order on December 22, 2023, filed by Myers, despite her claim to already have an existing order in her Original Petition for Divorce. 52. Upon review, defendant Myers made additional false statements within the sworn document, all intended to further deceive the court and secure an unwarranted protective order against Plaintiff to effectuate the enterprises' goal of divesting him of his property interests. These false statements included, but were not limited to: i. The claim that family violence occurred on December 18, 2023, in the presence of the children, which was entirely false and fabricated. ii. The assertion that family violence occurred prior to December 18, 2023, which was also false and without any factual basis. iii. The request that Plaintiff take a battering intervention program. J. A Clear Objective 53. The common and overarching objectives shared among Defendant Myers when reviewing these documents (through the administration and direction of Defendant Branthoover) and with the active participation of Myers' grandmother, were multifaceted: primarily, to unlawfully remove Plaintiff from his residence, which was essential for his livelihood and the family's financial well-being; secondarily, to gain an unfair and illicit advantage in the ongoing divorce proceedings between Plaintiff and Defendant Myers; and ultimately, to finalize the divorce on terms unilaterally favorable to Defendant Myers, thereby making the unlawful deprivation of Plaintiff's rights and property permanent and to escape accountability for the conduct alleged herein. K. Primary Objective Success 54. On January 16, 2024, the parties appeared before the 322nd District Court of Tarrant County, and the initial objective of the Defendants' scheme succeeded when Plaintiff was ordered to vacate the family home without any findings or without a hearing taking place. 55. The significance of the misinformation presented to the court could have been the only reason for this decision, and it afforded Myers the advantage that she and Branthoover had anticipated. K. Pattern of Racketeering Activity and Continuity 56. Between January 16, 2024, and the present day, Defendants Myers and Branthoover have continued to further their racketeering activity through a series of ongoing illicit acts, demonstrating a clear pattern of continuity and relatedness. These acts include, but are not limited to: i. Myers and Branthoover continuing to engage in illicit communications regarding case details between one another across state lines, specifically between Texas and Oklahoma, in direct furtherance of their fraudulent scheme to see the divorce through to its' finalization. ii. Branthoover delivering ongoing threats and intimidation to Plaintiff regarding his legitimate attempts to seek legal relief from the orders that were a product of the Defendants' actions, which occurred in December of 2023, June of 2024, December of 2024, and May of 2025. iii. Making direct statements such as "I've been enjoying watching every filing get denied" by Branthoover, showing the malicious intent behind his involvement. 57. On June 23, 2024, Defendant Branthoover, continuing his pattern of harassment and intimidation, sent a text message to Plaintiff stating, "Lol. And here comes another denial," in direct reference to a pleading filed in the Texas State courts by Plaintiff seeking to enjoin Branthoover as a party to the divorce proceedings. This communication demonstrates Branthoover's awareness of and continued involvement in the legal proceedings and his malicious intent to mock Plaintiff's efforts to seek justice. 58. On December 12, 2024, Defendant Branthoover sent a text message to Plaintiff explicitly

threatening future action by stating, "When things all over you get to deal with me. Just a heads up." This communication constitutes a direct threat of future harm and further evidence of the Defendants' future threat of criminal activity. 59. On May 24, 2025, Defendant Branthoover sent a text message to Plaintiff containing a direct and severe threat, stating, "Where's my lawsuit? Heard your vm about me. File it. Let's do this :)" This malicious communication is a clear act of intimidation and further evidence of the Defendants' collaboration throughout the proceedings with Defendant Myers. List all RICO violations here and if this is enough for a RICO claim

Answer (U.S. Federal)

Short response

Based on the facts presented, the plaintiff has viable claims for multiple RICO violations under [18 U.S.C. § 1962\(c\)](#) (conducting enterprise affairs through a pattern of racketeering activity) and § 1962(d) (conspiracy), supported by predicate acts of wire fraud ([18 U.S.C. § 1343](#)), mail fraud ([18 U.S.C. § 1341](#)), and potentially interference with commerce ([18 U.S.C. § 1951](#)).

Summary

The facts establish a potential RICO case with all required elements: (1) persons (Branthoover and Myers) who engaged in (2) a pattern of racketeering activity connected to (3) an enterprise. The acts described demonstrate multiple predicate offenses including wire fraud through interstate communications, mail fraud through use of the U.S. Marshal Service for document delivery, and potentially interference with commerce through extortion. These activities occurred in a coordinated fashion over a substantial time period (December 2023 to May 2025), demonstrating both relationship among the predicate acts and continuity.

The pattern of activity shows closed-ended continuity through repeated related acts extending over more than a year, and open-ended continuity through the nature of the enterprise and ongoing threats. The defendants appear to have formed an association-in-fact enterprise with the common purpose of depriving the plaintiff of property rights through fraudulent divorce proceedings, with both defendants playing distinct roles in the scheme. The alleged conduct involved interstate commerce, satisfying RICO's jurisdictional requirement.

Background and Relevant Law

RICO Legislative Framework

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO), codified at 18 U.S.C. §§ 1961-1968, provides both criminal penalties and civil remedies for certain prohibited activities. The statute was originally designed to

combat organized crime but has been expanded to address a broader range of coordinated criminal activity.

Under [18 U.S.C. § 1964](#)(c), "[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." This provision establishes a civil right of action for RICO violations.

[18 U.S.C. § 1962](#) outlines four distinct prohibited activities:

1. Using income derived from racketeering activity to invest in an enterprise (§ 1962(a))
2. Acquiring or maintaining an interest in an enterprise through racketeering activity (§ 1962(b))
3. Conducting the affairs of an enterprise through a pattern of racketeering activity (§ 1962(c))
4. Conspiring to violate subsections (a), (b), or (c) (§ 1962(d))

The statute specifically provides under § 1962(c): "It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt."

[18 U.S.C. § 1961](#)(1) defines "racketeering activity" to include numerous federal and state crimes, including "any act which is indictable under any of the following provisions of title 18, United States Code: [...] section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), [...] section 1951 (relating to interference with commerce, robbery, or extortion)."

A "pattern of racketeering activity" under [18 U.S.C. § 1961](#)(5) "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 [...] after the commission of a prior act of racketeering activity."

Judicial Interpretation of RICO Requirements

Courts have consistently highlighted three essential elements for establishing a civil RICO claim. As stated in [Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#): "To state a civil RICO claim under [18 U.S.C. § 1962](#), a plaintiff must allege three common elements: '(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise.'"

The same elements are reiterated in [Bustos v. Invierte En Tex., 4:22-CV-02690 \(S.D. Tex. Jun 03, 2024\)](#), which adds that "an act of 'racketeering activity,' commonly referred to as a 'predicate act,' is defined to include certain criminal acts, including mail and wire fraud."

In [Alvarez v. Rosas, CIVIL ACTION NO. H-18-4646 \(S.D. Tex. Apr 29, 2020\)](#), the court elaborated that "in order to rise to the level of 'racketeering

activity' there must be 'two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity.'"

Pattern Requirement

The pattern requirement has been interpreted to require both "relationship" and "continuity" among predicate acts. As noted in [Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#):

"A pattern of racketeering activity consists of two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity.' [...] Because RICO reaches only those unlawful activities that amount to or threaten long-term criminal activity, a RICO complaint must allege that 'the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'"

The court further explained that "'Criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' [...] 'Continuity' is both a closed- and open-ended concept, referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition."

Predicate Acts: Mail and Wire Fraud

[In re Enron Corp. Securities, Derivative & Erisa, 284 F.Supp.2d 511 \(S.D. Tex. 2003\)](#) outlines the elements of mail and wire fraud: "The elements comprising mail and wire fraud under [18 U.S.C. § 1341](#) and § 1343 are (1) the defendant's participation in a scheme to defraud, which includes false or fraudulent pretenses, representations or promises; (2) the use of the mails or wire communications to execute the scheme; and (3) specific intent to defraud."

[Bradley v. Phillips Petroleum Co., 527 F.Supp.2d 625 \(S.D. Tex. 2007\)](#) further specifies that articulating fraud with particularity "requires a plaintiff to specify the statements contended to be fraudulent, identify the speaker, state when and where the statements were made, and explain why the statements were fraudulent."

Enterprise Requirement

An enterprise under RICO encompasses "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." Courts have interpreted "enterprise" broadly to include both legitimate and illegitimate enterprises.

[Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#) emphasizes the interstate commerce nexus: "Because RICO is a federal statute, the racketeering must have at least a minimal nexus with interstate commerce."

RICO in Divorce Proceedings

The application of RICO in family law contexts is addressed in secondary sources. According to "[Racketeer influenced and corrupt organizations](#)" (2007), civil RICO claims have been attempted in divorce cases with limited success, but can potentially succeed if:

"(i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements; and (iii) there must be either multiple violations of the same predicate act, or the commission of more than one predicate act."

Analysis of Potential RICO Claims in this Case

Person Requirement

The "person" requirement is straightforwardly satisfied as both defendants, Morgan Michelle Myers and Daniel Kenneth Branthoover, are individuals capable of holding legal or beneficial interest in property as required under RICO.

Enterprise Requirement

The facts strongly support the existence of an "association-in-fact" enterprise between Myers and Branthoover. "[Civil Rico: A Tool of Advocacy](#)" (2024) defines an enterprise as a "structured group of individuals associated for a common purpose." The allegations demonstrate:

1. A structured relationship: Branthoover acted in an administrative capacity, directing Myers' actions, preparing documents, and representing himself as her de facto legal representative.
2. Common purpose: The defendants worked together to (a) deprive the plaintiff of property rights, (b) provide Myers with an advantage in divorce proceedings, and (c) finalize the divorce on favorable terms for Myers.
3. Coordination of activities: The defendants engaged in coordinated, calculated actions starting with the communications on December 14, 2023, continuing through the fraudulent transfer of funds, interstate travel, preparation of misleading legal documents, and ongoing interference with plaintiff's efforts through May 2025.

Branthoover explicitly stated his role when he told the plaintiff, "I hope I can help with the paperwork and make things go as smoothly as possible" and later referred to Myers as "my client" while attempting to control communications. This shows the structured relationship between the defendants, with Branthoover assuming an administrative role in the enterprise despite lacking legal credentials.

The enterprise clearly affected interstate commerce, satisfying the jurisdictional requirement outlined in [Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#). The activities spanned multiple states (Texas and Oklahoma), involved interstate wire communications, interstate travel, and the transfer of funds across state lines.

Pattern of Racketeering Activity

Predicate Acts

The facts support multiple predicate acts qualifying as "racketeering activity" under [18 U.S.C. § 1961\(1\)](#):

1. **Wire Fraud ([18 U.S.C. § 1343](#))**: The defendants used interstate wire communications to further their fraudulent scheme on numerous occasions. As outlined in [In re Enron Corp. Securities, Derivative & Erisa, 284 F.Supp.2d 511 \(S.D. Tex. 2003\)](#), wire fraud requires a scheme to defraud, use of wire communications, and specific intent to defraud. The facts show:
 - 92 text messages exchanged on December 14, 2023, between Myers and Branthoover across state lines
 - Branthoover's deceptive call to plaintiff on December 15, 2023, falsely offering assistance
 - Multiple threatening and harassing text messages from Branthoover to plaintiff regarding the legal proceedings on June 23, 2024, December 12, 2024, and May 24, 2025
 - Continued communications between defendants regarding case details across state lines throughout the proceedings
2. **Mail Fraud ([18 U.S.C. § 1341](#))**: The defendants caused fraudulent documents to be delivered through instrumentalities of interstate commerce with intent to defraud:
 - Use of the U.S. Marshal Service to deliver fraudulent divorce documents on December 27, 2023
 - Use of the U.S. Marshal Service to deliver fraudulent eviction documents on December 28, 2023
3. **Potentially Interference with Commerce by Threats or Violence ([18 U.S.C. § 1951](#))**: The defendants' actions to unlawfully deprive plaintiff of his residence and property rights through deception and threats may constitute a violation of the Hobbs Act, which prohibits obstruction, delay, or affecting commerce through extortion.

The fraudulent statements in the divorce petition, affidavit of indigency, and protective order application satisfy the particularity requirement for fraud claims established in [Bradley v. Phillips Petroleum Co., 527 F.Supp.2d 625 \(S.D. Tex. 2007\)](#). The complaint identifies specific false statements, who made them, when and where they were made, and why they were fraudulent.

Relationship Among Predicate Acts

As required by [Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#), the predicate acts show clear relationship by having:

- Same purpose: To deprive plaintiff of his property rights and give Myers an advantage in divorce proceedings
- Same participants: Myers and Branthoover consistently coordinated throughout
- Same victim: The plaintiff was the target of all fraudulent activities
- Similar methods: Interstate communications, false statements, and manipulation of legal processes
- Interrelated nature: Each act built upon previous acts in a coordinated scheme

Continuity

The facts support both closed-ended and open-ended continuity:

1. **Closed-ended continuity:** The pattern of racketeering activity extended from December 14, 2023, through at least May 24, 2025—approximately 17 months. This constitutes a "substantial period of time" as referenced in case law. The acts were not isolated but rather part of a continuing scheme to deprive plaintiff of property rights.
2. **Open-ended continuity:** The threatening communications from Branthoover, particularly the December 12, 2024 message stating "When things all over you get to deal with me. Just a heads up," indicate a threat of continued criminal activity extending into the future. The nature of the enterprise—focused on finalizing divorce proceedings favorable to Myers—projects a threat of repetition until that goal is achieved.

Conduct Requirement

Both defendants actively participated in conducting the enterprise's affairs through the pattern of racketeering activity:

- Branthoover administered the enterprise by preparing legal documents, advising Myers, transferring funds through his PayPal account, and attempting to control communications between plaintiff and Myers
- Myers executed the enterprise's activities by filing fraudulent documents, transferring marital funds, making false statements in court filings, and using legal processes to deprive plaintiff of property

Injury to Business or Property

The plaintiff suffered concrete injuries to his business and property interests as a direct result of the defendants' racketeering activity:

1. Financial injury through unauthorized transfer of \$1,576 from joint marital account
2. Business injury through disruption of home-based business advertising
3. Property injury through unlawful eviction from residence on January 16, 2024
4. Additional property injury through misrepresentations regarding vehicle ownership and other marital assets

These injuries relate directly to the plaintiff's "business or property" as required by [18 U.S.C. § 1964](#)(c) and are not merely personal injuries, which would be insufficient for RICO standing.

Application to Specific RICO Violations

Section 1962(c) Violation

Based on the analysis above, there is substantial support for a Section 1962(c) violation. The facts establish:

1. Persons (Myers and Branthoover) associated with
2. An enterprise affecting interstate commerce
3. Conducted the enterprise's affairs through
4. A pattern of racketeering activity (multiple predicate acts of wire fraud, mail fraud, and potentially Hobbs Act violations)
5. Resulting in injury to plaintiff's business or property

Section 1962(d) Conspiracy

The facts also support a Section 1962(d) conspiracy claim. According to "[Insurance Fraud is a Violent Crime](#)" (2024), RICO conspiracy requires:

1. Agreement to join a racketeering scheme
2. Knowing participation with intent to effectuate its goals
3. Involvement of two or more predicate acts

The defendants' coordinated actions demonstrate an agreement to conduct the fraudulent scheme. Their communications and actions show knowledge of the fraudulent nature of the enterprise and intent to achieve its goals. Multiple predicate acts were committed or planned as part of the scheme.

RICO in Divorce Context

While RICO claims in divorce proceedings are challenging, this case aligns with the criteria identified in "[Racketeer influenced and corrupt organizations](#)" (2007) for potentially successful claims:

1. Plaintiff has shown injury to business and property due to the divorce proceedings
2. Defendants acted as part of an enterprise to hide assets and manipulate proceedings
3. Multiple violations of predicate acts have been alleged

Potential Challenges and Limitations

Specificity in Pleading

RICO claims are subject to heightened pleading standards, particularly for predicate acts involving fraud. As noted in [Bradley v. Phillips Petroleum Co., 527 F.Supp.2d 625 \(S.D. Tex. 2007\)](#), a plaintiff must "specify the statements contended to be fraudulent, identify the speaker, state when and where the statements were made, and explain why the statements were fraudulent." The current complaint appears to satisfy this standard by providing specific details about false statements, including dates, content, and why they were fraudulent.

Proving Enterprise Distinctness

Courts generally require that the "person" and the "enterprise" be distinct. In this case, the enterprise is an association-in-fact between Myers and Branthoover, with each defendant being a "person" who participated in but is distinct from the enterprise itself. This structure should satisfy the distinctness requirement.

Continuity Challenge

Although the pattern of activity extends over 17 months, defendants might argue this is insufficient to establish closed-ended continuity. However, courts have found periods of similar duration sufficient, and the open-ended continuity showing (through threats of future harm) provides an alternative basis for establishing the pattern requirement.

Causation

To recover damages, plaintiff must show that the RICO violation was both the "but for" and proximate cause of the injury. The complaint establishes a direct link between the racketeering activity and plaintiff's injuries, which should satisfy this requirement.

Conclusion

Based on the analysis of the applicable law and the facts presented, there are sufficient grounds for viable RICO claims under both [18 U.S.C. § 1962\(c\)](#) and § 1962(d).

The facts establish the required elements for a civil RICO claim:

1. Persons: Myers and Branthoover
2. Enterprise: Association-in-fact between the defendants with a common purpose
3. Pattern of racketeering activity: Multiple predicate acts of wire fraud, mail fraud, and potentially Hobbs Act violations showing both relationship and continuity
4. Conduct: Both defendants participated in conducting the enterprise's affairs through the pattern of racketeering activity
5. Interstate commerce: Activities crossed state lines and used instrumentalities of interstate commerce
6. Injury: Direct harm to plaintiff's business and property interests

The predicate acts are well-documented and specified with particularity, showing deliberate fraudulent actions by both defendants using interstate commerce facilities. The pattern of activity extends over a substantial period (December 2023 to May 2025) and demonstrates both closed-ended and open-ended continuity.

While RICO claims in divorce contexts face additional scrutiny, this case presents unusually egregious conduct that goes beyond typical divorce disputes. The defendants' coordinated scheme involved interstate travel, communications, and financial transfers specifically designed to deprive plaintiff of property rights through fraudulent means, which distinguishes it from routine divorce litigation.

Based on the provided fact pattern and applicable law, the plaintiff has established sufficient grounds for RICO violations under [18 U.S.C. § 1962\(c\)](#) and § 1962(d), with multiple predicate acts supporting the pattern of racketeering activity required for a viable RICO claim.

Legal Authorities

[Malvino v. Delluniversita, CIVIL ACTION NO. 2:12-CV-401 \(S.D. Tex. May 20, 2015\)](#)

U.S. District Court — Southern District of Texas

Extract

31. A claim of RICO mail fraud requires a plaintiff to show: (1) a scheme to defraud or to obtain money by means of false or fraudulent representation; (2) interstate or intrastate use of the mails to execute the scheme; (3) the use of the mails by the defendant connected to the scheme; and (4) actual

injury to the business or property of the plaintiff. *Landry v. Air Line Pilots Ass'n Int'l AFL-CIO*, 901 F.2d 404, 428 (5th Cir. 1990). A claim of RICO wire fraud requires a showing of essentially the same elements, except that the communication must be interstate. *Smith v. Ayres*, 845 F.2d 1360, 1366 (5th Cir. 1988).

Summary

Elements required to establish a RICO claim based on mail and wire fraud. These elements include a scheme to defraud, the use of mail or wire communications to execute the scheme, and actual injury to the plaintiff's business or property. This framework is generally applicable in U.S. Federal courts, including the Southern District of Texas.

[De Pacheco v. Martinez, 515 F.Supp.2d 773 \(S.D. Tex. 2007\)](#)

U.S. District Court — Southern District of Texas

Extract

Despite the rigorous standard of a Rule 12(b)(6) motion, a plaintiff must state a claim 'with enough clarity to enable a court or opposing party to determine whether or not a claim is alleged.' *Elliott v. Foufas*, 867 F.2d 877, 880 (5th Cir.1989). Accordingly, in order to properly plead a civil RICO claim, the plaintiff must allege facts sufficient to first establish standing under § 1964(c), and then the elements of the § 1962 claim. See *Price v. Pinnacle Brands, Inc.*, 138 F.3d 602, 606 (5th Cir.1998). To establish civil RICO standing, the plaintiff must show 1) injury to his business or property, 2) caused by the defendant's RICO violation. See *id.*

Summary

Requirements for pleading a civil RICO claim, which include establishing standing under § 1964(c) and the elements of the § 1962 claim. Specifically, the plaintiff must demonstrate an injury to business or property caused by the defendant's RICO violation. This is a general requirement for civil RICO claims in U.S. Federal courts.

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

U.S. District Court — Southern District of Texas

Extract

Under RICO, while four distinct offenses are declared to be unlawful, common elements are present in all four offenses. ... Reduced to its three essentials, a civil RICO claim must involve: ... Under § 1961(1)(B), racketeering activity includes any act which is indictable under a number of

federal criminal statutes, including mail fraud and wire fraud. Any act that does not fall within the purview of RICO's definition of predicate offenses is not an act of 'racketeering activity.' ... 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. ... A 'pattern of racketeering activity' requires at least two acts of racketeering activity within a ten-year period. ... The predicate acts must 'amount to or threaten continuing racketeering activity.' ... It is 'continuity' that assures a federal cause of action. ... 'It refers either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

Framework for understanding what constitutes a RICO violation and the requirements for establishing a claim.

[Bradley v. Phillips Petroleum Co., 527 F.Supp.2d 625 \(S.D. Tex. 2007\)](#)

U.S. District Court — Southern District of Texas

Extract

"[A]rticulating the elements of fraud with particularity requires a plaintiff to specify the statements contended to be fraudulent, identify the speaker, state when and where the statements were made, and explain why the statements were fraudulent." *Id.* In order to make out a prima facie case of fraud, a plaintiff must show: ... In *re* FirstMerit Bank, N.A., 52 S.W.3d 749, 758 (Tex.2001). Specifically with respect to mail fraud, a plaintiff must be able to demonstrate: "(1) a scheme to defraud by means of false or fraudulent representation, (2) interstate or intrastate use of the mails to execute the scheme, (3) the use of the mails, by the defendant connected with [the] scheme, and (4) actual injury to the plaintiff." *Burzynski*, 989 F.2d at 742; see also *Walsh v. America's Tele-Network Corp.*, 195 F.Supp.2d 840, 846 (E.D.Tex.2002) ("The elements of a wire fraud claim ... are the same as those for a mail fraud claim except the use of the wire must be interstate."). ... Indeed, the Curry Plaintiffs fail to specify which Defendant(s) engaged in the alleged conduct or what perceived wrong each Defendant committed. "[A] RICO plaintiff must plead specified facts as to each defendant. It cannot avoid Rule 12(b)(6) by 'lumping together the defendants.'" In *re* MasterCard Int'l Inc., 132 F.Supp.2d at 476 (quoting *Goren v. New Vision Int'l*, 156 F.3d 721 (7th Cir.1998) (citing *Mills v. Polar Molecular Corp.*, 12 F.3d 1170, 1175 (2d Cir.1993) ("Rule 9(b) is not satisfied where the complaint vaguely attributes the alleged fraudulent statements to 'defendants.'")), *aff'd*, In *re* MasterCard Int'l Inc., 313 F.3d 257, 263 (5th Cir.2002).

Summary

Requirements for articulating fraud with particularity, which is essential for a RICO claim. It specifies that a plaintiff must detail the fraudulent statements, identify the speaker, and explain why they are fraudulent. For mail fraud, it requires demonstrating a scheme to defraud, use of mails, and actual injury. The passage also emphasizes the need to specify facts for each defendant in a RICO claim, rather than lumping them together.

[In re Enron Corp. Securities, Derivative & Erisa, 284 F.Supp.2d 511 \(S.D. Tex. 2003\)](#)

U.S. District Court — Southern District of Texas

Extract

The elements comprising mail and wire fraud under 18 U.S.C. § 1341 and § 1343 are (1) the defendant's participation in a scheme to defraud, which includes false or fraudulent pretenses, representations or promises; (2) the use of the mails or wire communications to execute the scheme; and (3) specific intent to defraud.

Summary

For a RICO claim involving mail and wire fraud, the plaintiff must demonstrate that the defendant participated in a scheme to defraud, used mail or wire communications to execute the scheme, and had a specific intent to defraud. These elements are crucial in establishing a pattern of racketeering activity under RICO.

[Gordon v. Traders Domain FX, Ltd., Civil Action 4:24-cv-634 \(S.D. Tex. Jan 03, 2025\)](#)

U.S. District Court — Southern District of Texas

Extract

There are four substantive RICO violations set out in § 1962. 18 U.S.C. § 1962(a)-(d). The elements required to state a claim vary according to the particular RICO claim asserted. *Elliot v. Foufas*, 867 F.2d 877, 880 (5th Cir. 1989). ... Regardless of which of the four RICO sections Plaintiffs intended to bring their claims under, three threshold elements must be met. *Delta Truck & Tractor, Inc. v. J.I. Case Co.*, 855 F.2d 241, 242 (5th Cir. 1988). The defendant must be: (1) a person who engages in (2) a pattern of racketeering activity (3) connected to the acquisition, establishment, conduct, or control of an enterprise. *Id.*

Summary

Necessary elements to establish a RICO claim under U.S. Federal law. Specifically, it identifies the need for a defendant to be a person who engages in a pattern of racketeering activity connected to the acquisition, establishment, conduct, or control of an enterprise. This is a general requirement for RICO claims and is applicable to the question of whether the actions described in the provided scenario meet the criteria for a RICO claim.

[Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#)

U.S. District Court — Southern District of Texas

Extract

RICO requires a showing that (1) a person that engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise. *Crowe v. Henry*, 43 F.3d 198, 204 (5th Cir.1995) (quoting *Delta Truck & Tractor, Inc. v. J.I. Case Co.*, 855 F.2d 241 (5th Cir.1988)) (emphasis in original). Because RICO is a federal statute, the racketeering must have at least a minimal nexus with interstate commerce. *R.A.G.S. Couture, Inc. v. Hyatt*, 774 F.2d 1350, 1353 (5th Cir.1985).

Summary

To establish a RICO claim, a plaintiff must demonstrate three elements: (1) a person engaged in (2) a pattern of racketeering activity, and (3) this activity must be connected to the acquisition, establishment, conduct, or control of an enterprise. Additionally, there must be a minimal nexus with interstate commerce. This provides a framework for evaluating whether the actions described in the question meet the criteria for a RICO claim.

[Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#)

U.S. District Court — Southern District of Texas

Extract

A plaintiff in a civil action may recover damages under the RICO statute, 18 U.S.C. § 1961, et seq., if he is able to allege and prove: 1) a violation of 18 U.S.C. § 1962(a), (b), (c), or (d), and 2) injury to business or property as a result of such violation. 18 U.S.C. § 1964(c) ('Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court. .. '). Section 1962, as interpreted by the Fifth Circuit Court of Appeals, provides in its simplest terms, that: *Crowe v. Henry*, 43 F.3d 198, 203 (5th Cir. 1995).

All civil RICO claims require allegations and proof of '1) a person who engages in 2) a pattern of racketeering activity 3) [which is] connected to the acquisition, establishment, conduct or control of an enterprise.' Id. at 204 (emphasis in original).

Summary

General framework for what constitutes a RICO claim under U.S. Federal law.

[Alvarez v. Rosas, CIVIL ACTION NO. H-18-4646 \(S.D. Tex. Apr 29, 2020\)](#)

U.S. District Court — Southern District of Texas

Extract

In order to state a claim under RICO, a plaintiff must establish that a person has engaged in (1) a pattern of racketeering activity that is (2) connected to an 'enterprise.' ... 'Racketeering activity,' which is commonly referred to as a 'predicate act,' is defined to include mail, wire and bank fraud, interstate transportation of stolen property and motor vehicles, any act indictable under the Immigration and Nationality Act and the Hobbs Act. ... In order to rise to the level of 'racketeering activity' there must be 'two or more predicate criminal acts that are (1) related and (2) 'amount to or pose a threat of continued criminal activity.'

Summary

To establish a RICO claim, a plaintiff must demonstrate a pattern of racketeering activity connected to an enterprise. Racketeering activity includes predicate acts such as mail, wire, and bank fraud, among others. There must be at least two related predicate acts that pose a threat of continued criminal activity. This is a general requirement for RICO claims in U.S. Federal jurisdiction.

[Cedra Pharmacy Houston, LLC v. UnitedHealth Grp., Inc., CIVIL ACTION NO. H-17-3800 \(S.D. Tex. Mar 07, 2019\)](#)

U.S. District Court — Southern District of Texas

Extract

A plaintiff in a civil action may recover damages under the RICO statute, 18 U.S.C. § 1961, et seq., if he is able to allege and prove: 1) a violation of 18 U.S.C. § 1962(a), (b), (c), or (d), and 2) injury to business or property as a result of such violation. 18 U.S.C. § 1964(c) ('Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court. .. ').

Section 1962, as interpreted by the Fifth Circuit Court of Appeals, provides in its simplest terms, that: *Crowe v. Henry*, 43 F.3d 198, 203 (5th Cir. 1995). All civil RICO claims require allegations and proof of '1) a person who engages in 2) a pattern of racketeering activity 3) [which is] connected to the acquisition, establishment, conduct or control of an enterprise.' *Id.* at 204 (emphasis in original).

Summary

Requirements for a civil RICO claim under U.S. Federal law. It specifies that a plaintiff must allege and prove a violation of 18 U.S.C. § 1962, which involves a person engaging in a pattern of racketeering activity connected to an enterprise. Additionally, the plaintiff must demonstrate injury to business or property as a result of the violation. This information is crucial for determining whether the actions described in the question meet the criteria for a RICO claim.

[Allstate Ins. Co. v. Donovan, CIVIL ACTION NO. H-12-0432 \(S.D. Tex. Jul 03, 2012\)](#)

U.S. District Court — Southern District of Texas

Extract

RICO provides civil causes of action for recovery of treble damages for '[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter.' 18 U.S.C. § 1964 (c). Plaintiffs have alleged that defendants have violated §§ 1962(c) and (d). These subsections state: 18 U.S.C. §§ 1962(c) and (d). The Fifth Circuit has interpreted these subsections to mean that 'a person who is employed by or associated with an enterprise cannot conduct the affairs of the enterprise through a pattern of racketeering activity[, and that] a person cannot conspire to violate subsection[.]. .. (c).' ... Defendants argue that plaintiffs' RICO claims fail as a matter of law because plaintiffs have not sufficiently alleged that defendants engaged in a pattern of racketeering activity and have failed to plead fraud with particularity. 'A pattern of racketeering activity consists of two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity.' *St. Germain*, 556 F.3d at 263. See also 18 U.S.C. § 1961(5) ('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. .. after the commission of a prior act of racketeering activity'). Predicate acts can be either state or federal crimes. *Id.* ... Because RICO reaches only those unlawful activities that amount to or threaten long-term criminal activity, a RICO complaint must allege that 'the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' *H.J., Inc.*, 109 S.Ct. at 2900. The Supreme Court explained that '[c]riminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not

isolated events.' Id. at 2901. The Supreme Court explained that "[c]ontinuity' is both a closed- and open-ended concept, referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.' Id. at 2902. In either case 'continuity' is centrally a temporal concept ... A party alleging a RICO...

Summary

Detailed explanation of what constitutes a RICO violation under U.S. Federal law, specifically under 18 U.S.C. §§ 1962(c) and (d). It outlines the requirements for a pattern of racketeering activity, which includes at least two predicate acts that are related and pose a threat of continued criminal activity. The passage also explains the concept of continuity, which can be either closed-ended or open-ended, and emphasizes the need for the racketeering predicates to be related and pose a threat of continued criminal activity. This information is essential for determining whether the actions described in the question meet the criteria for a RICO claim.

[Bustos v. Invierte En Tex., 4:22-CV-02690 \(S.D. Tex. Jun 03, 2024\)](#)

U.S. District Court — Southern District of Texas

Extract

To state a civil RICO claim under 18 U.S.C. § 1962, a plaintiff must allege three common elements: "(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise." *N. Cypress Med. Ctr. Operating Co., Ltd. v. Cigna Healthcare*, 781 F.3d 182, 201 (5th Cir. 2015) (quotation omitted). [] An act of "racketeering activity," commonly referred to as a "predicate act," is defined to include certain criminal acts, including mail and wire fraud, and any act indictable under the Immigration and Nationality Act.

Summary

General framework for what constitutes a RICO violation, which is applicable to the question of whether the actions described in the matter at hand meet the criteria for a RICO claim.

[Peel v. cPaperless LLC, 4:23-CV-02417 \(S.D. Tex. Nov 08, 2024\)](#)

U.S. District Court — Southern District of Texas

Extract

To state a civil RICO claim under 18 U.S.C. § 1962, a plaintiff must allege three common elements: "(1) a person who engages in (2) a pattern of

rackeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise.” N. Cypress Med. Ctr. Operating Co., Ltd. v. Cigna Healthcare, 781 F.3d 182, 201 (5th Cir. 2015) (quotation omitted). [] An act of “rackeering activity,” commonly referred to as a “predicate act,” is defined to include certain criminal acts, including mail and wire fraud.

Summary

Foundational understanding of what constitutes a RICO claim under federal law.

[18 U.S.C. § 1963 18 U.S.C. § 1963 Criminal Penalties](#)

Extract

Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a rackeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law- any interest the person has acquired or maintained in violation of section 1962; any- (A) interest in; (B) security of; (C) claim against; or (D) property or contractual right of any kind affording a source of influence over; any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from rackeering activity or unlawful debt collection in violation of section 1962.

Summary

Consequences for engaging in rackeering activities, which include acquiring or maintaining interests in an enterprise through rackeering, and obtaining proceeds from such activities. This is relevant to determining whether the actions described in the question could constitute a RICO violation.

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

Extract

As used in this chapter- 'rackeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following

provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 932 (relating to straw purchasing), section 933 (relating to trafficking in firearms), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 (relating to peonage, slavery, and trafficking in persons), sections 1831 and 1832 (relating to economic espionage and theft of trade secrets), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 (relating to illegal money transmitters), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341-2346 (relating to trafficking in contraband cigarettes), sections 2421-24 (relating to white slave traffic), sections 175-178 (relating to biological weapons), sections 229-229F (relating to chemical weapons), section 831 (relating to nuclear materials), (C) any act which is indictable under title 29, United States

Code, section 29186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(B);

Summary

Detailed list of these activities, which are relevant to determining whether the actions described in the question could constitute a RICO violation.

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

Extract

It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce... 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... It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt... It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

Summary

Prohibited activities under the RICO statute, which include: (a) using income derived from racketeering to invest in enterprises affecting interstate

commerce, (b) acquiring or maintaining interest in enterprises through racketeering, (c) conducting enterprise affairs through racketeering, and (d) conspiring to commit any of these acts. The scope of these provisions is broad and applies to any person or entity engaged in such activities. The allegations in the question describe a pattern of racketeering activity involving fraud, deception, and misuse of legal processes, which could potentially fall under these RICO violations.

[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

Penalties for such actions, which include fines and imprisonment. This is relevant to determining whether the actions described in the question could constitute a RICO violation, as RICO often involves patterns of racketeering activity, which can include wire fraud.

[18 U.S.C. § 1964 18 U.S.C. § 1964 Civil Remedies](#)

Extract

Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

Summary

Under 18 U.S.C. § 1964, individuals who have been injured in their business or property due to a violation of section 1962 (which outlines prohibited activities under RICO) can file a lawsuit in a U.S. district court. They are entitled to recover three times the damages they sustain, plus the cost of the suit and reasonable attorney's fees. This indicates that if the actions described in the question constitute a violation of section 1962, the plaintiff may have a valid RICO claim.

[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, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, 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, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

Penalties for such fraudulent activities, which include fines and imprisonment. The statute is applicable to any scheme involving fraudulent pretenses or representations that utilize mail or interstate carriers.

[18 U.S.C. § 1951 18 U.S.C. § 1951 Interference With Commerce By Threats Or Violence](#)

Extract

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

Summary

18 U.S.C. § 1951, also known as the Hobbs Act, addresses interference with commerce by threats or violence, including robbery or extortion. This statute is relevant to RICO claims as it can be one of the predicate offenses that constitute a pattern of racketeering activity under RICO. The passage specifically mentions that any act that obstructs, delays, or affects commerce through robbery, extortion, or threats of violence can be penalized under this section. This is relevant to the question as it provides a

basis for identifying potential RICO violations if the actions described in the case involve such interference with commerce.

[18 U.S.C. § 1952 18 U.S.C. § 1952 Interstate and Foreign Travel Or Transportation In Aid of Racketeering Enterprises](#)

Extract

Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to- distribute the proceeds of any unlawful activity; or commit any crime of violence to further any unlawful activity; or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform- (A) an act described in paragraph or shall be fined under this title, imprisoned not more than 5 years, or both; or (B) an act described in paragraph shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.

Summary

18 U.S.C. § 1952 addresses the use of interstate or foreign commerce to further unlawful activities, which can include racketeering. The statute outlines penalties for those who engage in such activities, including fines and imprisonment. This is relevant to the question of RICO violations as it provides a legal basis for prosecuting individuals who use interstate commerce to facilitate racketeering activities.

[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... 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... the term 'specified unlawful activity' means- (A) any act or activity constituting an offense listed in section 1961 of this title...

Summary

The passage outlines the penalties for conducting financial transactions with the proceeds of unlawful activities. It specifies that such activities must be listed under section 1961 to qualify as "specified unlawful activity." This is relevant to RICO claims as RICO requires a pattern of racketeering activity, which includes acts indictable under section 1961.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Bagley, Ross - 2007-03-22

Extract

Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful. However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings has twice survived motions for summary judgment. At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements; and (iii) there must be either multiple violations of the same predicate act, or the commission of more than one predicate act.

Summary

Civil RICO claims in divorce cases are challenging but possible if specific criteria are met. These criteria include showing an injury to business or property, demonstrating that the defendant acted as part of an enterprise to hide assets, and proving multiple violations of predicate acts. This information is directly relevant to assessing whether the actions described in the question could constitute a RICO violation.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Sacks, Michele - 2005-03-22

Extract

Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful. However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings has twice survived motions for summary judgment. At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements.

Summary

Civil RICO claims in divorce cases are challenging but not impossible. The passage provides criteria that could make a RICO claim viable: showing an injury to business or property due to the divorce proceedings and demonstrating that the defendant acted as part of an enterprise to hide assets. This information is relevant to assessing whether the actions described in the question could constitute a RICO violation.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Bourgeois, Richard L., Jr. - 2000-03-22

Extract

affirming dismissal of plaintiff's RICO claim under [subsections] 1962(a) and (b) because plaintiff failed to establish an injury resulting from defendant's use or investment of racketeering proceeds); *Vemco, Inc. v. Camardella*, 23 F.3d 129, 132 (6th Cir. 1994) (requiring civil RICO plaintiff to plead a specific injury caused by investment of racketeering income, rather than injury caused by the racketeering act); *Lightning Lube, Inc. v. Witco Corp.*, 4 F.3d 1153, 1188 (3d Cir. 1993) (holding that injury must be from acquisition or control of interest in RICO enterprise, in addition to injury caused by predicate acts themselves; plaintiff's injury was caused not by defendant's investment of income from racketeering acts, but from alleged racketeering acts themselves, eliminating plaintiff as competitor

Summary

The passage highlights the necessity for a plaintiff in a civil RICO case to demonstrate a specific injury caused by the use or investment of racketeering income, not merely from the racketeering acts themselves. This is crucial for claims under subsections 1962(a) and (b) of the RICO statute. The passage provides insight into the legal standards and requirements for establishing a RICO claim, which is relevant to determining whether the actions described in the question meet the criteria for a RICO violation.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Mecone, James Morrison - 2006-03-22

Extract

Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful. However, a claim

by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings has twice survived motions for summary judgment. At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements; and (iii) there must be either multiple violations of the same...

Summary

Potential for civil RICO claims in divorce cases, noting that while most attempts have been unsuccessful, there are specific criteria that, if met, could lead to a successful claim. These criteria include showing an injury to business or property due to the divorce proceedings, demonstrating that the defendant acted as part of an enterprise to hide assets, and establishing multiple violations of the same nature. This information is relevant to determining whether the actions described in the question could constitute a RICO violation.

[CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ.](#)

Suffolk Transnational Law Review - Suffolk University Law School - Callahan, Kathleen - 2021-01-01

Extract

18 U.S.C. [section] 1961. Id. at (b)(1). See also 18 U.S.C. [section] 1961(1) (2018) (defining 'racketeering activity' under Racketeer Influenced and Corrupts Organizations (RICO) statute. RICO defines racketeering activity as 'Any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical... which is chargeable under State law and punishable by imprisonment for more than one year.' Id. at (1)(A). The statute also enumerates several other federal criminal statutes whose violation constitutes racketeering activity. Id. at (1)(B).

Summary

Foundational understanding of what activities can be considered under RICO violations.

[PAYORS, PLAYERS, AND PROXIMATE CAUSE.](#)

Extract

RICO is not just a tool for government control over organized crime. It is also a remedial statute for civil matters. (31) It 'authorize[s]... criminal or civil remedies on conduct already criminal, when performed in a specified fashion' as delineated by the statute. (32) Section 1962 provides civil remedies for four types of conduct: (1) using income derived from a pattern of racketeering activity (33) to acquire an interest in an enterprise; (2) acquiring or maintaining an interest in an enterprise through a pattern of racketeering activity; (3) conducting the affairs of an enterprise through a pattern of racketeering activity; and (4) conspiring to commit any of these offenses. (34) Today, Congress urges courts to construe RICO liberally from the 'perspective of the victim, not the perpetrator.' (35) A private civil right of action in [section] 1964 provides that '[a]ny person injured in his business or property by reason of a violation of section 1962... may sue.' (36) Notably, a successful plaintiff under [section] 1964 is entitled to treble damages and the cost of the suit, including attorney fees. (37)

Summary

Types of conduct that can constitute a RICO violation under Section 1962, which includes using income from racketeering, acquiring or maintaining an interest in an enterprise through racketeering, conducting enterprise affairs through racketeering, and conspiring to commit these offenses. It also highlights that RICO is to be construed liberally from the victim's perspective and provides for civil remedies, including treble damages and attorney fees, for those injured by such violations.

[Insurance Fraud is a Violent Crime.](#)

Insurance Advocate - CINN Group, Inc. - 2024-03-01

Extract

RICO CONSPIRACY The essence of a RICO conspiracy is the existence of an agreement to violate RICO's substantive provisions. RICO conspiracy was established by proof of: (a) of an agreement to join a racketeering scheme, (b) of the defendant's knowing engagement in the scheme with the intent that its overall goals be effectuated, and (c) that the scheme involved, or by agreement between any members of the conspiracy was intended to involve, two or more predicate acts of racketeering. Predicate Acts of Extortion. The Court concluded that the Government proved beyond a reasonable doubt that Smith and other members of the Enterprise agreed to, and in fact did, commit predicate acts of Hobbs Act extortion on numerous occasions during the specified period as part of a larger pattern of racketeering activity.

Summary

Essential elements required to establish a RICO conspiracy: an agreement to join a racketeering scheme, knowing engagement in the scheme with intent to effectuate its goals, and involvement in two or more predicate acts of racketeering. This is generally applicable to RICO cases and provides a framework for evaluating whether the actions described in the question meet the criteria for a RICO claim.

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

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

Extract

To establish a § 1962(c) RICO claim, the following elements must be proven:

- Enterprise: A structured group of individuals associated for a common purpose.
- Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years.
- Conduct: Directly or indirectly conducting the enterprise's affairs through racketeering.
- Injury: An injury to business or property due to the racketeering activity.

Summary

Necessary elements to establish a civil RICO claim under § 1962(c). These elements include the existence of an enterprise, a pattern of racketeering activity, conduct of the enterprise's affairs through racketeering, and an injury to business or property due to the racketeering activity. The scenario provided describes a series of actions that could potentially meet these criteria, such as the formation of an enterprise between Myers and Branthoover, multiple acts of alleged fraud and deception, and an injury to the Plaintiff's property interests.

[RECONCEIVING COERCION-BASED CRIMINAL DEFENSES.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Galoob, Stephen R. - 2022-03-22

Extract

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further

requires a 'continuity' element, 'referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

The passage provides insight into the requirements for establishing a RICO claim, specifically the need for a "pattern of racketeering activity." This pattern must include criminal acts that are related by purpose, result, participants, victims, or methods, and must not be isolated events. Additionally, there must be a "continuity" element, which can be shown through repeated conduct over a closed period or conduct that suggests a threat of future repetition.

[Santos v. Delta Airlines, Inc.](#)

USDOL Administrative Review Board Decisions

Extract

RICO, 18 U.S.C. § 1962(c), prohibits 'any person employed by or associated with any enterprise engaged in ... interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' The statute thus requires the plaintiff to allege an enterprise, the conduct of the affairs of the enterprise through a pattern of racketeering activity, and injury to [its] business or property ... caused by the violation of Section 1962.

Summary

For a RICO claim under U.S. Federal law, the plaintiff must allege: (1) an enterprise, (2) the conduct of the affairs of the enterprise through a pattern of racketeering activity, and (3) injury to business or property caused by the violation of Section 1962. The passage provides the legal framework necessary to evaluate whether the actions described in the question meet the criteria for a RICO claim.

[RICO: A Primer](#)

Extract

The Racketeer Influenced and Corrupt Organizations Act (RICO) was enacted in 1970. Although RICO provides for both civil remedies and criminal penalties, the number of civil RICO claims far outstrips the number of criminal RICO cases brought each year. RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees. RICO is, however, an intricate, complex statutory

regime with numerous potential pitfalls. Yet a civil RICO claim involves several standard, key issues. We address several of those fundamental issues below. What is 'Racketeering activity'? The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961. Notably, there must be some nexus to interstate or foreign commerce-it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States. Who is a RICO 'Person'? A RICO person 'includes any individual or entity capable of holding a legal or beneficial interest in property.' This definition defines those who can be charged under RICO. While the definition clearly includes a natural person, as well as a corporation, union, partnership and a sole proprietorship, it is not settled whether the definition encompasses a governmental entity. What is a RICO Enterprise? A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The person and the enterprise generally must be distinct; but, of course, a RICO person can be a part of an enterprise. A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. The statutory list is not exhaustive but merely illustrative. What is A RICO 'Pattern'? A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary. Nonetheless, the Supreme Court has repeatedly recognized that Congress had a fairly flexible concept of a pattern in mind. There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct. Each of the subsections incorporates the basic elements of 'enterprise' and a 'pattern of racketeering activity.' Section 1962(a) Under Section 1962(a), it is violation to invest the proceeds of racketeering activity in an enterprise that affects interstate commerce. Section 1962(b) is the least used of the four RICO subsections. Under section 1962(b), it is a violation to acquire or maintain an interest in an enterprise affecting interstate or foreign commerce through a pattern of racketeering activity or collection of an unlawful debt. To prove a violation of Section 1962(b), a plaintiff must prove the following elements: * Existence of an enterprise; * The enterprise engaged in, or its activities affected, interstate or foreign commerce; * The defendant acquired or maintained, directly or indirectly, an interest in or control of the enterprise; and * The defendant acquired or maintained the interest through a pattern of racketeering activity or through collection of an unlawful debt. Courts have held that a plaintiff must allege a specific nexus between control of the named enterprise and the alleged racketeering activity. Section 1962(c) Under Section 1962(d), it is a violation to conspire to commit any of the three substantive RICO offenses. To prove a violation of Section 1962(d), a plaintiff must prove the following elements: * The

existence of an enterprise (or that an enterprise would exist); * That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce; and * That each defendant knowingly agreed that a conspirator would commit a violation of 18 U.S.C. ' 1962(c). The Supreme Court held that to establish a RICO conspiracy offense under Section 1962(d), there is no requirement that the defendant 'himself committed or agreed to commit the two predicate acts requisite for a substantive RICO offense under ' 1962(c).' The Supreme Court explained:

Summary

Detailed explanation of the elements required to establish a RICO claim under U.S. Federal law. It outlines the necessity of proving a "pattern of racketeering activity," the existence of an "enterprise," and the impact on interstate or foreign commerce. It also explains the different sections of RICO violations, including acquiring, controlling, conducting, or conspiring to conduct an enterprise through racketeering activities. The passage highlights the need for a nexus to interstate commerce and the requirement of continuity and relationship in the pattern of racketeering activity.

[RICO: A Primer](#)

Extract

RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees. ... The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961. ... Notably, there must be some nexus to interstate or foreign commerce-it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States. ... A plaintiff is required to demonstrate that the defendant conducted the affairs of an enterprise through a pattern of racketeering activity. The person and the enterprise generally must be distinct; but, of course, a Rico person can be a part of an enterprise. ... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. ... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: * Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' * Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged. ... There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct.

Summary

Detailed explanation of what constitutes a RICO violation, including the necessity of a "pattern of racketeering activity" and the requirement for a nexus to interstate or foreign commerce. It outlines the four distinct RICO violations under section 1962 and explains the concept of a RICO enterprise and pattern. This information is crucial for determining whether the actions described in the question meet the criteria for a RICO claim.

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

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: * Section 1962(a) prohibits a person from investing in an enterprise any income derived from a pattern of racketeering activity; * Section 1962(b) prohibits a person from using a pattern of racketeering activity to acquire or maintain control over an enterprise; * Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering; and * Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c).

Summary

Framework for understanding what constitutes a RICO violation, which is essential for determining if the actions described in the question meet the criteria for a RICO claim.

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

Extract

RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: * Section 1962(a) prohibits a person from investing in an enterprise any income derived from a pattern of racketeering activity; * Section 1962(b) prohibits a person from using a pattern of

racketeering activity to acquire or maintain control over an enterprise; * Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering; and * Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c).

Summary

Framework for evaluating whether the actions of the defendants in the question could meet the criteria for a RICO claim.

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