

Question

Under what statutes should a father seek relief for wire fraud in a RICO suit against his spouse, his spouse's grandmother, and his spouse's stepfather?

Answer (U.S. Federal)

Short response

A father seeking relief for wire fraud in a RICO suit should primarily rely on [18 U.S.C. § 1964](#), which provides civil remedies for violations of [18 U.S.C. § 1962](#), using wire fraud under [18 U.S.C. § 1343](#) as the predicate offense within a pattern of racketeering activity as defined in [18 U.S.C. § 1961](#).

Summary

To pursue a RICO suit based on wire fraud, the father must structure his claim under the civil remedies provision of the Racketeer Influenced and Corrupt Organizations Act (RICO), [18 U.S.C. § 1964](#), which allows private parties to seek treble damages for injuries resulting from violations of [18 U.S.C. § 1962](#). His claim should specify which subsection of § 1962 the defendants violated—whether they used income from racketeering activity (§ 1962(a)), acquired control through racketeering activity (§ 1962(b)), conducted enterprise affairs through racketeering (§ 1962(c)), or conspired to violate RICO provisions (§ 1962(d))—with § 1962(c) being most commonly used. Wire fraud under [18 U.S.C. § 1343](#) serves as the predicate act constituting "racketeering activity" as defined in § 1961(1)(B).

The father must demonstrate that the defendants—his spouse, his spouse's grandmother, and his spouse's stepfather—formed an "enterprise" that engaged in a "pattern of racketeering activity" consisting of at least two related acts of wire fraud within a ten-year period. To establish wire fraud, he must show the defendants devised a scheme to defraud, used interstate wire communications in furtherance of that scheme, and had the specific intent to defraud. His pleadings must comply with Federal Rule of Civil Procedure 9(b)'s requirement that fraud allegations be pleaded with particularity, specifying the fraudulent statements, who made them, when and where they were made, and why they were fraudulent.

Background and Relevant Law

Statutory Framework

Civil RICO Claims

The Racketeer Influenced and Corrupt Organizations Act (RICO) provides both criminal and civil remedies, with the civil provision codified at [18](#)

[U.S.C. § 1964](#) offering powerful tools for private litigants. Under this provision, "[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..." ([18 U.S.C. § 1964](#)).

This civil remedy allows the father to seek significant monetary damages against the defendants if he can establish they violated [18 U.S.C. § 1962](#). The statute creates four types of prohibited activities under § 1962:

1. Section 1962(a) prohibits using or investing income derived from a pattern of racketeering activity to acquire an interest in or establish an enterprise affecting interstate commerce: "It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity... 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." ([18 U.S.C. § 1962](#))
2. Section 1962(b) prohibits acquiring or maintaining an interest in an enterprise through a pattern of racketeering: "It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." ([18 U.S.C. § 1962](#))
3. Section 1962(c) prohibits conducting an enterprise's affairs through a pattern of racketeering: "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. § 1962](#))
4. Section 1962(d) prohibits conspiring to violate subsections (a), (b), or (c): "It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section." ([18 U.S.C. § 1962](#))

As noted in secondary materials, "Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering" and "claims under Section 1962(c) are the most commonly asserted." ([Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#))

Defining Racketeering Activity

To pursue a RICO claim, the father must establish that the defendants engaged in a "pattern of racketeering activity." The RICO statute defines

"racketeering activity" at [18 U.S.C. § 1961](#)(1)(B) as including "any act which is indictable under any of the following provisions of title 18, United States Code... section 1343 (relating to wire fraud)..." [\(18 U.S.C. § 1961\)](#)

This explicitly includes wire fraud as a predicate act that can form the basis of a RICO claim. Secondary materials confirm that "Mail and wire fraud are the most common predicate acts" in RICO cases. (RICO: A Primer)

A "pattern of racketeering activity" requires at least two predicate acts of racketeering activity occurring within a ten-year period. ([18 U.S.C. § 1961](#)(5))

Wire Fraud Statute

The wire fraud statute, [18 U.S.C. § 1343](#), which would serve as the predicate offense for the father's RICO claim, provides:

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

This statute criminalizes fraudulent schemes executed through interstate wire communications, which could include electronic fund transfers, telephone calls, emails, or other electronic communications used to perpetrate fraud.

Other Potentially Relevant Statutes

While the primary statutes for the father's RICO claim would be 18 U.S.C. §§ 1962, 1961, 1964, and 1343, other related statutes might also be relevant depending on the specific facts of the case:

- [18 U.S.C. § 1341](#) (Frauds and Swindles), which addresses mail fraud:
"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... shall be fined under this title or imprisoned not more than 20 years, or both." [\(18 U.S.C. § 1341\)](#) This could be relevant if the fraudulent scheme also involved use of mail.
- [18 U.S.C. § 1952](#) (Interstate and Foreign Travel or Transportation in Aid of Racketeering Enterprises), which prohibits using interstate travel or facilities to distribute proceeds of unlawful activities or to promote unlawful activities. [\(18 U.S.C. § 1952\)](#)

- [18 U.S.C. § 1956](#) (Laundering of Monetary Instruments), which could apply if the defendants laundered money obtained through wire fraud. ([18 U.S.C. § 1956](#))
- [18 U.S.C. § 1957](#) (Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity), which prohibits engaging in monetary transactions exceeding \$10,000 derived from specified unlawful activity. ([18 U.S.C. § 1957](#))
- [18 U.S.C. § 2520](#) (Recovery of Civil Damages Authorized), which provides civil remedies for unauthorized interception of wire communications. ([18 U.S.C. § 2520](#))

Case Law Interpreting RICO Requirements

Elements of a Civil RICO Claim

Courts have consistently recognized four essential elements for establishing a civil RICO claim: "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." ([Uselmann v. Pop, 495 F.Supp.3d 528 \(E.D. Mich. 2020\)](#))

In [Arizona Premium Finance, Inc. v. Bielli, 77 F.Supp.2d 341 \(E.D. N.Y. 1999\)](#), the court elaborated that a plaintiff "must allege the existence of seven constituent elements: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce."

The [Jones v. Ram Med., Inc., 807 F.Supp.2d 501 \(D. S.C. 2011\)](#) court further refined the elements: "(1) a violation of [18 U.S.C. § 1962](#), (2) an injury to business or property, and (3) that the injury was caused by the violation of § 1962."

Enterprise Requirement

The Supreme Court in [United States v. Turkette, 452 U.S. 576 \(1981\)](#) defined an "enterprise" as "an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct." It's important to note that this case was abrogated by [Lane v. United States, 474 U.S. 438 \(1986\)](#) on other grounds related to harmless error review, but its definition of "enterprise" remains valid precedent.

This definition is particularly relevant to the father's case, as he would need to establish that his spouse, his spouse's grandmother, and his spouse's stepfather formed an enterprise—a group associated together for the common purpose of defrauding him through wire communications.

Pattern of Racketeering Activity

Courts have established that a "pattern of racketeering activity" requires at least two predicate acts that are related and pose a threat of continued criminal activity. In [Al-Abood v. El-Shamari, 217 F.3d 225 \(4th Cir. 2000\)](#), the court explained: "A pattern of racketeering requires at least two predicate acts. However, simply proving two or more predicate acts is insufficient for a RICO plaintiff to succeed; instead, the RICO plaintiff must also show that the predicate acts are related and that they constitute or pose a threat of continued criminal activity."

Wire Fraud as a Predicate Act

The elements of wire fraud were outlined in [Zibalstar, L.C. v. Conte, Case No. 2:17-CV-563 \(D. Utah Mar 27, 2018\)](#), which noted that wire fraud is "'very similar' [to mail fraud] but involves use of 'interstate wire, radio or television communications in furtherance of the scheme to defraud.'" The elements of wire fraud therefore include "(1) the existence of a scheme or artifice to defraud or obtain money or property by false pretenses, representations or promises, and (2) use of [...] interstate wire, radio or television communications in furtherance of the scheme to defraud."

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

Reliance Not Required

Importantly, the Supreme Court in [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639 \(2008\)](#) held that "a plaintiff asserting a RICO claim predicated on mail fraud need not show, either as an element of its claim or as a prerequisite to establishing proximate causation, that it relied on the defendant's alleged misrepresentations." This principle extends to wire fraud cases as well, meaning the father would not need to prove he personally relied on fraudulent communications, only that such communications occurred as part of the fraudulent scheme.

Pleading Requirements

RICO complaints based on allegations of wire fraud must be pleaded with particularity under Federal Rule of Civil Procedure 9(b). As noted in [Civil Rico: A Tool of Advocacy](#), "RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity."

Analysis: Application to Father's RICO Claim

Establishing a RICO Claim under § 1962(c)

For the father seeking relief against his spouse, his spouse's grandmother, and his spouse's stepfather, § 1962(c) likely offers the most suitable basis for his RICO claim, as it is "the most commonly asserted" RICO provision ([Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)). Under this subsection, the father would need to prove that the defendants conducted or participated in an enterprise's affairs through a pattern of racketeering activity, specifically wire fraud.

The father would need to establish each of the following elements:

1. **Conduct:** The defendants actively participated in the operation or management of the enterprise. This requires showing that each defendant—the spouse, grandmother, and stepfather—played some role in directing the enterprise's affairs.
2. **Enterprise:** The three defendants formed an "enterprise," which means they were "associated together for a common purpose of engaging in a course of conduct" ([United States v. Turkette, 452 U.S. 576 \(1981\)](#)). The father would need to show that the defendants functioned as a continuing unit with a common purpose—specifically, to defraud him through wire communications.
3. **Pattern:** The defendants engaged in at least two acts of wire fraud within a ten-year period that were related and posed a threat of continued criminal activity. The acts must be related in terms of "the same or similar purposes, results, participants, victims, or methods of commission" ([Al-Abood v. El-Shamari, 217 F.3d 225 \(4th Cir. 2000\)](#)).
4. **Racketeering Activity:** The predicate acts constituted wire fraud under [18 U.S.C. § 1343](#), meaning the defendants utilized interstate wire communications as part of a scheme to defraud the father.

Proving Wire Fraud

To establish wire fraud as the predicate offense, the father must demonstrate:

1. **A Scheme to Defraud:** The defendants developed a scheme to defraud him or obtain money or property through false pretenses, representations, or promises.
2. **Use of Interstate Wire Communications:** The defendants utilized interstate wire communications (such as phone calls, emails, text messages, electronic fund transfers) to execute the scheme.
3. **Intent to Defraud:** The defendants acted with the specific intent to defraud.

As noted in Theft offenses, it must have been "reasonably foreseeable that interstate wire communications would be used" and "interstate wire communications were in fact used."

Pleading with Particularity

The father's complaint must plead the alleged wire fraud with particularity under Federal Rule of Civil Procedure 9(b). This means the complaint should specify:

- The content of the false representations
- Who made them
- When and where they were made
- Why they were fraudulent

As stated in [Civil Rico: A Tool of Advocacy](#), if any one of the RICO elements "is not adequately pleaded," the complaint will fail.

Proving Injury and Causation

Under [18 U.S.C. § 1964](#)(c), the father must prove he was "injured in his business or property by reason of a violation of section 1962." This requires showing that the defendants' RICO violation was the proximate cause of his injury.

Importantly, following [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639 \(2008\)](#), the father need not show that he personally relied on any fraudulent communications. It's sufficient to demonstrate that the wire fraud occurred and caused his injury.

Alternative RICO Provisions

While § 1962(c) is most commonly used, the father could also consider claims under the other RICO provisions:

- § 1962(a): If the defendants used income derived from wire fraud to establish or operate an enterprise affecting interstate commerce.
- § 1962(b): If the defendants acquired or maintained an interest in or control of an enterprise affecting interstate commerce through wire fraud.
- § 1962(d): If the defendants conspired to violate subsections (a), (b), or (c).

Potential Damages

If successful, the father would be entitled under [18 U.S.C. § 1964](#)(c) to "recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." This treble damages provision makes RICO an attractive option for plaintiffs who can successfully establish their claims.

Exceptions and Caveats

Standing Requirements

The father must demonstrate that he was injured in his "business or property" as a result of the RICO violation. Personal injuries, emotional distress, or other non-economic harms do not qualify as injuries to "business or property" under RICO.

Statute of Limitations

The statute of limitations for civil RICO claims is generally four years from when the plaintiff discovered or should have discovered their injury. The father should ensure his claim is timely filed.

Relationship to Family Law Proceedings

The father should consider how his RICO claim might interact with any concurrent or pending family law proceedings, such as divorce or property settlement matters. Courts might be hesitant to allow RICO claims that appear to be attempts to circumvent or supplement family law proceedings.

Heightened Pleading Standard

The father must satisfy the heightened pleading standard for fraud under Federal Rule of Civil Procedure 9(b). Failure to plead wire fraud with particularity will likely result in dismissal of the RICO claim.

Demonstrating a Pattern

Merely showing two isolated instances of wire fraud may not be sufficient to establish a "pattern" of racketeering activity. The father must show that the predicate acts are related and demonstrate "continuity"—either closed-ended continuity (a series of related acts over a substantial period) or open-ended continuity (past conduct that by its nature projects into the future with a threat of repetition).

Interstate Commerce Requirement

The enterprise must be engaged in or affect interstate commerce. This is typically a minimal threshold, but the father should still be prepared to demonstrate how the defendants' activities affected interstate commerce.

Conclusion

A father seeking relief for wire fraud in a RICO suit against his spouse, his spouse's grandmother, and his spouse's stepfather should base his claim primarily on the civil remedies provision of RICO, [18 U.S.C. § 1964](#), alleging violations of [18 U.S.C. § 1962](#)(c). His complaint should allege that the

defendants conducted an enterprise's affairs through a pattern of racketeering activity, specifically wire fraud under [18 U.S.C. § 1343](#).

To prevail, the father must establish that:

1. The defendants formed an "enterprise"—a group associated for the common purpose of engaging in a course of conduct.
2. The defendants conducted the enterprise's affairs through a "pattern of racketeering activity," consisting of at least two related instances of wire fraud occurring within a ten-year period.
3. The wire fraud involved a scheme to defraud, use of interstate wire communications, and intent to defraud.
4. He suffered injury to his business or property as a proximate result of the RICO violation.

The father's complaint must plead the fraud allegations with particularity under Rule 9(b), specifying the fraudulent statements, who made them, when and where they were made, and why they were fraudulent. If successful, he would be entitled to treble damages, costs, and attorney's fees under [18 U.S.C. § 1964](#)(c).

While the primary focus should be on 18 U.S.C. §§ 1962(c), 1964, and 1343, the father might also consider claims under other RICO provisions (§§ 1962(a), (b), or (d)) depending on the specific facts and circumstances of his case. Additional statutes such as [18 U.S.C. § 1341](#) (mail fraud), § 1952 (interstate travel in aid of racketeering), § 1956 (money laundering), § 1957 (monetary transactions in property derived from unlawful activity), or § 2520 (civil recovery for interception of communications) might also be relevant depending on the nature of the defendants' alleged conduct.

Legal Authorities

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

U.S. Supreme Court

Extract

In order to secure a conviction under RICO, the Government must prove both the existence of an 'enterprise' and the connected 'pattern of racketeering activity.' The enterprise is an entity, for present purposes a group of persons associated together for a common purpose of engaging in a course of conduct. The pattern of racketeering activity is, on the other hand, a series of criminal acts as defined by the statute. 18 U.S.C. § 1961(1) (1976 ed., Supp. III).

Summary

An enterprise can be a group of individuals associated for a common purpose, and the pattern of racketeering activity involves a series of

criminal acts, which could include wire fraud. This is relevant to the father's case as he would need to establish these elements to seek relief under RICO.

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

U.S. Supreme Court

Extract

Held: A plaintiff asserting a RICO claim predicated on mail fraud need not show, either as an element of its claim or as a prerequisite to establishing proximate causation, that it relied on the defendant's alleged misrepresentations. Pp. 2137 - 2145. (a) In 18 U.S.C. § 1964(c), RICO provides a private right of action for treble damages to '[a]ny person injured in his business or property by reason of a violation,' as pertinent here, of § 1962(c), which makes it 'unlawful for any person employed by or associated with' a qualifying enterprise 'to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity,' including 'mail fraud,' § 1961(1)(B). Mail fraud, in turn, occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice.' § 1341.

Summary

The U.S. Supreme Court in *Bridge v. Phoenix Bond & Indem. Co.* clarified that a plaintiff does not need to show reliance on misrepresentations to establish a RICO claim predicated on mail fraud. The relevant statutes are 18 U.S.C. § 1964(c) for the private right of action and § 1962(c) for the unlawful conduct involving a pattern of racketeering activity, which includes mail and wire fraud as predicate acts under § 1961(1)(B). This is applicable to any person injured in their business or property by such violations.

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

U.S. Supreme Court

Extract

RICO renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates

in the conduct of its affairs 'through a pattern of racketeering activity,' § 1962(c); or, finally, who conspires to violate the first three subsections of § 1962, § 1962(d).

Summary

Statutory framework of the RICO Act, specifically sections 1962(a) through 1962(d), which detail the circumstances under which individuals can be held liable for engaging in racketeering activities. This includes using income derived from racketeering to operate an enterprise, acquiring or maintaining control of an enterprise through racketeering, conducting an enterprise's affairs through racketeering, or conspiring to do any of these. The passage is relevant because it provides the legal basis for pursuing a RICO claim, which can include wire fraud as a predicate offense.

[Sedima v. Imrex Company, Inc, 473 U.S. 479, 105 S.Ct. 3275, 87 L.Ed.2d 346 \(1985\)](#)

U.S. Supreme Court

Extract

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, which is directed at 'racketeering activity'—defined in § 1961(1) to encompass, *inter alia*, acts 'indictable' under specific federal criminal provisions, including mail and wire fraud—provides in § 1964(c) for a private civil action to recover treble damages by any person injured in his business or property 'by reason of a violation of section 1962.' Section 1962(c) prohibits conducting or participating in the conduct of an enterprise 'through a pattern of racketeering activity.'

Summary

The passage from the Sedima v. Imrex Company, Inc case provides insight into the application of the RICO statute, specifically 18 U.S.C. §§ 1961-1968. It explains that RICO is directed at "racketeering activity," which includes acts indictable under federal criminal provisions such as mail and wire fraud. Section 1964(c) allows for a private civil action to recover treble damages for injuries to business or property caused by a violation of section 1962. Section 1962(c) prohibits conducting an enterprise through a pattern of racketeering activity. This information is directly relevant to the question as it outlines the statutory basis for seeking relief under RICO for wire fraud.

[Arizona Premium Finance, Inc. v. Bielli, 77 F.Supp.2d 341 \(E.D. N.Y. 1999\)](#)

U.S. District Court — Eastern District of New York

Extract

To state a claim for damages under RICO a plaintiff has two pleading burdens. First, he must allege that the defendant has violated the substantive RICO statute, 18 U.S.C. § 1962 (1976), commonly known as 'criminal RICO.' In so doing, he must allege the existence of seven constituent elements: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce.... Plaintiff must allege adequately defendant's violation of section 1962 before turning to the second burden — i.e., invoking RICO's civil remedies of treble damages, attorneys fees and costs....

Summary

Requirements for pleading a RICO violation, specifically under 18 U.S.C. § 1962, which includes alleging a pattern of racketeering activity such as wire fraud. This is directly relevant to the question as it provides the statutory basis and elements needed to establish a RICO claim involving wire fraud.

[Zibalstar, L.C. v. Conte, Case No. 2:17-CV-563 \(D. Utah Mar 27, 2018\)](#)

U.S. District Court — District of Utah

Extract

Mail and wire fraud are federal crimes defined under 18 U.S.C. §§ 1341 and 1343, respectively. Mail fraud involves two distinct elements: '(1) the existence of a scheme or artifice to defraud or obtain money or property by false pretenses, representations or promises, and (2) use of the United States mails for the purpose of executing the scheme.' *Tal v. Hogan*, 453 F.3d 1244, 1263 (10th Cir. 2006) (citation omitted). Wire fraud is 'very similar' but involves use of 'interstate wire, radio or television communications in furtherance of the scheme to defraud.' *Id.* (citation omitted).

Summary

The passage provides information on the federal statutes that define mail and wire fraud, which are 18 U.S.C. §§ 1341 and 1343. These statutes are relevant for establishing predicate acts in a RICO claim. The passage also explains the elements required to prove mail and wire fraud, which are necessary for a RICO claim based on these predicate acts. This information is applicable to any RICO suit involving allegations of wire fraud, including the hypothetical case of a father seeking relief against his spouse and her relatives.

[Maidenbaum v. Fischman, 18-CV-2911 \(NGG\) \(RER\) \(E.D. N.Y. Mar 25, 2020\)](#)

U.S. District Court — Eastern District of New York

Extract

Plaintiff's complaint alleges five causes of action. The first three arise under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), codified at 18 U.S.C. §§ 1961-68... In his complaint, Plaintiff raises three RICO claims under 18 U.S.C. §§ 1962(b), (c), and (d), respectively... 18 USC § 1964 creates a private cause of action for '[a]ny person injured in his business or property by reason of a violation of [18 U.S.C. § 1962].'¹ To bring a civil RICO claim under § 1964, a plaintiff 'must allege that the defendant engaged in at least two predicate acts of racketeering activity, where racketeering activity is defined to include a host of state and federal offenses.'²... Here, Plaintiff's RICO claims are premised entirely on alleged acts of wire fraud.

Summary

The RICO Act, specifically 18 U.S.C. §§ 1961-68, provides a framework for bringing claims involving wire fraud. The passage explains that a plaintiff can bring a civil RICO claim under 18 U.S.C. § 1964 if they can allege that the defendant engaged in at least two predicate acts of racketeering activity, which includes wire fraud. This is relevant to the question as it provides the statutory basis for seeking relief in a RICO suit involving wire fraud.

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

U.S. District Court — Eastern District of Michigan

Extract

18 U.S.C. § 1962(c) provides: 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. ... To establish a RICO violation under § 1962(c), a plaintiff must allege that the RICO enterprise engaged in a 'pattern of racketeering activity' consisting of at least two predicate acts of racketeering activity occurring within a ten-year period. 18 U.S.C. § 1961(5). The alleged predicate acts may consist of offenses 'which are indictable' under any of a number of federal statutes, including the mail (18 U.S.C. § 1341) and wire fraud statutes (18 U.S.C. § 1343). 18 U.S.C. § 1961(1).

Summary

Clear legal framework for pursuing a RICO claim based on wire fraud.

[Lunceford v. Carson](#)

U.S. District Court — District of Oregon

Extract

Mr. Lunceford alleges that Defendants conspired to commit and did commit fraud in a pattern of racketeering as defined by RICO. 18 USC § 1964(c), (d). ... To state a civil claim under RICO, a plaintiff must show that a defendant participated in “(1) the conduct of (2) an enterprise that affects interstate commerce (3) through a pattern (4) of racketeering activity or collection of unlawful debt,” and this “conduct must be (5) the proximate cause of harm to the victim.” ... Mail and wire fraud, predicate acts under RICO, are “identical except for the particular method used to disseminate the fraud, and contain three elements: (A) the formation of a scheme to defraud, (B) the use of the mails or wires in furtherance of that scheme, and (C) the specific intent to defraud.”

Summary

To seek relief for wire fraud in a RICO suit, the plaintiff must allege that the defendants engaged in a pattern of racketeering activity, which includes wire fraud as a predicate act. The relevant statute is 18 USC § 1964(c), (d), which provides the basis for civil RICO claims. The plaintiff must demonstrate the elements of a RICO claim, including the conduct of an enterprise affecting interstate commerce through a pattern of racketeering activity, and that this conduct proximately caused harm to the plaintiff. Wire fraud, as a predicate act, requires showing a scheme to defraud, use of wires in furtherance of the scheme, and specific intent to defraud.

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

U.S. District Court — District of South Carolina

Extract

To establish a claim under RICO, a plaintiff must show: (1) a violation of 18 U.S.C. § 1962, (2) an injury to business or property, and (3) that the injury was caused by the violation of § 1962. ... As to Defendants first challenge, the Fourth Circuit has noted “A pattern of racketeering requires at least two predicate acts.” Al-Abood v. El-Shamari, 217 F.3d 225, 238 (4th Cir.2000). See also 18 U.S.C. § 1961(5). These predicate acts include “trafficking in goods or services bearing counterfeit marks,” “mail fraud,” and “wire fraud.” 18 U.S.C. § 1961(1) (citing 18 U.S.C. §§ 2320, 1341, and 1343).

Summary

The passage provides insight into the statutory framework for a RICO claim, specifically under 18 U.S.C. § 1962 and § 1961. It highlights that to establish a RICO claim, a plaintiff must demonstrate a violation of § 1962, an injury to business or property, and causation. Additionally, it specifies that a pattern of racketeering activity, which includes wire fraud as a predicate act, is necessary. This information is directly relevant to the question of what statutes a father should consider when seeking relief for wire fraud in a RICO suit.

[ESTATE OF DEARING BY DEARING v. Dearing, 646 F.Supp. 903 \(S.D. W.Va. 1986\)](#)

U.S. District Court — Southern District of West Virginia

Extract

As a starting point, the Court notes that the Plaintiffs' civil RICO action is given life by the terms of 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 and shall recover threefold the damages he sustains in the cost of the suit, including a reasonable attorney's fee.' A violation of § 1962 includes acquiring an interest in or conducting the affairs of an enterprise through 'a pattern of racketeering activity.' Racketeering activity, as defined in § 1961(1), means the commission of any one of a laundry list of criminal offenses listed in that section. A 'pattern of racketeering activity' requires at least two acts of racketeering activity. 18 U.S.C. § 1961(5). Therefore, a civil RICO plaintiff must allege and prove at least two 'predicate offenses' to succeed in his action.

Summary

The passage provides insight into the statutes relevant to a civil RICO action, specifically 18 U.S.C. § 1964(c) and § 1962, which are essential for a plaintiff seeking relief under RICO. It explains that a plaintiff must allege a "pattern of racketeering activity," which includes at least two predicate offenses, such as wire fraud, to succeed in a RICO suit. This is directly relevant to the question of what statutes a father should consider when seeking relief for wire fraud in a RICO suit.

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

U.S. District Court — Eastern District of Michigan

Extract

Claims for civil violations of RICO are governed by 18 U.S.C. § 1962. The statute provides that: 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. § 1962(c). To state a RICO cause of action, a plaintiff must establish four elements: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. ... RICO defines 'racketeering activity' to include a multitude of offenses that are either 'chargeable' under certain state criminal laws or 'indictable' under specified federal criminal laws. 18 U.S.C. § 1961(1). Both the mail fraud statute, 18 U.S.C. § 1341, and the wire fraud statute, 18 U.S.C. § 1343, are listed as predicate racketeering offenses under RICO.

Summary

The passage from the Uselmann v. Pop case provides insight into the statutes relevant to a RICO suit involving wire fraud. It specifies that civil RICO claims are governed by 18 U.S.C. § 1962, which requires establishing a pattern of racketeering activity. Wire fraud, under 18 U.S.C. § 1343, is explicitly listed as a predicate offense for RICO claims. This means that if a father is seeking relief for wire fraud in a RICO suit, he should reference these statutes as they are directly applicable to his case.

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

U.S. District Court — Northern District of California

Extract

Section 1962(c) of RICO provides, 'It shall be unlawful for any person employed by or associated with any enterprise... 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. § 1962(c). ... the predicate offenses for their RICO claim are wire fraud and mail fraud in violation of 18 U.S.C. §§ 1341 and 1343, ... To state a claim under Section 1962(c), a plaintiff must allege: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... Wire fraud and mail fraud in violation of 18 U.S.C. §§ 1341 and 1343, respectively, can serve as predicate offenses.

Summary

The passage provides information on the requirements for a RICO claim under Section 1962(c), specifically mentioning that wire fraud and mail fraud can serve as predicate offenses. It outlines the elements needed to

state a claim, which include conduct of an enterprise through a pattern of racketeering activity. This is relevant to the question as it provides the statutory basis and elements required for a RICO claim involving wire fraud.

[Hall v. Witteman, 569 F.Supp.2d 1208 \(D. Kan. 2008\)](#)

U.S. District Court — District of Kansas

Extract

Plaintiffs Complaint alleges a violation of 18 U.S.C. § 1962(b), (c) and (d). In order to bring a RICO claim, a plaintiff must allege a violation of 18 U.S.C. § 1962, which consists of four elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... 'Racketeering activity' is defined in 18 U.S.C. § 1961(1)(B) as any 'act which is indictable' under federal law and specifically includes mail fraud and wire fraud. These underlying acts are 'referred to as predicate acts, because they form the basis for liability under RICO.' ... To establish the predicate act of mail fraud [the plaintiff] must allege '(1) the existence of a scheme or artifice to defraud or obtain money or property by false pretenses, representations or promises, and (2) use of the United States mails for the purpose of executing the scheme.' ... 'The elements of wire fraud are very similar, but require that the defendant use interstate wire, radio or television communications in furtherance of the scheme to defraud.'

Summary

To bring a RICO claim involving wire fraud, the plaintiff must allege a violation of 18 U.S.C. § 1962, which includes demonstrating conduct of an enterprise through a pattern of racketeering activity. Wire fraud is considered a predicate act under 18 U.S.C. § 1961(1)(B), and the plaintiff must show the use of interstate wire communications in furtherance of a fraudulent scheme. The passage provides the necessary statutory framework and elements required to establish a RICO claim based on wire fraud.

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

U.S. Court of Appeals — Sixth Circuit

Extract

To prove a wire fraud offense under § 1343, the government must establish: (1) a scheme to defraud; and (2) use of wire communications in furtherance of the scheme. See Pereira v. United States, 347 U.S. 1, 8, 74 S.Ct. 358, 362, 98 L.Ed. 435 (1954) (mail fraud); Lombardo v. United States, 865 F.2d 155, 157 (7th Cir.), cert. denied, 491 U.S. 905, 109 S.Ct. 3186, 105 L.Ed.2d 695 (1989); United States v. Herron, 825 F.2d 50, 53-54 (5th Cir.1987). In

addition, the government must prove that the scheme must have intended to deprive a victim of money or property.

Summary

To establish a wire fraud offense under 18 U.S.C. § 1343, it is necessary to prove a scheme to defraud and the use of wire communications in furtherance of that scheme. Additionally, there must be an intent to deprive a victim of money or property. This is relevant to the question as it outlines the elements required to prove wire fraud, which is a predicate offense under the RICO statute.

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

U.S. Court of Appeals — Third Circuit

Extract

The elements required to support a conviction under the mail fraud statute, 18 U.S.C. Sec. 1341, are: 1) a scheme to defraud; and 2) the use of the mails for the purpose of executing, or attempting to execute, the scheme. See 18 U.S.C. Sec. 1341 (1988 & Supp. III 1993); United States v. Copple, 24 F.3d 535, 544 (3d Cir.), cert. denied, --- U.S. ----, 115 S.Ct. 488, 130 L.Ed.2d 400 (1994); United States v. Ruuska, 883 F.2d 262, 264 (3d Cir.1989). The wire fraud statute, 18 U.S.C. Sec. 1343, is identical to the mail fraud statute except it speaks of communications transmitted by wire.

Summary

The wire fraud statute, 18 U.S.C. Sec. 1343, is applicable in cases where there is a scheme to defraud and the use of wire communications to execute or attempt to execute the scheme. This is relevant to the question as it provides the statutory basis for seeking relief for wire fraud in a RICO suit.

[U.S. v. Goldin Industries, Inc., 219 F.3d 1271 \(11th Cir. 2000\)](#)

U.S. Court of Appeals — Eleventh Circuit

Extract

A 'pattern' of racketeering activity requires that a defendant commit two acts of racketeering activity within a ten-year period. 18 U.S.C. § 1961(5). Racketeering activity is defined as the commission of certain federal crimes, including for our purposes here, the crime of mail fraud pursuant to 18 U.S.C. § 1341. The terms 'person' and 'enterprise' in the statute have been specifically defined by Congress. A person liable under § 1962(c) is 'any individual or entity capable of holding a legal or beneficial interest in property.' 18 U.S.C. § 1961(3). An 'enterprise' under the statute is 'any

individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' 18 U.S.C. § 1961(4).

Summary

The RICO statute requires a pattern of racketeering activity, which includes the commission of certain federal crimes such as mail fraud. The statute defines who can be liable and what constitutes an enterprise. This information is relevant to understanding the legal framework under which a RICO suit can be brought, including the necessary elements such as the pattern of racketeering activity and the definition of an enterprise.

[Al-Abood v. El-Shamari, 217 F.3d 225 \(4th Cir. 2000\)](#)

U.S. Court of Appeals — Fourth Circuit

Extract

RICO creates civil liability for persons who engage in 'a pattern of racketeering activity.' 18 U.S.C.A. § 1962, 1964 (West 1984 & Supp. 2000). 'Racketeering activity' is defined as any of a number of predicate acts, including mail and wire fraud. See 18 U.S.C.A. § 1961(1)(B) (West Supp. 2000). A pattern of racketeering requires at least two predicate acts. See 18 U.S.C.A. § 1961(5) (West 1984). However, simply proving two or more predicate acts is insufficient for a RICO plaintiff to succeed; instead, the RICO plaintiff must also show that the predicate acts are related and that they constitute or pose a threat of continued criminal activity.

Summary

RICO (Racketeer Influenced and Corrupt Organizations Act) provides a framework for civil liability when there is a pattern of racketeering activity, which includes wire fraud as a predicate act. To succeed in a RICO claim, the plaintiff must demonstrate at least two related predicate acts that pose a threat of continued criminal activity. This passage is relevant because it outlines the statutory basis and requirements for pursuing a RICO claim involving wire fraud.

[Tal v. Hogan, 453 F.3d 1244 \(10th Cir. 2006\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

The elements of a civil RICO claim are (1) investment in, control of, or conduct of (2) an enterprise (3) through a pattern (4) of racketeering activity. 18 U.S.C. § 1962(a), (b), & (c). 'Racketeering activity' is defined in

18 U.S.C. § 1961(1)(B) as any 'act which is indictable' under federal law and specifically includes mail fraud, wire fraud and racketeering.

Summary

The passage provides insight into the elements required to establish a civil RICO claim under 18 U.S.C. § 1962, which includes wire fraud as a form of racketeering activity. This is directly relevant to the question of what statutes a father should consider when seeking relief for wire fraud in a RICO suit.

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

Extract

(a) 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. ... (b) 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. ... (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. ... (d) 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

18 U.S.C. § 1962 outlines prohibited activities related to racketeering. It makes it unlawful to use income derived from racketeering, to acquire or maintain interest in an enterprise through racketeering, to conduct enterprise affairs through racketeering, and to conspire to commit these acts. This statute is relevant to a RICO suit as it provides the legal basis for claims involving racketeering activities, which can include wire fraud as a predicate offense.

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

Extract

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

Summary

18 U.S.C. § 1343 addresses wire fraud, which involves schemes to defraud or obtain money or property through false pretenses using wire communications. This statute is relevant to the question as it provides a basis for seeking relief in cases of wire fraud, which could be part of a RICO suit if the fraudulent activities are part of a pattern of racketeering activity.

[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

18 U.S.C. § 1964 provides a civil remedy for individuals injured in their business or property due to a RICO violation. This statute allows the injured party to sue in a U.S. district court and recover threefold the damages sustained, along with the cost of the suit and reasonable attorney's fees. This is directly relevant to the father's situation if he can establish that the wire fraud constitutes a RICO violation under section 1962.

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

Extract

As used in this chapter- 'racketeering activity' means ... (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1343 (relating to wire fraud), ...

Summary

Wire fraud is explicitly listed as a type of racketeering activity under the RICO Act. This means that if the father is alleging wire fraud as part of a pattern of racketeering activity, it falls under the statutes defined in 18 U.S.C. § 1961. This statute is applicable to any case involving racketeering activity, including those involving wire fraud.

[18 U.S.C. § 2520](#) [18 U.S.C. § 2520 Recovery of Civil Damages Authorized](#)

Extract

18 U.S.C. § 2520 Recovery of Civil Damages Authorized... (a) IN GENERAL.- Except as provided in section 2511(a)(ii), any person whose wire, oral, or electronic communication is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover from the person or entity, other than the United States, which engaged in that violation such relief as may be appropriate.

Summary

18 U.S.C. § 2520 provides a civil cause of action for individuals whose wire, oral, or electronic communications have been intercepted, disclosed, or intentionally used in violation of the chapter. This statute allows for the recovery of civil damages, including equitable relief, damages, and attorney's fees. It is relevant to the question as it provides a potential legal avenue for seeking relief in cases involving wire fraud, which may involve the unauthorized interception or use of communications.

[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... shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency... or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

Summary

18 U.S.C. § 1341 addresses schemes or artifices to defraud, which can include wire fraud if it involves the use of mail or interstate carriers. This

statute is relevant to the question as it provides a basis for seeking relief in cases of fraud, which could be part of a RICO suit if the fraudulent activities are part of a pattern of racketeering activity.

[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 racketeering 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 property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

Summary

18 U.S.C. § 1963 outlines the criminal penalties for violations of section 1962, which includes racketeering activities. This section is relevant to RICO suits as it details the penalties and forfeiture provisions applicable to those found guilty of racketeering activities, which could include wire fraud if it is part of a pattern of racketeering activity.

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

Extract

the term 'specified unlawful activity' means-(A) any act or activity constituting an offense listed in section 1961 of this title except an act which is indictable under subchapter II of chapter 53 of title 31; ... (D) an offense under ... section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud), ... section 1030 (relating to computer fraud and abuse), ... section 1956 (relating to laundering of monetary instruments), ... section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), ... section 1960 (relating to illegal money transmitting businesses), ... or section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code, a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 191590) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, section 16 (relating to offenses and punishment) of the Trading with the Enemy Act,

any felony violation of section 15 of the Food and Nutrition Act of 2008 (relating to supplemental nutrition assistance program benefits fraud) involving a quantity of benefits having a value of not less than \$5,000, any violation of section 543(a) of the Housing Act of 1949 (relating to equity skimming), any felony violation of the Foreign Agents Registration Act of 1938, any felony violation of the Foreign Corrupt Practices Act, section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) (relating to prohibitions governing atomic weapons), or section 104(a) of the North Korea Sanctions Enforcement Act of 2016 3 (relating to prohibited activities with respect to North Korea);

Summary

Wire fraud is considered a "specified unlawful activity" under 18 U.S.C. § 1956. This statute is part of the broader RICO (Racketeer Influenced and Corrupt Organizations) framework, which allows for civil and criminal penalties for engaging in a pattern of racketeering activity. Since wire fraud is explicitly mentioned as a specified unlawful activity, it can be a basis for seeking relief under RICO statutes.

[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

The passage from 18 U.S.C. § 1952 discusses the use of interstate or foreign commerce to facilitate unlawful activities, which is relevant to racketeering cases. Wire fraud, if conducted across state lines, could fall under this statute as it involves the use of facilities in interstate commerce to promote or carry on unlawful activities. This statute could potentially be used in a RICO suit if the wire fraud is part of a pattern of racketeering activity.

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

Extract

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

Summary

18 U.S.C. § 1957 addresses engaging in monetary transactions with criminally derived property, which is relevant to RICO cases involving wire fraud. The statute specifies that knowingly engaging in such transactions with property derived from unlawful activity is punishable. This can be applicable in a RICO suit if the wire fraud involved monetary transactions with criminally derived property.

[18 U.S.C. § 2511](#) [18 U.S.C. § 2511](#) Interception and Disclosure of Wire, Oral, Or Electronic Communications Prohibited

Extract

Except as otherwise specifically provided in this chapter any person who- (a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication; (b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when-(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or (ii) such device transmits communications by radio, or interferes with the transmission of such communication; or (iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or (iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; (c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; (d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or (e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any

wire, oral, or electronic communication, intercepted by means authorized by sections 2511(a)(ii), 2511(b)-(c), 2511(e), 2516, and 2518 of this chapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, and (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation, shall be punished as provided in subsection or shall be subject to suit as provided in subsection.

Summary

18 U.S.C. § 2511 addresses the unlawful interception and disclosure of wire, oral, or electronic communications. This statute could be relevant in a RICO suit if the father alleges that his spouse, her grandmother, and her stepfather engaged in wire fraud by intercepting or disclosing his communications without consent. The statute outlines the conditions under which interception is prohibited and the penalties for violations, which could support claims of wire fraud in the context of a RICO suit.

Mail and wire fraud.

American Criminal Law Review - Georgetown University Law Center - Green, Christopher G. - 1998-03-22

Extract

The purpose of these two statutes is to prevent the use of the mails or wires in the furtherance of fraudulent activity. While the two statutes were separately codified, a majority of the case law dealing with the statutes has concerned the meaning of a 'scheme to defraud' and the courts have generally considered the two statutes in conjunction with one another. ... Prosecutors have also used these statutes to prosecute money laundering and Racketeer Influenced and Corrupt Organizations Act ('RICO') violations. A violation of [sections] 1341 or [sections] 1343 can provide the unlawful act necessary to establish a RICO or money laundering violation.

Summary

The mail and wire fraud statutes (18 U.S.C. §§ 1341 and 1343) are used to prevent fraudulent activities conducted through mail or wire communications. These statutes are often used in conjunction with RICO violations, as a proven mail or wire fraud offense can serve as the predicate unlawful act necessary to establish a RICO violation. This indicates that in a RICO suit, the father could seek relief under these statutes if wire fraud is involved.

Mail & wire fraud.

American Criminal Law Review - Georgetown University Law Center - Rosenblatt, Raphael - 1997-01-01

Extract

The purpose of the two statutes is to prevent the use of the mails or wires in the furtherance of fraudulent activity. ... They have also been useful in prosecuting money laundering and violations of the Racketeer Influenced and Corrupt Organizations Act ('RICO'). Violating [sections] 1341 and/or [sections] 1343 can create the unlawful acts necessary to establish a RICO or money laundering violation.

Summary

The mail and wire fraud statutes (18 U.S.C. §§ 1341 and 1343) are instrumental in prosecuting fraudulent activities and can serve as predicate offenses for establishing a RICO violation. This suggests that if the father is seeking relief for wire fraud in a RICO suit, these statutes would be relevant as they provide the basis for the fraudulent acts necessary to support a RICO claim.

MAIL AND WIRE FRAUD

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

Extract

The federal mail² and wire³ fraud statutes are powerful tools for prosecutors that apply to a wide range of conduct.⁴ The statutes have often been used as a stopgap to enable prosecution of new forms of fraud until Congress enacts more particular-ized legislation.⁵ ... (affirming RICO conviction based on mail and wire fraud); United States v. Goldin Indus., Inc., 219 F.3d 1271, 1274 (11th Cir. 2000) (defining racketeering activity as the commission of certain federal crimes, including mail fraud, pursuant to 18 U.S.C. § 1341); Zichettello, 208 F.3d at 79 (affirming multi-defendant convictions on counts including: (i) mail fraud in connection with monthly bribes related to conspiracy to violate RICO and (ii) wire fraud in connection with campaign finance scheme).

Summary

The federal mail and wire fraud statutes, specifically 18 U.S.C. § 1341 and § 1343, are commonly used in RICO cases. These statutes are considered powerful tools for addressing a wide range of fraudulent conduct, including those that may be part of a RICO violation. The passage also references cases where RICO convictions were affirmed based on mail and wire fraud, highlighting their applicability in such contexts.

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

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

Extract

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity.

Summary

To seek relief for wire fraud under a RICO suit, the father must allege a violation of § 1962(c) of the RICO statute. This requires demonstrating conduct of an enterprise through a pattern of racketeering activity, which includes wire fraud as a predicate act. The allegations must be pleaded with particularity according to Federal Rule of Civil Procedure 9(b).

[Theft offenses](#)

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

Extract

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

Summary

Detailed explanation of the elements required to establish a case of wire fraud under 18 U.S.C. §1343. This statute is relevant to the question as it outlines the legal framework for pursuing a wire fraud claim, which is a predicate offense under the RICO Act. The passage specifies the necessary

elements to prove wire fraud, which can be used as a basis for seeking relief in a RICO suit if the alleged actions of the spouse, grandmother, and stepfather meet these criteria.

[Spoofing and Layering.](#)

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

Extract

Fourth, most recently the DOJ aggressively added the Racketeer Influenced and Corrupt Organizations Act (RICO) (231) to its toolbox... Any potential future use of RICO no doubt will be undertaken in tandem with other criminal statutes, such as Section 1348. Federal courts have broadly interpreted Section 1348 (237) since its original enactment as part of the Sarbanes-Oxley Act, (238) and this expansive approach has encouraged the DoJ to use some combination of criminal provisions in the spoofing cases it chooses to prosecute. For example, in the 2019 RICO case, defendants were indicted on numerous additional counts, including wire fraud... the wire fraud statute provides for harsher penalties than do both CEA Section 4c(a) (5)(C) and the commodities fraud statute--the former authorizes imprisonment of up to 30 years for wire fraud affecting a financial institution, (253) triple what the latter two laws provide.

Summary

The DOJ has been using the Racketeer Influenced and Corrupt Organizations Act (RICO) in conjunction with other criminal statutes, such as Section 1348, which deals with securities and commodities fraud. The wire fraud statute is also mentioned as a relevant statute that provides for harsher penalties and has a broader jurisdictional reach. This suggests that in a RICO suit involving wire fraud, these statutes could be relevant.

[Crimes](#)

The Florida Criminal Cases Notebook. Volume 1-2 - James Publishing - Joseph C. Bodiford - 2021-04-30

Extract

State must specifically plead a RICO conspiracy if it intends to charge a defendant accordingly. In a RICO conspiracy, the crime is premised not upon the commission of the predicate acts of racketeering, or even an agreement to commit predicate acts, but upon an agreement to participate in the affairs of the criminal enterprise through a pattern of racketeering activity. While the state may plead and prove a substantive RICO charge by establishing a pattern of racketeering activity that includes conspiracies to commit

predicate acts, this does not convert a plainly pleaded substantive RICO charge into a RICO conspiracy. A conspiracy to commit predicate acts of racketeering is different in kind from a conspiracy to conduct the affairs of the enterprise through a pattern of racketeering activity. The former describes a method by which a substantive RICO can be charged and proven. The latter describes a RICO conspiracy offense.

Summary

In a RICO suit, it is crucial to distinguish between a substantive RICO charge and a RICO conspiracy charge. A substantive RICO charge can be established by proving a pattern of racketeering activity, which may include conspiracies to commit predicate acts. However, a RICO conspiracy charge requires an agreement to participate in the affairs of the criminal enterprise through a pattern of racketeering activity. This distinction is important for determining the appropriate legal strategy and charges in a RICO suit.

[RICO: A Primer](#)

Extract

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

Summary

Wire fraud, as defined under 18 U.S.C. § 1343, is explicitly listed as a predicate act for racketeering activities under RICO. This means that if a father is seeking relief for wire fraud in a RICO suit, he should reference 18 U.S.C. § 1343 as the statute under which the wire fraud is indictable. The passage confirms that wire fraud is one of the most common predicate acts used in RICO cases, which supports its relevance in this context.

[RICO: A Primer](#)

Extract

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secrets); 18 U.S.C. § 1952 (Travel Act); 18 U.S.C. § 1956, 1957 (money laundering); and 18 U.S.C. § 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts.

Summary

Wire fraud, as defined under 18 U.S.C. § 1343, is explicitly listed as a predicate act for racketeering activities under RICO. This means that if the father is seeking relief for wire fraud in a RICO suit, he can rely on this statute as a basis for his 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

The RICO statute, specifically 18 U.S.C. Sections 1961-68, outlines the types of activities that are prohibited under RICO. These include investing in an enterprise with income derived from racketeering (Section 1962(a)), using racketeering to control an enterprise (Section 1962(b)), conducting an enterprise's affairs through racketeering (Section 1962(c)), and conspiring to commit these acts (Section 1962(d)). For a father seeking relief for wire fraud in a RICO suit, these sections provide the statutory basis for claims related to racketeering activities, including wire fraud, if they are part of a pattern of racketeering activity.

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

Extract

Congress passed the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Sections 1961-68... RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.'... Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud.

Summary

The passage provides insight into the requirements for a RICO claim, specifically mentioning that wire fraud is a qualifying criminal action that can be used to establish a RICO claim. This is directly relevant to the question as it identifies wire fraud as a potential basis for a RICO suit. The passage also outlines the necessity of proving a pattern of racketeering activity and the involvement of an "enterprise," which are essential elements in a RICO claim.

This memo was compiled by Vincent AI based on vLex materials available as of June 13, 2025. [View full answer on vLex](#)