

RICO

Release No. 19



Racketeer Influenced Corrupt Organizations and other Civil and Criminal Forfeitures

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Racketeer Influenced Corrupt Organizations and other Civil and Criminal Forfeitures

Cliff Roberson LL.M., Ph.D.

New & Updated Information!

- Standing to Bring Claim
- Pattern of Racketeering
- Conspiracy to Violate RICO
- Elements of Mail and Wire Fraud
- Burden of Proof
- Failure to Plead Fraud with Particularity
- Calculating Damages
- Set Off of Settlement Amounts
- Equitable Relief
- Affirmative Defenses
- Lack of Injury to Business or Property

RICO

Updated Case Law & Statutes

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RACKETEER INFLUENCED CORRUPT ORGANIZATIONS

RICO

AND

OTHER CIVIL AND CRIMINAL FORFEITURES

Cliff Roberson LLM, Ph.D.

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 - 1.79B Federal District Court Decisions

- 1.80 CV Treble Damages
 - 1.80A Federal Appellate Court Decisions
 - 1.80B Federal District Court Decisions

- 1.81 CV Utilities
 - 1.81A Federal Appellate Court Decisions
 - 1.81B Federal District Court Decisions

- 1.82 CV Venue and Process
 - 1.82A Federal Appellate Court Decisions
 - 1.82B Federal District Court Decisions

- 1.83 CV Vicarious Liability
 - 1.83A Federal Appellate Court Decisions
 - 1.83B Federal District Court Decisions

DIGEST B

CRIMINAL CASE DIGEST OF FEDERAL CRIMINAL RICO CASES BY TOPIC

- 1.01 CR Aiding and Abetting
 - 1.01A Federal Appellate Court Decisions

- 1.02 CR Admissibility of Evidence
 - 1.02A Federal Appellate Court Decisions
 - 1.02B Federal District Court Decisions

- 1.03 CR Conspiracy



- 1.03A1 United States Supreme Court
- 1.03A Federal Appellate Court Decisions
- 1.03B Federal District Court Decisions

- 1.04 CR Constitutionality of RICO
- 1.04A Federal Appellate Court Decisions
- 1.04B Federal District Court Decisions

- 1.05 CR Culpable Person: Employment by or Association With an Enterprise
- 1.05A Federal Appellate Court Decisions

- 1.06 CR Culpable Persons: Participation in Pattern of Racketeering Activity
- 1.06A Federal Appellate Court Decisions
- 1.06B Federal District Court Decisions

- 1.07 CR Double Jeopardy
- 1.07A Federal Appellate Court Decisions
- 1.07B Federal District Court Decisions

- 1.08 CR Duplicity/Multiplicity
- 1.08A Federal Appellate Court Decisions
- 1.08B Federal District Court Decisions

- 1.09 CR Effect of State Law on a RICO Prosecution
- 1.09A Federal Appellate Court Decisions
- 1.09B Federal District Court Decisions

- 1.10 CR Elements of RICO Offenses
- 1.10A Federal Appellate Court Decisions
- 1.10B Federal District Court Decisions

- 1.11 CR Enterprise: General
- 1.11A1 United States Supreme Court
- 1.11A Federal Appellate Court Decisions
- 1.11B Federal District Court Decisions

- 1.12 CR Enterprise/Illegal Acts Nexus
- 1.12A Federal Appellate Court Decisions

- 1.13 CR Enterprise: Participation in
- 1.13A Federal Appellate Court Decisions
- 1.13B Federal District Court Decisions

- 1.14 CR Enterprise/Pattern of Racketeering Distinction
- 1.14A Federal Appellate Court Decisions

- 1.15 CR Enterprise/Pattern of Racketeering Nexus
- 1.15A Federal Appellate Court Decisions

- 1.16 CR Fifth Amendment Privilege
- 1.16A Federal Appellate Court Decisions

- 1.17 CR Forfeiture: Attorney's Fees
- 1.17A1 Supreme Court Decisions
- 1.17A Federal Appellate Court Decisions
- 1.17B Federal District Court Decisions

- 1.18 CR Forfeiture: Conspiracy
 - 1.18A Federal Appellate Court Decisions
 - 1.18B Federal District Court Decisions
- 1.19 CR Forfeiture: Pretrial Procedures
 - 1.19A Federal Appellate Court Decisions
 - 1.19B Federal District Court Decisions
- 1.20 CR Forfeiture: Scope of
 - 1.20A Federal Appellate Court Decisions
 - 1.20B Federal District Court Decisions
- 1.21 CR Indictment: Predicate Acts
 - 1.21A Federal Appellate Court Decisions
 - 1.21B Federal District Court Decisions
- 1.22 CR Indictment: Sufficiency of
 - 1.22A Federal Appellate Court Decisions
 - 1.22B Federal District Court Decisions
- 1.23 CR Instructions: Conspiracy
 - 1.23A Federal Appellate Court Decisions
 - 1.23B Federal District Court Decisions
- 1.24 CR Instructions: Elements of RICO
 - 1.24A Federal Appellate Court Decisions
- 1.25 CR Instructions: Enterprise
 - 1.25A Federal Appellate Court Decisions
- 1.26 CR Instructions: Miscellaneous
 - 1.26A Federal Appellate Court Decisions
- 1.27 CR Interrogatories: Special Verdict
 - 1.27A Federal Appellate Court Decisions
- 1.28 CR Interstate Commerce
 - 1.28A1 Supreme Court Decisions
 - 1.28A Federal Appellate Court Decisions
- 1.29 CR Joinder/Offenses
 - 1.29A Federal Appellate Court Decisions
 - 1.29B Federal District Court Decisions
- 1.30 CR Joinder/Parties
 - 1.30A Federal Appellate Court Decisions
 - 1.30B Federal District Court Decisions
- 1.31 CR Jury Selection and Conduct
 - 1.31A Federal Appellate Court Decisions
 - 1.31B Federal District Court Decisions
- 1.32 CR Pattern of Racketeering Activity
 - 1.32A Federal Appellate Court Decisions
 - 1.32B Federal District Court Decisions

- 1.33 CR Pleas of Guilty: RICO Cases
 - 1.33A Federal Appellate Court Decisions
 - 1.33B Federal District Court Decisions
- 1.34 CR Predicate Offenses: Bribery
 - 1.34A Federal Appellate Court Decisions
- 1.35 CR Predicate Acts: Collection of Unlawful Debts
 - 1.35A Federal Appellate Court Decisions
- 1.36 CR Predicate Offenses: Conspiracy
 - 1.36A Federal Appellate Court Decisions
- 1.37 CR Predicate Offenses: Extortion
 - 1.37A Federal Appellate Court Decisions
 - 1.37B Federal District Court Decisions
- 1.38 CR Predicate Offenses: Mail Fraud
 - 1.38A Federal Appellate Court Decisions
- 1.39 CR Predicate Offenses: Miscellaneous Issues
 - 1.39A Federal Appellate Court Decisions
 - 1.39B Federal District Court Decisions
- 1.40 CR Predicate Offenses: State Law Violations
 - 1.40A Federal Appellate Court Decisions
 - 1.40B Federal District Court Decisions
- 1.41 CR Prosecutorial Misconduct in RICO Cases
 - 1.41A Federal Appellate Court Decisions
 - 1.41B Federal District Court Decisions
- 1.42 CR Sentencing
 - 1.42A Federal Appellate Court Decisions
 - 1.42B Federal District Court Decisions
- 1.43 CR Statute of Limitations
 - 1.43A Federal Appellate Court Decisions
 - 1.43B Federal District Court Decisions
- 1.44 CR Variance
 - 1.44A Federal Appellate Court Decisions
- 1.45 CR Verdicts: Miscellaneous Issues
 - 1.45A Federal Appellate Court Decisions
 - 1.45B Federal District Court Decisions
- 1.46 CR Waiver of Rights
 - 1.46A Federal Appellate Court Decisions

DIGEST C

STATE RICO LAW DIGEST—CIVIL

- 1.01 SCV Admissibility of Evidence



1.02 SCV Aiding and Abetting
1.03 SCV Arbitration
1.04 SCV Attorney's Fees
1.05 SCV Burden of Proof
1.06 SCV Class Actions
1.07 SCV Conspiracy
1.08 SCV Constitutionality
1.09 SCV Contribution
1.10 SCV Damage Issues: Treble; Punitive
1.11 SCV Double Jeopardy/Civil RICO
1.12 SCV Elements: Civil RICO
1.13 SCV Enterprise: Acquisition or Maintenance
1.14 SCV Enterprise: Culpable Person Distinction
1.15 SCV Enterprise: Elements; Nature of
1.16 SCV Enterprise: Investment In
1.17 SCV Enterprise: Licit/Illicit
1.18 SCV Enterprise: Participation or Management
1.19 SCV Enterprise: Pattern Relationship
1.20 SCV Equitable Remedies
1.21 SCV Federal/State RICO Law Relationship
1.22 SCV Forfeiture: Civil
1.23 SCV Governmental Civil Enforcement
1.24 SCV Indemnification
1.25 SCV Injury: Causation
1.26 SCV Injury: Type
1.27 SCV Instructions
1.28 SCV Intent
1.29 SCV Jurisdiction: Subject Matter; Preemption; Waiver
1.30 SCV Organized Crime Nexus
1.31 SCV Pattern of Racketeering Activity: Continuity
1.32 SCV Pattern of Racketeering: General Issues
1.33 SCV Pattern of Racketeering: Relationship of Acts
1.34 SCV Pattern: Single Schemes
1.35 SCV Persons Culpable
1.36 SCV Pleading Issues: Particularity; Sufficiency
1.37 SCV Predicate Acts: Federal Law Violations
1.38 SCV Predicate Acts: General Issues
1.39 SCV Predicate Acts: Securities Violations
1.40 SCV Predicate Acts: State Law Violations
1.41 SCV Prior Adjudications: *Res Judicata*; Estoppel
1.42 SCV Privileges
1.43 SCV Procedural Issues
1.44 SCV Sanctions
1.45 SCV Standing Issues
1.46 SCV Statute Of Limitations
1.47 SCV Venue
1.48 SCV Verdict Issues
1.49 SCV Vicarious Liability

DIGEST D

STATE RICO LAW DIGEST—CRIMINAL



1.01 SCR Admissibility of Evidence

- 1.02 SCR Aiding and Abetting
- 1.03 SCR Collateral Estoppel
- 1.04 SCR Collection of Unlawful Debt
- 1.05 SCR Conspiracy
- 1.06 SCR Constitutionality
- 1.07 SCR Culpable Persons
- 1.08 SCR Double Jeopardy
- 1.09 SCR Duplicity/Multiplicity
- 1.10 SCR Enterprise: Association With/Employed By
- 1.11 SCR Enterprise: Culpable Person Distinction
- 1.12 SCR Enterprise: General
- 1.13 SCR Enterprise: Licit/Illicit
- 1.14 SCR Enterprise: Participation or Management
- 1.15 SCR Enterprise: Pattern Distinction
- 1.16 SCR *Ex Post Facto*
- 1.17 SCR Federal/State RICO Law Relationship
- 1.18 SCR Forfeitures: Procedure
- 1.19 SCR Forfeiture: Scope
- 1.20 SCR Indictment/Information
- 1.21 SCR Instructions
- 1.22 SCR Intent
- 1.23 SCR Joinder/Severance
- 1.24 SCR Pattern of Racketeering: Continuity
- 1.25 SCR Pattern of Racketeering: General
- 1.26 SCR Pattern of Racketeering: Number of Schemes
- 1.27 SCR Pattern of Racketeering: Relationship of Acts
- 1.28 SCR Penalties
- 1.29 SCR Predicate Acts: Federal Law Violations
- 1.30 SCR Predicate Acts: General
- 1.31 SCR Predicate Acts: Misdemeanors
- 1.32 SCR Predicate Acts: Prior Convictions
- 1.33 SCR Predicate Acts: Securities Fraud
- 1.34 SCR Privileges
- 1.35 SCR Sentencing
- 1.36 SCR Statute of Limitations
- 1.37 SCR Statute: Scope of
- 1.38 SCR Sufficiency of Evidence
- 1.39 SCR Venue
- 1.40 SCR Verdicts
- 1.41 SCR Vicarious Liability

DIGEST E

SELECTED NON-RICO FORFEITURE CASE DIGEST

- 1.00 Forfeiture in General
- 1.01 Forfeiture Statutes
- 1.02 Forfeiture: Property
- 1.03 Forfeiture: Procedures
- 1.04 Forfeiture: Standing
- 1.05 Notice Requirements
- 1.06 Proceeds
- 2.00 Administrative and Civil Forfeitures
- 2.01 Administrative Forfeitures in General



2.02	Civil Forfeitures in General
2.03	Civil Forfeiture Trials
3.00	Criminal Forfeitures in General
3.01	Criminal Forfeiture Trials
3.02	Defending Criminal Forfeitures
4.00	Sufficiency of Evidence
5.00	Third Parties Claims
6.00	Appeals in Forfeiture Cases
7.00	Constitutional Issues
7.01	Proportionality and Excessive Fines
8.00	Evidence Issues
9.00	Collateral Issues

APPENDIX A

TEXT OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO)
(18 U.S.C. § 1961 *et seq.*)

APPENDIX B

SUGGESTED JURY INSTRUCTIONS IN CIVIL RICO ACTIONS
(18 U.S.C. § 1962 *et seq.*)

APPENDIX C

ORDER TO FILE RICO CASE STATEMENT

APPENDIX D

FEDERAL RICO PREDICATE OFFENSES: Federal Law Violations

APPENDIX E

MODEL CRIMINAL INDICTMENT UNDER RICO
(18 U.S.C. § 1961, *et. seq.*)

APPENDIX F

JUSTICE DEPARTMENT RICO PROSECUTION GUIDELINES

APPENDIX G

U.S. ATTORNEY GENERAL'S CRIMINAL RESOURCE MANUAL

APPENDIX H

STATE CRIMINAL STATUTES USEABLE AS FEDERAL RICO PREDICATE OFFENSES

APPENDIX I

CIVIL ASSET FORFEITURE REFORM ACT OF 2000 (CAFRA)



APPENDIX J

RICO COMPLAINT: *Brown v. Amoco*
(Oil Royalty Litigation)

APPENDIX K

RICO COMPLAINT:
State of Texas v. American Tobacco Company

APPENDIX L

SELECTED BIBLIOGRAPHY OF ARTICLES ON RICO IN LAW JOURNALS AND PERIODICALS

