**7.5 Racketeer Influenced and Corrupt Organization Act (RICO) –**

**18 U.S.C. § 1962- – Framework for Special**

**Interrogatories to the Jury**

Because special interrogatories will vary significantly in RICO cases, this format simply suggests a general framework and structure for use in drafting special-interrogatory-verdict forms.

**Special Interrogatories to the Jury**

**Do you find from a preponderance of the evidence:**

That [name of defendant] operated or managed an interest in an enterprise through a pattern of racketeering activity?

Answer Yes or No \_\_\_\_\_\_\_\_\_\_\_\_\_

State if you unanimously find that [name of plaintiff] proved by a preponderance of the evidence that [name of defendant] committed any of the following acts:

Category 1: Mail Fraud

As to Racketeering Act 1A:

(Example: Invoice dated A from Defendant to Plaintiff)

Answer Proved or Not Proved \_\_\_\_\_\_\_\_\_\_\_\_\_

As to Racketeering Act 1B:

(Example: Invoice dated B from Defendant to Plaintiff)

Answer Proved or Not Proved \_\_\_\_\_\_\_\_\_\_\_\_\_

As to Racketeering Act 1C:

(Example: Invoice dated C from Defendant to Plaintiff)

Answer Proved or Not Proved \_\_\_\_\_\_\_\_\_\_\_\_\_

Category 2: Wire Fraud

As to Racketeering Act 2A:

(Example: E-mail dated A from Defendant to X, copying Plaintiff)

Answer Proved or Not Proved \_\_\_\_\_\_\_\_\_\_\_\_\_

As to Racketeering Act 2B:

(Example: Fax dated B from Defendant to Plaintiff)

Answer Proved or Not Proved \_\_\_\_\_\_\_\_\_\_\_\_\_

As to Racketeering Act 2C:

(Example: Wire transfer dated C from Plaintiff to Defendant)

Answer Proved or Not Proved \_\_\_\_\_\_\_\_\_\_\_\_\_

Category 3: Interstate Transportation of Stolen Property

As to Racketeering Act 3A:

(Example: Transmission in interstate commerce of funds of $5,000 or more known to have been taken by fraud)

Answer Proved or Not Proved \_\_\_\_\_\_\_\_\_\_\_\_\_

If you found in paragraph 1 above that [name of defendant] is liable on Count 1, what is the amount of damages, if any, that you find was proximately caused by the violation?

$\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

So Say We All.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Foreperson’s Signature

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_