

Podcasts | January 24, 2023

# Mail and Wire Fraud Claims

## RICO Report Podcast

### SPEAKERS

[Michael S. Lowe](#) | [Callan G. Stein](#)

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Join Troutman Pepper White Collar and Litigation Partner Cal Stein for a special podcast series, discussing the legal landscape surrounding the Racketeer Influenced and Corrupt Organizations Act (RICO).

In this installment, Cal welcomes Troutman Pepper Partner, former Assistant U.S. Attorney, and experienced RICO prosecutor Michael Lowe to discuss two of the most common predicate acts for racketeering claims: mail fraud under 18 U.S.C. §1341 and wire fraud under 18 U.S.C. §1343. Specific topics include:

- How mail and wire fraud fit into a RICO claim (2:34);
- Frequency of mail and wire fraud as predicate acts (4:04);
- First-party reliance not required (8:08);
- Element #1: Scheme to defraud (13:16);
- Element #2: Use of mails and wires (18:16);
- Element #3: Intent to defraud (25:24);
- Materiality as a limitation to mail and wire fraud (29:10); and
- Honest services fraud (32:26).

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