**18.12 RICO—Racketeering Act—Charged as Separate**

**Count in Indictment** **(18 U.S.C. § 1961(1))**

 The crimes of [*specify crimes charged*] charged in [Count \_\_\_\_\_\_\_ of] the indictment are racketeering acts. If you find the defendant guilty of [at least two of] the crimes charged in Counts \_\_\_\_\_\_\_ you must then decide whether those counts formed a pattern of racketeering activity.

 All of you must agree on the same two crimes which form a pattern of racketeering activity.

**Comment**

 Unanimity as to the crimes forming a pattern of racketeering activity is appropriate under the reasoning of *Richardson v. United States*, 526 U.S. 813, 815 (1999) (explaining that in continuing criminal enterprise prosecution, there must be unanimity as to specific violations that make up the "continuing series of violations"). *See also* Instruction 6.27 (Specific Issue