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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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BOYLE *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 07–1309. Argued January 14, 2009—Decided June 8, 2009

The evidence at petitioner Boyle's trial for violating the Racketeer Influenced and Corrupt Organizations Act (RICO) provision forbidding "any person . . . 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," 18 U. S. C. §1962(c), was sufficient to prove, among other things, that Boyle and others committed a series of bank thefts in several States; that the participants included a core group, along with others recruited from time to time; and that the core group was loosely and informally organized, lacking a leader, hierarchy, or any long-term master plan. Relying largely on *United States* v. *Turkette*, 452 U. S. 576, 583, the District Court instructed the jury that to establish a RICO association-in-fact "enterprise," the Government must prove (1) an ongoing organization with a framework, formal or informal, for carrying out its objectives, and (2) that association members functioned as a continuing unit to achieve a common purpose. The court also told the jury that an association-in-fact's existence is often more readily proved by what it does than by abstract analysis of its structure, and denied Boyle's request for an instruction requiring the Government to prove that the enterprise had "an ascertainable structural hierarchy distinct from the charged predicate acts." Boyle was convicted, and the Second Circuit affirmed.

Held:

1. An association-in-fact enterprise under RICO must have a "structure," but the pertinent jury instruction need not be framed in the precise language Boyle proposes, *i.e.,* as having "an ascertainable structure beyond that inherent in the pattern of racketeering activity

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in which it engages." Pp. 4–12.

(a) In light of RICO's broad statement that an enterprise "includes any . . . group of individuals associated in fact although not a legal entity," §1961(4), and the requirement that RICO be "liberally construed to effectuate its remedial purposes," note following §1961, *Turkette* explained that "enterprise" reaches "a group of persons associated together for a common purpose of engaging in a course of conduct," 452 U. S., at 583, and "is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit." *Ibid*. Pp. 4–5.

(b) The question presented by this case is whether an association-in-fact enterprise must have "an ascertainable structure beyond that inherent in the pattern of racketeering activity in which it engages." Pet. for Cert. i. This question can be broken into three parts. First, the enterprise must have a "structure" that, under RICO's terms, has at least three features: a purpose, relationships among the associates, and longevity sufficient to permit the associates to pursue the enterprise's purpose. See *Turkette,* 452 U. S., at 583. The instructions need not actually use the term "structure," however, so long as the relevant point's substance is adequately expressed. Second, because a jury must find the existence of elements of a crime beyond a reasonable doubt, requiring a jury to find the existence of a structure that is *ascertainable* would be redundant and potentially misleading. Third, the phrase "beyond that inherent in the pattern of racketeering activity" is correctly interpreted to mean that the enterprise's existence is a separate element that must be proved, not that such existence may never be inferred from the evidence showing that the associates engaged in a pattern of racketeering activity. See *ibid.* Pp. 6–8.

(c) Boyle's argument that an enterprise must have structural features additional to those that can be fairly inferred from RICO's language—*e.g.,* a hierarchical structure or chain of command; fixed roles for associates; and an enterprise name, regular meetings, dues, established rules and regulations, disciplinary procedures, or induction or initiation ceremonies—has no basis in the statute's text. As *Turkette* said, an association-in-fact enterprise is simply a continuing unit that functions with a common purpose. The breadth of RICO's "enterprise" concept is highlighted by comparing the statute with other federal laws having much more stringent requirements for targeting organized criminal groups: *E.g.,* §1955(b) defines an "illegal gambling business" as one that "involves five or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business." Pp. 8–10.

(d) Rejection of Boyle's argument does not lead to a merger of the

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§1962(c) crime and other federal offenses. For example, proof that a defendant violated §1955 does not necessarily establish that he conspired to participate in a gambling enterprise's affairs through a pattern of racketeering activity. Rather, that would require the prosecution to prove either that the defendant committed a pattern of §1955 violations or a pattern of state-law gambling crimes. See §1961(1). Pp. 10–11.

(e) Because RICO's language is clear, the Court need not reach Boyle's statutory purpose, legislative history, or rule-of-lenity arguments. Pp. 11–12.

2. The instructions below were correct and adequate. By explicitly telling jurors they could not convict on the RICO charges unless they found that the Government had proved the existence of an enterprise, the instructions made clear that this was a separate element from the pattern of racketeering activity. The jurors also were adequately told that the enterprise needed the structural attributes that may be inferred from the statutory language. Finally, the instruction that an enterprise's existence "is oftentimes more readily proven by what it does, rather than by abstract analysis of its structure" properly conveyed *Turkette*'s point that proof of a pattern of racketeering activity may be sufficient in a particular case to permit an inference of the enterprise's existence. P. 12.

283 Fed. Appx. 825, affirmed.

ALITO, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, SOUTER, THOMAS, and GINSBURG, JJ., joined. STEVENS, J., filed a dissenting opinion, in which BREYER, J., joined.