

**PRESUMPTION OF UNLAWFUL INTENT  
PENAL LAW 265.15(4)**

Under our law, the possession by any person of any

*Select appropriate alternative:*

dagger,  
dirk,  
stiletto,  
dangerous knife  
or any (other) weapon, instrument, appliance or substance  
designed, made or adapted for use primarily as a weapon,<sup>1</sup>

is presumptive evidence of intent to use the same unlawfully against another. What that means is that, if the People have proven beyond a reasonable doubt that the defendant possessed (*specify*) then you may, but you are not required to, infer from that fact that he/she did so with the intent to use the same unlawfully against another.

---

<sup>1</sup> Possession of a loaded firearm is presumptive evidence of an intent to use it unlawfully against another. *People v. Higdon*, 162 A.D.2d 957 (4<sup>th</sup> Dept. 1990).