

PRESUMPTIONS RELATING TO CRIMINAL POSSESSION OF STOLEN PROPERTY

[NOTE: Add the following if the stolen property consists of three (3) or more airline tickets:

Under our law, a person who possesses three (3) or more tickets or equivalent instruments for air transportation service, which tickets or instruments were stolen by reason of having been obtained from the issuer or agent thereof by the use of one or more stolen or forged credit cards, is presumed to know that such tickets or instruments were stolen.¹ This means that, if the People have proven beyond a reasonable doubt that the defendant possessed three (3) or more tickets or equivalent instruments for air transportation service, and that such tickets or instruments were stolen by reason of having been obtained from the issuer or agent thereof by the use of one or more stolen or forged credit cards, you may, but you are not required to, infer from those facts that the defendant knew that such tickets or instruments were stolen.]

[NOTE: Add the following if the stolen property consists of two or more stolen credit, debit, or public benefit cards:

Under our law, a person who possesses two or more stolen credit cards (*or* debit cards) (*or* public benefit cards) is presumed to know that such credit cards (*or* debit cards) (*or* public benefit cards) were stolen.² This means that, if the People have proven beyond a reasonable doubt that the defendant possessed two or more stolen credit cards (*or* debit cards) (*or* public benefit cards), you may, but you are not required to, infer from that fact that the defendant knew that such cards were stolen.]

¹ See Penal Law § 165.55(4).

² See Penal Law § 165.55(3).

[NOTE: Add the following two (2) paragraphs if defendant is a collateral loan broker or dealer in property:

Under our law, a collateral loan broker (*or* a person in the business of buying, selling or otherwise dealing in property) who possesses stolen property is presumed to know that such property was stolen if he or she obtained it without having ascertained, by reasonable inquiry, that the person from whom he or she obtained it had a legal right to possess it.³ This means that, if the People have proven beyond a reasonable doubt that the defendant was a collateral loan broker (*or* a person in the business of buying, selling or otherwise dealing in property) and that he/she possessed stolen property which he/she obtained without having ascertained, by reasonable inquiry, that the person from whom he/she obtained it had a legal right to possess it, then you may, but you are not required to, infer from those facts that the defendant knew that such property was stolen.

A COLLATERAL LOAN BROKER includes any person loaning money on deposit or pledge of personal property, other than securities or printed evidences of indebtedness (*or* dealing in the purchasing of personal property on condition of selling back at a stipulated price) (*or* designated or doing business as a furniture storage warehouseman, and loaning and advancing money upon goods, wares, or merchandise pledged or deposited as collateral security).]⁴

³See Penal Law § 165.55(2).

⁴See General Business Law § 52.