

**CRIMINAL POSSESSION OF PRECURSORS OF  
CONTROLLED SUBSTANCES  
(E Felony)  
(Precursors of Drugs)  
PENAL LAW 220.60  
(Committed on or after Sept. 1, 1974)**

The \_\_\_\_\_ count is Criminal Possession of Precursors of Controlled Substances.

Under our law, a person is guilty of criminal possession of precursors of controlled substances when, with intent to manufacture a controlled substance unlawfully, that person possesses at the same time:

*Select appropriate alternative:*

(a) carbamide (urea) and propanedioc and malonic acid or its derivatives.

(b) ergot or an ergot derivative and diethylamine or dimethylformamide or diethylamide.

(c) phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine.

(d) pentazocine and methyl iodide.

(e) phenylacetonitrile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine.

(f) diphenylacetonitrile and dimethylaminoisopropyl chloride.

(g) piperidine and cyclohexanone and bromobenzene and lithium or magnesium.

(h) 2, 5-dimethoxy benzaldehyde and nitroethane and a

reducing agent.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “controlled substance,” “unlawfully,” “intent,” and “possess.”

CONTROLLED SUBSTANCE includes (*specify*).

A person UNLAWFULLY manufactures (*specify*) when that person has no legal right to do so.<sup>1</sup> Under our law, with certain exceptions not applicable here, a person has no legal right to manufacture (*specify*).

INTENT means conscious objective or purpose. Thus a person acts with intent to manufacture a controlled substance unlawfully, when that person's conscious objective or purpose is to do so.<sup>2</sup>

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property.<sup>3</sup>

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (*date*), in the county of (*county*), the defendant, (*defendant's name*), possessed:

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<sup>1</sup>See Penal Law § 220.00(2) and Public Health Law § 3396(1).

<sup>2</sup> See Penal Law § 15.05(1). An “expanded” definition of “intent” is available in the General Charges section under Culpable Mental States.

<sup>3</sup> See Penal Law § 10.00(8). Where constructive possession is alleged, or where the People rely on a statutory presumption of possession, insert the appropriate instruction as found in the “Additional Charges” section at the end of this article.

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(b) ergot or an ergot derivative and diethylamine or dimethylformamide or diethylamide.

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(f) diphenylacetonitrile and dimethylaminoisopropyl chloride.

(g) piperidine and cyclohexanone and bromobenzene and lithium or magnesium.

(h) 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent.

and

2. That, at the time the defendant possessed such substance, the defendant intended to manufacture a controlled substance unlawfully.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Criminal Possession of Precursors of Controlled Substances as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not

proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Criminal Possession of Precursors of Controlled Substances as charged in the \_\_\_\_\_ count.