

**PRESUMPTION OF POSSESSION
FROM PRESENCE OF WEAPON IN STOLEN VEHICLE
Penal Law § 265.15(2)**

Under our law, the presence in any stolen vehicle of a (specify)¹ is presumptive evidence of its possession by all persons occupying such vehicle at the time such (specify) is found. What this means that, if the People have proven beyond a reasonable doubt that the (specify) was found in a stolen vehicle and that the defendant was occupying the stolen vehicle at the time that the (specify) was found, then you may, but you are not required to, infer from those facts that the defendant possessed the (specify). Whether or not to draw that inference is for you to decide and will depend entirely on your evaluation of the evidence.²

¹ The statute provides that this presumption applies to "any weapon, instrument, appliance, or substance specified in sections 265.01, 265.02, 265.03, 265.04 and 265.05."

² In 2019, the last sentence was added to conform to the instruction for presumptions in other sections.