**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,

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.1 Whether or not to draw that inference is for you to decide and will depend entirely on your evaluation of the evidence.2

1 *See also People v Galindo*, 23 NY3d 719 (2014)*; People v Higdon,* 162 AD2d 957 (4th Dept 1990) (possession of a loaded firearm is presumptive evidence of an intent to use it unlawfully against another).

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