

**CRIMINAL POSSESSION OF A
CONTROLLED SUBSTANCE
SEVENTH DEGREE
(A Misdemeanor)
PENAL LAW 220.03
(Committed on or after Sept. 1, 1979)**

The _____ count is Criminal Possession of a Controlled Substance in the Seventh Degree.

Under our law, a person is guilty of Criminal Possession of a Controlled Substance in the Seventh Degree when that person knowingly and unlawfully possesses a controlled substance.

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,” “possess,” “knowingly,” and “unlawfully.”

The term CONTROLLED SUBSTANCE includes (specify).¹

POSSESS means to have physical possession or otherwise to exercise dominion or control over tangible property.²

A person KNOWINGLY possesses (specify) when that person is aware that he or she is in possession of that substance.³

A person UNLAWFULLY possesses (specify) when that person has no legal right to possess that substance.⁴ Under our law, with certain exceptions not applicable here, a person has no legal right to possess (specify).

In order for you to find the defendant guilty of this crime, the People are required to prove, from

See, Penal Law § 220.00(5).

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 chapter.

See, Penal Law § 15.05(2).

See, Penal Law § 220.00(2) and Public Health Law § 3396(1).

PL 220.03

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 (specify); and
2. That the defendant did so knowingly and 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 a Controlled Substance in the Seventh Degree 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 a Controlled Substance in the Seventh Degree as charged in the ___ count.