

POSSESSION OF FIREARMS, WEAPONS, DESTRUCTIVE DEVICES,
SILENCERS OR EXPLOSIVES IN A VEHICLE¹
(N.J.S.A. 2C:39-2)

I have previously instructed you concerning your consideration of circumstantial evidence presented in this case. That is, you may infer a fact from other facts in the case if you find it more probable than not that the inferred fact is true.

Evidence has been presented that a _____ was found in a vehicle.

[Charge whichever inference(s) is/are appropriate:]

[Inference #1] If you find that defendant was the sole occupant of the vehicle, you may infer that this occupant possessed the _____.

[Inference #2] If you find that the vehicle had more than one occupant, you may infer that the _____ was possessed by all of the occupants.

[Inference #3] If you find that the _____ was on the person of one of the occupants, you may infer that it was possessed by that occupant alone.

[Inference #4] If you find that the vehicle was not stolen and that the _____ was out of view in a glove compartment, trunk, or other enclosed customary depository, you may infer that the _____ was possessed by the occupant(s) who owned or had authority to operate the vehicle.

[Inference #5] If you find that the vehicle was a taxicab which had passengers and the _____ was found in the passengers' portion of the vehicle, you may infer that the _____ was possessed by all of the passengers. If you find that the taxicab had no passengers, you may infer that the _____ was possessed by the driver.

¹ State v. Bolton, 230 N.J. Super. 476 (App. Div. 1989).

You are never required or compelled to draw any inference. It is your exclusive province to determine whether the facts and circumstances shown by the evidence support any inferences and you are always free to accept or reject them if you wish.