

## 237.60 POSSESSION OF ILLEGAL SLOT MACHINE. MISDEMEANOR.

The defendant has been charged with possessing an illegal slot machine.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant possessed an illegal slot machine.

An illegal slot machine is one that is designed not to produce for, or give to the person who places a coin or money (or the representative of either), the same return in market value each and every time such machine is operated.<sup>1</sup> A person possesses (*describe machine*) when he is aware of its presence, and has (either by himself or together with others) both the power and intent to control its disposition or use.

*NOTE WELL: If constructive possession of the illegal slot machine is an issue, or an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.*

And Second, the defendant must have possessed the illegal slot machine for the purpose that it be operated as an illegal slot machine.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant possessed an illegal slot machine for the purpose of its being operated as an illegal slot machine, then it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. See 14-296, 14-306 for definition.