

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

People v. Hernandez

2026 NY Slip Op 01922 (N.Y. Ct. App. 2026) · No. Case No. 2024-06132; Appeal No. 6237; Ind. No. 2157/14 ·
Decided March 31, 2026

SUMMARY

The Appellate Division, First Department, affirmed the denial of Arthur Hernandez's CPL 440.20 motion seeking to vacate a restitution order and obtain a jury hearing on the restitution amount. The court held that the defendant's argument under Apprendi v. New Jersey was foreclosed by the New York Court of Appeals' decision in People v. Horne and found his remaining arguments unavailing.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Moulton, J.P.; Kennedy, J.; Rodriguez, J.; Michael, J.; Chan, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	March 31, 2026
DOCKET	Case No. 2024-06132; Appeal No. 6237; Ind. No. 2157/14
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order of Supreme Court, Bronx County, denying his CPL 440.20 motion to vacate a restitution order and obtain a restitution hearing before a jury.
PRECEDENTIAL VALUE	Published
PARTIES	Arthur Hernandez v. The People of the State of New York

TOPICS

- restitution criminal post-conviction relief criminal procedure

PRACTICE AREAS

- criminal procedure restitution post-conviction relief

QUESTIONS PRESENTED

1. Whether defendant was entitled under *Apprendi v. New Jersey* to a jury determination of the amount of restitution.
2. Whether defendant's remaining arguments warranted reversal of the order denying his CPL 440.20 motion.

HOLDINGS

1. Apprendi does not entitle defendant to a jury determination of the amount of restitution because the Court of Appeals has held otherwise in *People v. Horne*.
2. Defendant's remaining arguments were unavailing.

KEY QUOTATIONS

*“Defendant's argument that he was entitled, pursuant to Apprendi v New Jersey (530 US 466 [2000]), to a jury determination regarding the amount of restitution, is foreclosed by the Court of Appeals' contrary holding in People v Horne (97 NY2d 404, 415 [2002]).” ([*1])*

FACTUAL BACKGROUND

The case concerns a restitution order entered against defendant Arthur Hernandez. Hernandez sought to vacate the order and requested a jury hearing on the amount of restitution, arguing that *Apprendi v. New Jersey* entitled him to that procedure.

PROCEDURAL HISTORY

Supreme Court, Bronx County, denied defendant's motion on or about September 9, 2024. The Appellate Division, First Department, unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- *Apprendi v. New Jersey*, 530 U.S. 466 (2000)
- *People v. Horne*, 97 N.Y.2d 404, 415 (2002)

OPINION

PER CURIAM.

People v Hernandez (2026 NY Slip Op 01922) *People v Hernandez* 2026 NY Slip Op 01922 Decided on March 31, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: March 31, 2026 Before: Moulton, J.P., Kennedy, Rodriguez, Michael, Chan, JJ. Ind. No. 2157/14|Appeal No. 6237|Case

No. 2024-06132| [*1]The People of the State of New York, Respondent, v Arthur Hernandez, Defendant-Appellant.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Carola M. Beeney of counsel), for appellant. Darcel D. Clark, District Attorney, Bronx (Christopher P. Marinelli of counsel), for respondent. Order, Supreme Court, Bronx County (Raymond L. Bruce, J.), entered on or about September 9, 2024, which denied defendant's CPL 440.20 motion to vacate the court's restitution order and order a restitution hearing before a jury, unanimously affirmed.

Defendant's argument that he was entitled, pursuant to *Apprendi v New Jersey* (530 US 466 [2000]), to a jury determination regarding the amount of restitution, is foreclosed by the Court of Appeals' contrary holding in *People v Horne* (97 NY2d 404, 415 [2002]).

We have considered defendant's remaining arguments and find them unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: March 31, 2026