

**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.

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

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