

CALIFORNIA COURT OF APPEAL, FIFTH APPELLATE DISTRICT

People v. Jimenez

People v. Jimenez · No. F087827 · Decided January 12, 2026

SUMMARY

The California Court of Appeal, Fifth Appellate District, held that substantial evidence supported the finding that the defendant caused more than \$400 in damage for purposes of the vandalism statute. Nevertheless, the court reversed the felony vandalism conviction because the more specific jail-property statute barred prosecution under the general vandalism statute, and it also reversed the victim restitution order for lack of a factual and rational basis. The matter was remanded for resentencing under Penal Code section 4600 and a new restitution hearing.

CASE DETAILS

COURT	California Court of Appeal, Fifth Appellate District
WRITING FOR THE COURT	Peña, J.; Levy, Acting P. J.; Meehan, J.
JURISDICTION	California Court of Appeal, Fifth Appellate District
DECIDED	January 12, 2026
DOCKET	F087827
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed his jury convictions for felony vandalism under California Penal Code section 594, subdivision (a), and damaging jail property under section 4600, subdivision (a), as well as the direct victim-restitution order. The Court of Appeal addressed the sufficiency-of-the-evidence challenge, reached an unpreserved statutory-prosecution issue, reversed the felony vandalism conviction and restitution order, and remanded.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by examining the whole record in the light most favorable to the judgment to determine whether substantial evidence supports a reasonable finding of guilt beyond a reasonable doubt. A restitution order is reviewed for abuse of discretion. The statutory-prosecution issue was reviewed on the merits despite forfeiture because the court exercised its discretion to reach the issue.

PRECEDENTIAL VALUE	Published in part; part III of the Discussion is not certified for publication.
PARTIES	Adam Rafael Jimenez v. The People

TOPICS

statutory interpretation criminal procedure restitution criminal appellate procedure remedies

PRACTICE AREAS

criminal law criminal procedure appellate practice sentencing victim restitution

QUESTIONS PRESENTED

1. Whether substantial evidence supported the finding that the vandalism caused \$400 or more in damage, including installation costs.
2. Whether the Williamson rule barred prosecution under the general vandalism statute, Penal Code section 594, because the more specific jail-property statute, section 4600, applied to the same conduct.
3. Whether the trial court abused its discretion by ordering \$1,980.83 in direct victim restitution without a factual and rational basis.

HOLDINGS

1. The amount of damage under section 594 includes the actual cost of repairing or replacing the vandalized property, including necessary installation costs. Substantial evidence supported the finding that the damage exceeded \$400 because the actual replacement and installation costs totaled \$407.44.
2. The Williamson rule barred prosecution under section 594 because section 4600 is the more specific statute governing intentional destruction of jail property, and conduct violating section 4600 would necessarily or commonly violate section 594. Jimenez's section 594 conviction therefore had to be reversed.
3. The restitution order was an abuse of discretion because the record lacked a factual and rational basis for awarding \$1,980.83, an amount substantially exceeding the individualized evidence of \$407.44. The order was reversed and remanded for a new restitution hearing.

KEY QUOTATIONS

“if a general statute includes the same conduct as a special statute, the court infers that the Legislature intended that conduct to be prosecuted exclusively under the special statute.” (8)

“Thus, as defendant’s case perfectly illustrates, a conviction for “willfully and intentionally” destroying jail property under section 4600, subdivision (a) would necessarily and commonly result in a conviction for maliciously (i.e., intentionally and not by accident) destroying “any real or personal property not his or her own” under section 594, subdivision (a).” (10)

“An award of restitution of almost \$2,000 would inappropriately provide a windfall to the county.” (13)

FACTUAL BACKGROUND

While detained alone in a Tuolumne County jail cell, Jimenez struck the cell window with a long broom handle, cracking it from top to bottom. The county facilities analyst testified that the replacement window cost \$245.47 and installation cost \$161.97, for a total of \$407.44. The probation report nevertheless recommended \$1,980.83 in restitution based on a sheriff's-office estimate that expressly might not reflect the trial evidence.

PROCEDURAL HISTORY

The Tuolumne County District Attorney charged Jimenez with vandalism causing damage of \$400 or more and damaging jail property. A jury convicted him of both offenses and found the vandalism damage exceeded \$400. The superior court imposed six years on the vandalism count, stayed a six-month sentence on the jail-property count under Penal Code section 654, and ordered \$1,980.83 in restitution. Jimenez appealed; in supplemental briefing, the People conceded that the more specific jail-property statute barred prosecution under the general vandalism statute.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the felony vandalism conviction under Penal Code section 594, subdivision (a), conduct a full resentencing under section 4600, subdivision (a), and hold a new restitution hearing.

CASES CITED

- People v. Brooks, 3 Cal. 5th 1, 57 (2017)
- People v. Lee, 51 Cal. 4th 620, 632 (2011)
- People v. Zamudio, 43 Cal. 4th 327, 357 (2008)
- People v. Sanghera, 139 Cal. App. 4th 1567, 1574 (2006)
- In re Leanna W., 120 Cal. App. 4th 735, 743 (2004)
- In re A.W., 39 Cal. App. 5th 941, 947-950 (2019)
- Luis M. v. Superior Court, 59 Cal. 4th 300, 308-309 (2014)
- In re Kyle T., 9 Cal. App. 5th 707, 713, 716 (2017)
- People v. Jenkins, 28 Cal. 3d 494, 499 (1980)
- People v. Scott, 9 Cal. 4th 331, 354 (1994)
- People v. Yeoman, 31 Cal. 4th 93, 118 (2003)
- People v. Williams, 17 Cal. 4th 148, 162 n.6 (1998)
- People v. Crittenden, 9 Cal. 4th 83, 146 (1994)
- People v. Henry, 28 Cal. App. 5th 786, 791 & n.3 (2018)
- People v. Harper, 44 Cal. App. 5th 172, 185 n.12 (2020)
- In re Williamson, 43 Cal. 2d 651, 654 (1954)

- People v. Murphy, 52 Cal. 4th 81, 85-87, 94-95 (2011)
- People v. Gilbert, 1 Cal. 3d 475, 481 (1969)
- People v. Watson, 30 Cal. 3d 290, 293-296 (1981)
- People v. Mullins, 19 Cal. App. 5th 594, 608 (2018)
- People v. Woods, 109 Cal. App. 5th 985, 998-999 (2025)
- People v. Moore, 19 Cal. App. 5th 889, 895-896 (2018)
- People v. Mearns, 97 Cal. App. 4th 493, 498-499 (2002)
- People v. Cortez, 189 Cal. App. 4th 1436, 1442 (2010)
- People v. Baker, 126 Cal. App. 4th 463, 470 (2005)
- People v. Millard, 175 Cal. App. 4th 7, 26, 28 (2009)
- People v. Fortune, 129 Cal. App. 4th 790, 795-796 (2005)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/california-court-of-appeal-fifth-appellate-district-california-court-of-appeal-fifth-appellate-distr/2026/people-v-jimenez-4i3w92jc>