

Hello, and welcome to this summary of an important California appellate case: People versus Demacedo.

This decision comes from the Court of Appeal, First District, Division 3, filed on November 12, 2025. It's published at 115 California Appellate 5th 1249.

Today, I'll break down the background, the charges, the key issues on appeal, and the court's ruling.

The case stems from a tragic drunk driving accident.

Denis Pereira Demacedo was driving with a blood alcohol content of at least 0.18 percent—more than twice the legal limit.

He crashed into another vehicle carrying four people.

Tragically, three occupants died at the scene.

The fourth, Sarah S., survived but suffered severe injuries.

Demacedo faced ten felony charges.

These included three counts of second-degree murder, three counts of gross vehicular manslaughter while intoxicated, two counts of driving under the influence causing injury, and two counts of perjury.

He pleaded no contest to the perjury charges.

A jury convicted him on everything else.

Originally sentenced in 2014 to 47 years and two months to life, the sentence was later adjusted to 47 years to life after resentencing in 2024.

This appeal followed that resentencing.

On appeal, Demacedo raised two main arguments.

First: Should his convictions for DUI causing injury—to the surviving victim, Sarah S.—be dismissed?

He claimed these were lesser included offenses of gross vehicular manslaughter, which applied to the three deceased victims.

The court reviewed this de novo, using the statutory elements test.

A lesser offense is included only if all its elements are part of the greater offense.

Gross vehicular manslaughter while intoxicated requires driving drunk, gross negligence, and causing death.

DUI causing injury requires driving drunk and causing bodily injury.

The key question: Is DUI causing injury necessarily included when victims are different?

The court said no—not when the offenses involve separate victims.

You can commit manslaughter by killing some victims without injuring a different, surviving one.

The court relied on a similar case, People versus Machuca from 2020, and drew support from a California Supreme Court decision, People versus McFarland.

In McFarland, multiple punishments were allowed for manslaughter of one victim and DUI

injury to another.

If DUI were a lesser included offense, the DUI count would have been dismissed—not punished separately.

Older cases Demacedo cited were distinguished or not controlling.

So, multiple convictions were proper here because the harms were to distinct victims.

The second issue: At resentencing, the trial court imposed a lump-sum of \$2,805 in fines and fees without breaking them down or citing the statutory bases.

Both sides agreed this was error.

The court cited precedents requiring itemization for transparency.

In the end, the judgment was affirmed as to the convictions and overall sentence.

The case was remanded only for the trial court to specify each fine, fee, and assessment—with statutory bases—and update the abstract of judgment.

This published opinion clarifies an important point in California law: In multi-victim drunk driving crashes causing both deaths and injuries, prosecutors can charge—and courts can convict on—both gross vehicular manslaughter and separate DUI causing injury counts when tied to different victims.

That's the key takeaway from *People versus Demacedo*.