

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-0734**

State of Minnesota,
Respondent,

vs.

Erik Paul Eggleston,
Appellant.

**Filed January 29, 2024
Affirmed
Johnson, Judge**

Hennepin County District Court
File No. 27-CR-20-24827

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Mary F. Moriarty, Hennepin County Attorney, Nicole Cornale, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Andrew J. Nelson, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Johnson, Presiding Judge; Frisch, Judge; and Kirk,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant
to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Erik Paul Eggleston pleaded guilty to the murder of Nigar Mammadzada, the mother of his young daughter. The district court sentenced him to 480 months of imprisonment and ordered him to pay restitution in the amount of \$20,903. Eggleston challenges one component of the restitution award: \$3,460 for airfare expenses incurred by Mammadzada's mother so that she and Eggleston's and Mammadzada's daughter could travel to Azerbaijan after the murder to be with relatives. We conclude that the district court did not abuse its discretion by determining that Mammadzada's mother's out-of-pocket expenses were directly caused by Eggleston's crime. Therefore, we affirm.

FACTS

Eggleston and Mammadzada had an on-again-off-again romantic relationship, which ended in October 2020. Eggleston and Mammadzada remained in contact because they had one joint child, K.E., who then was two years old. Eggleston remained hopeful that he would reconcile with Mammadzada. But in November 2020, Mammadzada told Eggleston that she never would resume their romantic relationship.

On November 12, 2020, Mammadzada's mother, R.V., found her dead body in the basement of Mammadzada's home. Mammadzada had been shot multiple times with a shotgun. R.V. told police officers that Eggleston likely had killed Mammadzada. Investigators soon found Eggleston and a vehicle containing a shotgun. Nearby, investigators found a spent shotgun shell, a bag of mushrooms, and a cell phone. A warranted search of the cell phone revealed that it belonged to Eggleston, that it was in the

vicinity of Mammadzada’s home on the date of her murder, and that it contained two photographs of Mammadzada’s lifeless body.

The state initially filed a complaint charging Eggleston with second-degree intentional murder, in violation of Minn. Stat. § 609.19, subd. 1(1) (2020). In May 2021, the state obtained an indictment, which added a charge of first-degree premeditated murder, in violation of Minn. Stat. § 609.185(a)(1) (2020).

The state and Eggleston entered into a plea agreement in April 2022. Eggleston agreed to enter a *Norgaard* plea¹ to the charge of second-degree intentional murder, and the state agreed to dismiss the charge of first-degree premeditated murder. The parties also agreed that the district court would impose a sentence of 480 months of imprisonment. At the plea hearing, Eggleston stated that he did not remember Mammadzada’s murder because he had ingested hallucinogenic mushrooms, but he agreed that there was a substantial likelihood that a jury would find him guilty.

At sentencing, the district court imposed the agreed-upon sentence of 480 months of imprisonment. The state requested additional time to submit restitution claims, and the district court reserved the restitution issue for 90 days.

In July 2022, the district court filed an order requiring Eggleston to pay restitution in the amount of \$20,903, which included \$3,460 for the expenses of R.V.’s and K.E.’s

¹A defendant may be allowed to enter a *Norgaard* plea if he “claims a loss of memory, through amnesia or intoxication, regarding the circumstances of the offense” and “the evidence against the defendant is sufficient to persuade the defendant and his or her counsel that the defendant is guilty or likely to be convicted of the crime charged.” *State v. Ecker*, 524 N.W.2d 712, 716 (Minn. 1994); *see also State ex rel. Norgaard v. Tahash*, 110 N.W.2d 867, 871-72 (Minn. 1961).

airfare for a trip to Azerbaijan after the murder. Eggleston filed objections and requested a hearing.

The district court conducted a restitution hearing in January 2023. R.V. testified that, after the murder, she was the sole caretaker of two-year-old K.E., who had separation anxiety because of her mother's murder and would not let R.V. "out of her sight." R.V. sought support from her eldest daughter, N.S., who lived in Azerbaijan. But N.S. was unable to obtain a visa to enter the United States due to a pending petition for family reunification. Also, long-distance travel would have been difficult for N.S. at that time because she recently had given birth.

Consequently, R.V. and K.E. traveled to Azerbaijan in April 2021 so that family members could grieve the loss of Mammadzada together and could discuss and decide who would care for K.E. in the future. While in Azerbaijan, K.E. instantly bonded with N.S. and began to see her as a mother figure. The trip to Azerbaijan lasted approximately four months, which required R.V. and K.E. to renew their visas. R.V. and K.E. made a side trip to Turkey for that purpose because Turkey had fewer visa-renewal restrictions. N.S. and her infant child accompanied R.V. and K.E. to Turkey because K.E. would have had difficulty being separated from N.S. R.V. and K.E. eventually returned to Minnesota in August 2021.

In February 2023, the district court issued a second restitution order, which overruled Eggleston's objections and affirmed the July 2022 restitution order in all respects. Eggleston appeals.

DECISION

Eggleston argues that the district court erred by ordering restitution with respect to the expenses of R.V.'s and K.E.'s trip to Azerbaijan on the ground that the trip was not directly caused by his crime. He does not challenge any other component of the restitution award.

In Minnesota, restitution awards are governed primarily by statute. *See* Minn. Stat. §§ 611A.04-.045 (2020); *State v. Gaiovnik*, 794 N.W.2d 643, 646-52 (Minn. 2011). The statute governing felony sentences authorizes a district court to impose a restitution obligation in addition to a prison sentence or a fine. Minn. Stat. § 609.10 (2020); *State v. Beganovic*, 974 N.W.2d 278, 287 (Minn. App. 2022), *aff'd*, 991 N.W.2d 638 (Minn. 2023). The “primary purpose” of restitution is “to restore crime victims to the same financial position they were in before the crime.” *State v. Palubicki*, 727 N.W.2d 662, 666 (Minn. 2007). Accordingly, “A victim of a crime has the right to receive restitution as part of the disposition of a criminal charge . . . against the offender if the offender is convicted” Minn. Stat. § 611A.04, subd. 1(a) (2020).

“A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime” *Id.* In determining whether to order restitution and in what amount, a district court must consider “(1) the amount of economic loss sustained by the victim as a result of the offense; and (2) the income, resources, and obligations of the defendant.” Minn. Stat. § 611A.045, subd. 1(a) (2020). Restitution may be ordered only “for losses that are directly caused by, or follow naturally as a consequence of, the defendant’s crime.” *State v. Boettcher*, 931 N.W.2d 376, 381 (Minn. 2019).

The state bears the burden of proving, by a preponderance of the evidence, “the amount of loss sustained by a victim as a result of the offense.” Minn. Stat. § 611A.045, subd. 3(a); *see also State v. Johnson*, 851 N.W.2d 60, 65 (Minn. 2014). If a victim has sustained a loss, the district court has “significant discretion” to determine the amount of restitution. *State v. Tenerelli*, 598 N.W.2d 668, 671 (Minn. 1999). This court applies an abuse-of-discretion standard of review to a district court’s decision concerning an award of restitution. *Id.* at 672.

In this case, the district court determined that the airfare expenses associated with R.V.’s and K.E.’s trip to Azerbaijan were “a direct result of” Eggleston’s crime because the trip “was seen as an important step in the grieving and closure process for a two-year-old girl who had just lost her mother” and was “an important part of the process for the family to determine how to best care for K.E. in the future.” The district court compared R.V.’s travel expenses to the restitution claim in *Palubicki*, in which two surviving adult children of a murder victim were awarded the expenses of their travel to Minnesota to voluntarily attend the trial. 727 N.W.2d at 666-67.

Eggleston challenges the district court’s award of restitution for R.V.’s travel expenses in three ways. First, he contends that the purpose of R.V.’s and K.E.’s trip to Azerbaijan is different from the purpose of the trip in *Palubicki*. The two purposes indeed are different, but that does not foreclose a determination that R.V.’s travel expenses were directly caused by Eggleston’s crime. R.V.’s decision to travel to Azerbaijan with K.E. was no less purposeful than the travel in *Palubicki*. Because Mammadzada had died, Eggleston had been charged with her murder and was in custody, and other relatives of

Mammadzada lived outside the United States, R.V. had little choice but to arrange for K.E.'s care by contacting family members in Azerbaijan. The district court was aware, based on N.S.'s victim-impact statement at the earlier sentencing hearing, that K.E. had by that time "accept[ed]" N.S. and her husband as her "mom and dad," which indicates that the trip to Azerbaijan accomplished one of its goals. Eggleston's crime directly caused the need for R.V. and K.E. to travel to Azerbaijan.

Second, Eggleston contends that his crime did not cause R.V.'s travel expenses because R.V. previously had planned to visit N.S. and her infant child in Azerbaijan. R.V. testified that she was planning to travel to Azerbaijan—alone—in late November 2020 to visit N.S. and her new child. But R.V. canceled those plans after Mammadzada was murdered in mid-November 2020. R.V. made new plans to travel to Azerbaijan with K.E. a few months later. The purpose of that trip was materially different—to grieve Mammadzada's death with family members, to introduce K.E. to them, and to facilitate a decision about who would care for K.E. in the future. That a similar trip earlier was planned but cancelled does not change the fact that the trip actually taken by R.V. and K.E. was a direct result of Eggleston's crime.

Third, Eggleston contends that R.V.'s and K.E.'s side trip to Turkey was not directly caused by his crime. He asserts that "testimony at the restitution hearing did not establish what visa issues R.V. and K.E. were experiencing, why the visa issues could not be resolved in Azerbaijan, or why N.S. and [her infant] also needed to fly to Turkey when they did not have any visa issues to resolve."

The district court received testimony that, while R.V. and K.E. were in Azerbaijan, they needed to renew their visas before they expired. For that reason, the side trip to Turkey was necessary to facilitate R.V.'s and K.E.'s continued presence in Azerbaijan. One of the state's witnesses testified that it was better for R.V. and K.E. to renew their visas in Turkey, where there were fewer restrictions on visa renewals. The witness did not elaborate on the particular reasons why it was advantageous to renew the visas in Turkey, but her testimony was unchallenged. Eggleston's attorney had an opportunity to elicit additional evidence about the side trip to Turkey but declined to conduct any cross-examination on that issue. The evidence about the side trip to Turkey is sufficient to satisfy the state's burden of proving that those expenses were directly caused by Eggleston's crime. *See* Minn. Stat. § 611A.045, subd. 3(a); *Johnson*, 851 N.W.2d at 65.

Thus, the district court did not abuse its discretion by ordering Eggleston to pay restitution for the airfare expenses related to R.V.'s and K.E.'s trip to Azerbaijan.

Affirmed.