

*This opinion is nonprecedential except as provided by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
A24-1801**

State of Minnesota,
Respondent,

vs.

Ryan Thomas Plonski,
Appellant.

**Filed July 21, 2025
Affirmed
Johnson, Judge**

Chisago County District Court
File No. 13-CR-23-939

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

Janet Reiter, Chisago County Attorney, Center City, 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; Worke, Judge; and Smith,
Tracy M., Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Ryan Thomas Plonski fled from a police officer in a motor vehicle, giving rise to a 25-mile-long, high-speed chase, which ended only when a deputy sheriff successfully used a so-called PIT (precision immobilization technique) maneuver to stop Plonski's vehicle.

Plonski pleaded guilty to aiding and abetting second-degree burglary. He was sentenced to prison and ordered to pay restitution of approximately \$6,000, which is the estimated cost of repairing the two squad vehicles that were damaged during the chase. We conclude that the district court did not err by finding that Plonski has the ability to pay the amount of restitution ordered. Therefore, we affirm.

FACTS

In the early morning hours of November 2, 2023, Plonski and two other persons went to a storage facility in the city of North Branch, cut the locks on several storage units, and removed items from those units. A security camera alerted the facility manager, and law enforcement was dispatched to the scene. When a North Branch police officer arrived, Plonski quickly drove away in a white van. The police officer followed the van, which led to a high-speed chase by North Branch police officers and Chisago County deputy sheriffs in a total of four squad vehicles. Plonski stopped only after a deputy sheriff used PIT maneuvers three times. Two squad vehicles were damaged during the chase.

The state charged Plonski with aiding and abetting second-degree burglary, in violation of Minn. Stat. § 609.582, subd. 2(a)(4) (2022), and fleeing a police officer in a motor vehicle, in violation of Minn. Stat. § 609.487, subd. 3 (2022). In January 2024, the parties entered into a plea agreement in which Plonski agreed to plead guilty to the first charge and the state agreed to dismiss the second charge.

Before sentencing, two restitution requests were filed, with supporting documentation. The North Branch Police Department requested \$775 for damage to the windshield of a squad vehicle, and the Minnesota Counties Intergovernmental Trust

requested \$5,242.65 for damage to a squad vehicle belonging to the Chisago County Sheriff's Office. The district court imposed a sentence of 29 months of imprisonment and ordered Plonski to pay both restitution requests in the amounts requested, for a total of \$6,017.65.

In February 2024, Plonski requested a restitution hearing and an order reducing the restitution award to \$0 on the ground that he is unable to pay the \$6,017.65 award. In May 2024, Plonski filed an affidavit in which he stated that he was in prison, that his anticipated release date was in June 2025, that he was employed in the prison, and that he earns 12.5 cents per hour after deductions. He further stated, "I do not make enough money to satisfy the restitution obligation previously ordered by the court."

The district court conducted a restitution hearing in June 2024. Plonski testified that he earns 25 cents per hour in prison, half of which is deducted to pay costs of confinement and fines imposed in other cases. He testified further that he owns no property or financial assets other than his prison trust account, which then had a balance of 39 cents. On cross-examination, he testified that he performs manual labor in the prison and has no physical limitations that would prevent him from obtaining employment after his release from prison.

In August 2024, the district court filed an order denying Plonski's request to reduce the restitution award. Plonski appeals. The state did not file a responsive brief. Nonetheless, it is this court's duty to apply the law to the facts of the case and to determine the appeal on the merits. *See* Minn. R. Civ. App. P. 142.03.

DECISION

Plonski argues that the district court erred by ordering restitution in the amount of \$6,017.65 on the ground that he is unable to pay that amount of restitution.

As part of a felony sentence, a district court may order a defendant to pay restitution to a crime victim. Minn. Stat. § 609.10, subd. 1(a)(5) (2024). 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). “[I]n determining whether to order restitution and the amount of the restitution,” a district court “shall consider the following factors: (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) (2024).

With respect to the second factor, “the record must include sufficient evidence about the defendant’s income, resources, and obligations to allow a district court to consider the defendant’s ability to pay the amount of restitution ordered.” *State v. Wigham*, 967 N.W.2d 657, 665 (Minn. 2021). “[A] district court fulfills its statutory duty to consider a defendant’s income, resources, and obligations in awarding and setting the amount of restitution when it expressly states, either orally or in writing, that it considered the defendant’s ability to pay.” *Id.* at 664. If the state has proved that a crime victim sustained an economic loss as a result of the defendant’s crime, a district court has broad discretion in ordering restitution. *State v. Tenerelli*, 598 N.W.2d 668, 671 (Minn. 1999). Accordingly, appellate courts apply an abuse-of-discretion standard of review to a district court’s restitution award. *State v. Andersen*, 871 N.W.2d 910, 913 (Minn. 2015).

Plonski does not dispute that the district court considered his ability to pay. But he contends that “the direct, undisputed evidence and the court’s own findings clearly demonstrate that Plonski cannot afford to pay the amount he was ordered to pay.”

In its order, the district court discussed Plonski’s current circumstances as well as his future prospects for satisfying the restitution obligation. The district court stated generally that “an individual’s incarceration cannot be the sole basis to deny restitution to the victim” and that, if a defendant is in prison, the reasonableness of a restitution award “is appropriately based on a defendant’s ability to pay installments.” The district court stated more specifically that Plonski “is able-bodied and currently does physical labor through his employment” in prison, “will be released in 2025 and is capable of full-time employment upon his release,” and “will have the ability to make and maintain payments toward restitution” at that time. The district court concluded, “Defendant is able to pay, even if only with incremental amounts.”

The district court’s analysis is supported by the factual record and is consistent with the applicable caselaw. A district court has “wide flexibility to structure restitution orders that take into account a defendant’s ability to pay.” *State v. Maidi*, 537 N.W.2d 280, 285-86 (Minn. 1995). Accordingly, a defendant’s ability to pay restitution is not limited to the defendant’s income and resources in the present; a district court also may consider the defendant’s ability to pay restitution in the future, including the defendant’s ability to make installment payments over time. *Id.* A defendant may have an ability to pay restitution based solely on prison wages. *See State v. Lindsey*, 632 N.W.2d 652, 663-64 (Minn. 2001); *State v. Davis*, 907 N.W.2d 220, 227-28 (Minn. App. 2018), *rev. denied* (Minn. Apr. 17,

2018). A defendant's ability to pay restitution also may be based on the defendant's potential to earn income through ordinary employment outside of prison. *State v. Alexander*, 855 N.W.2d 340, 344-45 (Minn. App. 2014). In this case, the district court specifically relied on evidence that Plonski is capable of earning an income after his release from prison, which was in the near future at the time of the restitution hearing. Plonski does not attempt to rebut the district court's reasoning that his anticipated post-release income may be factored into the ability-to-pay analysis and that he will have the ability to pay the amount of restitution ordered after his release.

Thus, the district court did not err by finding that Plonski has the ability to pay \$6,017.65 in restitution and did not err by denying Plonski's request to reduce the restitution award.

Affirmed.