

*This opinion is nonprecedential except as provided by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
A25-2020**

State of Minnesota,
Respondent,

vs.

Kayvon Julian Madison,
Appellant.

**Filed July 20, 2026
Affirmed
Bentley, Judge**

Hennepin County District Court
File No. 27-CR-23-26000

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

Mary F. Moriarty, Hennepin County Attorney, Adam E. Petras, Senior Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Leah C. Graf, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Ross, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

Appellant challenges the district court's order requiring him to pay \$16,688.14 in restitution. He argues that the state failed to meet its evidentiary burden at the contested

restitution hearing such that there was no factual support for the district court’s restitution award. Because appellant did not raise these arguments in district court, we affirm.

FACTS

Following a December 2023 shooting in a restaurant parking lot, respondent State of Minnesota charged appellant Kayvon Julian Madison with one count of intentional second-degree murder, in violation of Minn. Stat. § 609.19, subd. 1(1) (2022). Madison pleaded guilty to this offense at a February 2025 hearing. The district court sentenced him at a hearing a few months later. In addition to a prison sentence, the state requested that the district court “order restitution based on the documents submitted earlier [that day] and in that amount.”¹ The district court sentenced Madison to 403 months’ imprisonment and indicated that it would “sign an order ordering [him] to pay restitution in the amount of \$15,412.73.” The district court’s restitution order filed May 16, 2025, ordered Madison to pay \$15,412.73 to the victim’s family and \$2,775.41 to the Crime Victims Reimbursement Board (CVRB).² The record does not detail the expenses covered by those amounts.

Madison filed a motion challenging the restitution order and requesting a restitution hearing. In the motion, Madison objected to (1) “the amount of restitution claimed”; (2) the order “in so far as it failed to consider [his] income, resources, and obligations”; and (3) the

¹ The documents referenced are not in the record on appeal.

² The parties and the district court referred to the CVRB as the “Crime Victims Reparations Board,” but the legislature replaced the word “reparations” with “reimbursement” in 2023. *See State v. Cotton*, 13 N.W.3d 412, 417 n.3 (Minn. 2024) (discussing the relevant legislative history). We apply “the statutory language that was in effect when the events relevant to this appeal occurred.” *Id.*

order's lack of "a payment structure as required by Minn. Stat. § 611A.045, subd. 2a." Madison filed an affidavit in support of his motion, in which he stated that he "object[ed] to the amount claimed for restitution for funeral expenses because [he] believe[d] that the claimant received money for funeral expenses from a GoFundMe campaign" and he did "not believe that [he] should have to pay for expenses that have already been paid in whole or in part." Madison stated that he did not know how much money was raised through the campaign. He also submitted an affidavit from another individual asserting the existence of the GoFundMe campaign.

A restitution hearing was held in August 2025. Madison testified at the hearing. When asked, he acknowledged that he was "disputing the amount of restitution claimed because . . . there was a GoFundMe page that resulted in some money being raised towards funeral expenses. And therefore, . . . the amount of loss was not realized." Madison expressed that he did not "mind paying restitution," but felt that he "should not have to be accounted for . . . overlapped expenses." Madison's counsel acknowledged that, according to an email from the state, the amount to be paid to the family "consist[ed] of remaining funeral expenses and then therapy expenses," which are both "properly awarded as restitution." Counsel asserted, however, that there is still a question of whether "there is any evidence that loss was not sustained."

The state offered no evidence or witnesses, providing only legal argument. The state's counsel mentioned that he had "prepared a copy of a revised restitution order . . . which basically outlines the appropriate amount of restitution to the [CVRB] and to the victim's family based on some additional information [he received] about an

organization, not GoFundMe, that did provide to the funeral home \$1,500.” He also referenced an extra-record email stating that the CVRB approved the family for \$7,500 in funeral expenses. Finally, he mentioned that he “consulted with the [victim’s] family, and there was no GoFundMe account.”

After the hearing, the district court filed a modified restitution order. The court concluded that the state “proved the restitution amount of \$16,688.14 by preponderance of the evidence” and ordered Madison to pay \$6,412.73 to the victim’s family and \$10,275.41 to the CVRB. Separately, the district court granted Madison’s request to structure a payment plan.

Madison appeals.

DECISION

“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) (Supp. 2023). Restitution “may include, but is not limited to, any out-of-pocket losses resulting from the crime, including medical and therapy costs[.]” *Id.* When deciding whether to order restitution and, if so, how much, a district court is required to consider two statutory factors: “the amount of economic loss sustained by the victim as a result of the offense,” and the defendant’s ability to pay. Minn. Stat. § 611A.045, subd. 1(a) (2022). No other factors may be considered. *See State v. Riggs*, 865 N.W.2d 679, 685 (Minn. 2015) (concluding that “the plain language of section 611A.045, subdivision 1, provides an exclusive list of factors for determining the amount of restitution to award”).

“A district court has broad discretion to award restitution,” and a restitution order should not be reversed absent an abuse of that discretion. *State v. Andersen*, 871 N.W.2d 910, 913 (Minn. 2015). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted). Appellate courts review a district court’s factual findings for clear error and questions of law de novo. *Andersen*, 871 N.W.2d at 913. Whether the district court had the authority to order restitution is a question of law to be reviewed de novo. *Id.*

“At the sentencing, dispositional hearing, or hearing on the restitution request, the offender shall have the burden to produce evidence if the offender intends to challenge the amount of restitution or specific items of restitution or their dollar amounts.” Minn. Stat. § 611A.045, subd. 3(a) (2022). When a defendant challenges restitution, the dispute “must be resolved by the court by the preponderance of the evidence” and “[t]he burden of demonstrating the amount of loss sustained by a victim as a result of the offense and the appropriateness of a particular type of restitution is on the prosecution.” *Id.*

On appeal, Madison asserts that the district court’s restitution order should be reversed because the state did not meet its evidentiary burden to prove the claimed loss by a preponderance of the evidence and, in turn, the district court lacked authority to order restitution in this case as there was no evidence in the record to support it.³ The state

³ Madison does not argue on appeal that the district court erred by implicitly rejecting his argument that the victim’s amount of loss should be offset by any GoFundMe campaign proceeds. He mentions the GoFundMe issue only in a footnote in his opening brief and provides some argument in his reply brief, but he never asks this court to reverse the district

contends that those arguments are forfeited because Madison did not make them before the district court. Because forfeiture is a determinative threshold issue, we address it first and agree with the state.

By statute, if a defendant wishes to challenge a restitution order, that challenge must be made “within 30 days of receiving written notification of the amount of restitution requested, or within 30 days of sentencing, whichever is later.” Minn. Stat. § 611A.045, subd. 3(b) (2022). In doing so, the defendant must submit “a detailed sworn affidavit . . . setting forth all challenges to the restitution.” *Id.*, subd. 3(a). In his motion, Madison objected to the “the amount of restitution claimed,” but his affidavit and arguments to the district court related solely to a dispute about the amount of loss suffered by the victim’s family because of the alleged GoFundMe campaign. Indeed, at the restitution hearing, Madison’s counsel acknowledged an extra-record email from the state providing the basis for the restitution amount and did not challenge the amount, except for any amount offset by the GoFundMe, nor did counsel object to the fact that the email and supporting information were not submitted into evidence.

Because Madison did not articulate his present challenges to the restitution order within the statutory timeframe and in his affidavit, his challenge is forfeited on appeal. *State v. Haynes*, 24 N.W.3d 313, 317 (Minn. 2025) (stating that “challenges to restitution

court’s restitution order on that basis. *See Fontaine v. Steen*, 759 N.W.2d 672, 676 (Minn. App. 2009) (stating that “issues not raised or argued in appellant’s brief cannot be raised in a reply brief”). Because the argument is not properly before us, we take no position on whether *State v. Cotton*, 13 N.W.3d 412, forecloses Madison’s argument that GoFundMe contributions could offset economic losses for purposes of restitution.

brought outside of the 30-day time limit established in section 611A.045, subdivision 3, are generally forfeited on appeal”).

In *Haynes*, the supreme court underscored that even a challenge to the district court’s authority to order restitution must first be raised with the district court before it can be addressed on appeal. *Id.* at 317-18. The supreme court construed Haynes’s argument—that the individuals he had been ordered to pay were not “family members” within the meaning of the applicable statute—as being “a challenge to the district court’s legal authority.” *Id.* at 317. Madison contends his case is factually dissimilar from *Haynes*. He claims that his challenge is different because it is a “challenge to the sufficiency of the state’s proof after the state failed to present evidence at a contested restitution hearing.”

We are not persuaded that the issue here is materially different from the issue decided in *Haynes*. As in *Haynes*, Madison could have raised the argument he raises on appeal before the district court. The record shows that the state had not submitted any evidence relating to restitution at the time of sentencing and the initial order. Therefore, Madison could have challenged the restitution on that basis in his motion and supporting affidavit. *See, e.g., State v. Vick*, 28 N.W.3d 475, 478, 484-86 (Minn. App. 2025) (considering a defendant’s argument in his affidavit challenging a restitution order that the description for one of the line items and amounts in the affidavit submitted by the state “was too vague and unsupported by documentation to justify awarding it as restitution”). Instead, the only challenge to the amount of the award was whether it should be offset by the GoFundMe campaign. The factual distinctions in *Haynes* are immaterial.

Madison also maintains that his arguments on appeal are not forfeited because he “was not required to remind the state that it needed to present evidence to meet its burden of persuasion at a contested restitution hearing.” He further argues that he could not have brought this challenge earlier because he did not know until the contested hearing that the state would fail to submit any evidence into the record. But there was nothing precluding Madison from making arguments about the lack of evidence during the contested hearing when it became clear that the state still had not formally filed anything with the court and was not planning to do so. After the state presented its legal arguments, Madison’s counsel was afforded an opportunity to make final remarks in which he could have made those precise arguments. Rather than challenge the sufficiency of the evidence, his counsel referenced the amounts in the state’s email submission and acknowledged that the expenses were “properly awarded as restitution.” Again, the only challenge to the amount of restitution that Madison raised in the district court was a challenge to the GoFundMe campaign.

Because the arguments Madison raises on appeal are forfeited, we do not reach them on the merits. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).⁴

Affirmed.

⁴ We note, as the state does, that nothing in this opinion prevents Madison from making a motion under Minnesota Rule of Criminal Procedure 27.03 and challenging the restitution order as “contrary to law or applicable statutes.” *Evans v. State*, 880 N.W.2d 357, 359 (Minn. 2016).