

*This opinion is nonprecedential except as provided by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
A26-0198**

State of Minnesota,
Respondent,

vs.

Adin Gavriel Ceballos Mckillip,
Appellant.

**Filed August 31, 2026
Affirmed
Rasmusson, Judge**

Big Stone County District Court
File No. 06-CR-24-188

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

Rebecca Trapp, Big Stone County Attorney, Ortonville, Minnesota; and

Travis J. Smith, Special Assistant County Attorney, Slayton, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Hannah B. Laub, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Rasmusson, Presiding Judge; Bratvold, Judge; and
Slieter, Judge.*

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

NONPRECEDENTIAL OPINION

RASMUSSEN, Judge

In this appeal from the district court's sentence for aiding and abetting motor-vehicle theft, appellant Adin Gavriel Ceballos McKillip¹ argues that the district court erred in ordering restitution because the victim's loss did not arise as a natural consequence from his crime and because it did not adequately consider his ability to pay. We affirm.

FACTS

In April 2025, McKillip pleaded guilty to felony aiding and abetting theft of a motor vehicle, in violation of Minnesota Statutes section 609.52, subdivision 2(a)(17) (2024). The terms of the plea agreement provided for a stay of adjudication and dismissal of a second count of theft. Restitution was to be determined at sentencing.

At the plea hearing, McKillip admitted that, in November 2024, he and two other people knowingly took a vehicle for a drive without the owner's permission. McKillip stated that he rode in the back seat for about a half hour, was dropped off at home, and then the others continued to drive the vehicle for another two and a half hours. The district court accepted McKillip's plea and sentenced him according to the terms of the plea agreement.

¹ The case title in the district court spells appellant's last name as "Mckillip." Appellant spells his last name as "McKillip" in his appellate brief. The title of this opinion conforms to the title used in the district court. *See* Minn. R. Civ. App. P. 143.01 ("The title of the action shall not be changed in consequence of the appeal."). But we use appellant's preferred spelling in the body of the opinion.

After sentencing, respondent State of Minnesota sought restitution against McKillip in the amount of \$13,221.30—one-third of the total restitution claim. McKillip challenged restitution, and the district court held a restitution hearing over two days in June and September 2025.

At the restitution hearing, the victim testified that his vehicle was taken without his consent and damaged to the point that it was deemed a total loss. The responding officer also testified and discussed a video² that showed that the other two participants were in the vehicle when it crashed. He noted that the video did not show whether McKillip was in the vehicle at the time. McKillip testified that he was not in the vehicle when it was damaged and that he did not notice the damage when he initially returned the vehicle to the victim's brother later that day.³ McKillip also testified that he was in the process of earning his general education diploma (GED), had no assets or income, and was currently unemployed, although he was seeking employment and there was no medical reason that he could not work.

In November 2025, the district court filed its restitution order. The district court made no finding on whether McKillip was in the vehicle when the damage occurred but did find that he was not driving. It also found that McKillip was able to obtain employment and make restitution payments. The district court ordered McKillip to pay \$13,221.30 in restitution.

This appeal follows.

² This video was never introduced into evidence and is not part of the record on appeal.

³ McKillip knew both the victim and the victim's brother.

DECISION

“The district court has broad discretion to award restitution, and the district court’s order will not be reversed absent an abuse of that discretion.” *State v. Boettcher*, 931 N.W.2d 376, 380 (Minn. 2019) (quotation omitted). “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).

“Upon conviction of a felony,” the court may impose “payment of court-ordered restitution.” Minn. Stat. § 609.10, subd. 1(a)(5) (2024). When awarding restitution, a district court must consider both “the amount of economic loss sustained by the victim as a result of the offense” and “the income, resources, and obligations of the defendant.” Minn. Stat. § 611A.045, subd. 1(a) (2024).

I. The district court did not err by determining that the damage followed naturally as a consequence of McKillip’s crime.

“Whether a particular claim for restitution fits within the statutory definition is a question of law, which this court reviews de novo.” *In re Welfare of M.R.H.*, 716 N.W.2d 349, 351 (Minn. App. 2006), *rev. denied* (Minn. Aug. 15, 2006). “A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime” Minn. Stat. § 611A.04, subd. 1(a) (2024). A loss “results” from a crime for the purposes of restitution, when it is “directly caused by, or follow[s] naturally as a consequence of, the defendant’s crime.” *State v. Allison*, 999 N.W.2d 835, 842 (Minn. 2024) (quoting

Boettcher, 931 N.W.2d at 381). “[A] ‘factual relationship’ between the crime and the loss is not enough to award restitution.”⁴ *Id.* (quoting *Boettcher*, 931 N.W.2d at 381).

As an initial matter, McKillip asserts error in the district court’s reliance on accomplice-liability principles. Here, the district court first noted that McKillip is liable for the theft as an accomplice. However, the district court also found that “[t]he damage to the motor vehicle, even if unintended, was a foreseeable consequence of the crime of theft,” and quoted *Boettcher*, 931 N.W.2d at 381, in concluding that “McKillip is liable for damages because said damages ‘followed naturally as a consequence of’ the vehicle theft.”

The direct-causation standard as set out in *Boettcher* and *Allison* applies to this case. We need not decide whether the district court erred by citing the accomplice-liability standard because the district court ultimately applied the correct standard. To the extent the district court may have erroneously applied accomplice-liability principles, any error is harmless because the district court concluded its analysis by applying the correct direct-causation standard. *See* Minn. R. Crim. P. 31.01 (instructing us to disregard “error that does not affect substantial rights”).

Applying the direct-causation standard, McKillip argues that damage to the vehicle was not directly caused by and does not naturally follow from his crime of aiding and abetting the theft of the vehicle, citing this court’s nonprecedential opinion in *State v.*

⁴ Although this case involved a guilty plea, the “[p]rinciples that apply to criminal restitution in guilty-plea cases” are not implicated here because the plea agreement did not include a specific restitution amount. *Boettcher*, 931 N.W.2d at 381 n.5; *see State v. Meredyk*, 754 N.W.2d 596, 604 (Minn. App. 2008) (“[A] district court generally should not alter the terms of a restitution obligation negotiated as part of a plea agreement if it materially changes the expectations of the parties to the bargain.”).

Youngstedt, No. A19-1888, 2020 WL 7330580, at *8 (Minn. App. Dec. 14, 2020). In *Youngstedt*, the defendant was found guilty of first-degree assault and motor-vehicle theft after stabbing his on-and-off girlfriend, crashing her car, and then stealing an EMT's car. *Id.* at *1-2.⁵ We held that the damages to the girlfriend's car "did not directly result from [the defendant's] criminal act of stabbing" her and "did not follow naturally as a consequence of [the defendant's] assault of [the girlfriend]." *Id.* at *8 (quotation omitted).

Youngstedt does not control here. First, *Youngstedt* is a nonprecedential opinion, which is not binding on this court. See Minn. R. Civ. App. P. 136.01, subd. 1(c); *Vlahos v. R&I Constr. of Bloomington, Inc.*, 676 N.W.2d 672, 676 n.3 (Minn. 2004). Further, *Youngstedt* is distinguishable from the present case. In *Youngstedt*, we found that damage to the victim's vehicle was not a natural consequence of the first-degree assault of the victim. Here, McKillip admitted to aiding and abetting the theft of a vehicle with his friends to go on a joyride. In contrast with the natural consequences of first-degree assault at issue in *Youngstedt*, damage done to a vehicle during a joyride follows naturally as a consequence of taking that vehicle without the owner's consent.

In arguing that the damages are not a natural consequence of his crime, McKillip contends that his conduct was minimal, that he was not in the vehicle when the damage occurred, that a significant period of time elapsed from his leaving the vehicle and the crash, and that the damage was caused by another person's separate and intervening course of conduct. Notably, the district court did not make any findings as to whether it believed

⁵ The theft conviction related to the responding EMT's vehicle. *Youngstedt*, 2020 WL 7330580, at *8.

McKillip's testimony that he was not in the vehicle when it crashed; it determined only that McKillip was not the driver at the time of the crash.

Regardless of whether McKillip was present at the time of the crash, the conduct for which McKillip was convicted was part of one criminal objective that caused the damage to the vehicle—the theft of the vehicle. *See State v. Esler*, 553 N.W.2d 61, 65 (Minn. App. 1996) (holding that damages were too attenuated from the crime because they “were separated by several hours and had different criminal objectives”), *rev. denied* (Minn. Oct. 15, 1996). Additionally, the crime that he aided and abetted was still ongoing at the time the vehicle crashed. *See State v. Latimer*, 604 N.W.2d 103, 105 (Minn. App. 1999) (holding that damages were too attenuated because the crime was complete before the appellant's involvement). McKillip's contention that the damage to the vehicle was “from unrelated behavior by different individuals” is inaccurate. The same individuals that initially took the car continued the joyride and damaged the vehicle. This level of attenuation between the offense and the loss resembles that of other cases where restitution has been affirmed. *See, e.g., Allison*, 999 N.W.2d at 842-43 (holding that the victim's mother's treatment expenses and lost wages sufficiently resulted from criminal sexual conduct and possession of child pornography).

Accordingly, we conclude that the district court did not err by determining that the damage to the vehicle followed naturally as a consequence of McKillip's crime.

II. The district court did not fail to adequately consider McKillip's ability to pay.

McKillip argues that the district court erred by failing to adequately consider his ability to pay.

Whether the district court fulfilled its statutory obligation to consider the defendant's ability to pay restitution is a question of law reviewed de novo. *State v. Wigham*, 967 N.W.2d 657, 662 (Minn. 2021). "The court, in determining whether to order restitution and the amount of the restitution, shall consider . . . the income, resources, and obligations of the defendant." Minn. Stat. § 611A.045, subd. 1(a)(2). "[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." *Wigham*, 967 N.W.2d at 664.

Here, the district court noted that McKillip was 19 years old and did not have his high school diploma but was working towards his GED. It found that he was unemployed with no source of income besides government assistance but was looking for employment. The district court also noted McKillip's testimony that he did not have any medical, physical, or other condition preventing him from working. It concluded that McKillip's ability to pay restitution was not limited to his present income because he was able to obtain employment and could make payments in the future.

McKillip argues that "[t]he district court's cursory analysis . . . indicates the court did not adequately consider [his] ability to pay." But the district court made findings about McKillip's ability to pay and referenced those findings in concluding that his limited resources did not preclude restitution. The district court satisfied its obligation to consider McKillip's ability to pay. *See id.*

McKillip argues that the district court erred by relying on his future earning potential despite a lack of evidence that he would soon have a job. But a defendant need not

necessarily be able to pay restitution for the district court to order it. *State v. Alexander*, 855 N.W.2d 340, 344 (Minn. App. 2014). We discern no error in the district court's consideration of McKillip's future ability to pay despite a lack of immediate job prospects.

The district court did not err by failing to adequately consider McKillip's ability to pay restitution.

Affirmed.