

STATE OF MINNESOTA
IN COURT OF APPEALS

A25-1404

State of Minnesota,

Respondent,

vs.

Michael Tiwain Garrett, Jr.,

Appellant.

ORDER OPINION

Hennepin County District Court
File Nos. 27-CR-23-20963,
27-CR-24-11807, 27-CR-25-12656

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

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Michael Garrett Jr. pleaded guilty to second-degree intentional murder in violation of Minnesota Statutes section 609.19, subdivision 1(1) (2022), under a plea agreement that required him to pay an unspecified amount of restitution and resolved multiple other criminal cases.

2. The district court accepted Garrett's guilty plea and sentenced him to serve 306 months in prison. It also ordered him to pay \$7,500 in restitution but did not state that it had considered his ability to pay. The district court filed a "Restitution Order for Executed Sentence" form leaving unchecked the box indicating that it "considered the income, resources, and obligations of the defendant."

3. District courts must consider “the income, resources, and obligations of the defendant” before ordering restitution and establish on the record that they did so. Minn. Stat. § 611A.045, subd. 1(a)(2) (2024); *State v. Wigham*, 967 N.W.2d 657, 664–65 (Minn. 2021). This duty is not mitigated by a defendant’s agreement to pay an unspecified amount of restitution in a plea agreement. *State v. Baker*, 20 N.W.3d 897, 900–01 (Minn. App. 2025). A district court abuses its discretion by failing to meet this obligation. *Wigham*, 967 N.W.2d at 662.

4. The state correctly concedes that the district court abused its discretion by ordering \$7,500 in restitution without having first considered Garrett’s ability to pay.

IT IS HEREBY ORDERED:

1. The district court’s restitution order is reversed and the case is remanded to the district court to consider Garrett’s ability to pay.

2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, *res judicata*, or collateral estoppel.

Dated: July 21, 2026

BY THE COURT



Judge Kevin G. Ross