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**DISTRICT III**

January 28, 2025

To:

Hon. Jeffery L. Anderson  
Circuit Court Judge  
Electronic Notice

Sharon Jorgenson  
Clerk of Circuit Court  
Polk County Justice Center  
Electronic Notice

Frederick A. Bechtold  
Electronic Notice

Jennifer L. Vandermeuse  
Electronic Notice

Ryan G. Washburn 308502  
Oshkosh Correctional Inst.  
P.O. Box 3310  
Oshkosh, WI 54903-3310

You are hereby notified that the Court has entered the following opinion and order:

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2023AP258-CRNM      State of Wisconsin v. Ryan G. Washburn (L. C. No. 2020CF478)

Before Stark, P.J., Hruz and Gill, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Ryan G. Washburn appeals from a judgment convicting him, following a jury trial, of second-degree sexual assault of an unconscious victim, possession of tetrahydrocannabinols (THC), and possession of drug paraphernalia—each as a repeat offender. Attorney Frederick A. Bechtold has filed a no-merit report seeking to withdraw as appellate counsel. *See* WIS. STAT. RULE 809.32 (2021-22).<sup>1</sup> Washburn was advised of his right to respond to the no-merit report, but he has not done so. After this court ordered that the record be supplemented with a missing

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

transcript, counsel filed a supplemental no-merit report. Having independently reviewed the entire record as mandated by *Anders v. California*, 386 U.S. 738, 744 (1967), we conclude that there are no arguably meritorious issues for appeal.

According to the complaint, law enforcement was dispatched in response to a report of a sexual assault. The caller reported that Washburn rode a lawnmower from a VFW bar to her home, entered her home without her permission, attempted to rape the victim while the victim was sleeping, and then left the scene.

The victim subsequently informed the responding police officer that while she was at the VFW earlier in the evening, she met and talked with Washburn. The victim said that her cousin, who was also at the bar, later drove her to his home, where she proceeded to fall asleep on the couch. Washburn was still at the bar when she left.

The victim reported that she woke up on the couch with her pants around her thighs and Washburn standing over her with his penis exposed. The victim further reported that as she was waking up, she could feel Washburn digitally penetrating her vagina with two of his fingers. The complaint alleged that the victim yelled at Washburn to leave, and he said, “[Y]ou were all over me at the bar, I don’t get it.” After Washburn left the house, the victim heard the sound of a lawnmower driving away.

Police officers subsequently searched the area and approached a residence with a lawnmower parked in the driveway. After the officers knocked for several minutes, Washburn answered the door. Before Washburn opened the door, the officers saw him put something into a clear plastic drawer that was inside a cabinet in his living room. When questioned about what happened that evening, Washburn said that he went to the VFW, stopped at a friend’s house, and

then went home. According to Washburn, the victim invited him to the house. When asked how she invited him over, Washburn stated, “[S]he gave me her number and said we should talk sometime. I didn’t know if she meant tonight or later.” Washburn said that no one answered the door to let him in, but he entered anyway.

When asked if the victim was awake when he entered the residence, Washburn said “not at first” but that she woke up after he “started petting her.” When asked to clarify what he meant, the complaint alleged that Washburn said he rubbed the victim’s “hair, back, and butt.” He said he took the victim’s pants off, but he denied having sex with her, inserting his fingers into her vagina, or exposing his penis.

The officers placed Washburn under arrest. When asked if he wanted to get his pants from inside the residence, Washburn began to walk inside, and the officers followed him and assisted him with putting on his pants. The officers asked where Washburn’s phone and wallet were, and he pointed to the clear plastic cabinet he was near earlier. Without opening the cabinet, an officer was able to observe inside it a small clear baggie containing a green plantlike substance, which the officer recognized as marijuana. The officer also saw tinfoil in the shape of a smoking device with burnt residue on it. According to the complaint, Washburn stated, “[Y]eah I smoke a little pot on the side.”

The complaint alleged that both the green, plantlike substance and the burnt substance on the tinfoil tested positive for THC. The complaint further alleged that Washburn was previously convicted of three misdemeanors.

The case proceeded to trial, and the jury found Washburn guilty of second-degree sexual assault, possession of THC, and possession of drug paraphernalia. The jury returned a not-guilty

verdict on a burglary charge. For the sexual assault, the circuit court sentenced Washburn to five years of initial confinement followed by ten years of extended supervision. For the remaining charges, the court withheld sentence and placed Washburn on concurrent two-year terms of probation to run consecutively to his prison sentence. Because sexual assault is a crime under WIS. STAT. ch. 940, Washburn was not eligible for the Challenge Incarceration or Substance Abuse Programs. *See* WIS. STAT. §§ 302.045, 302.05.

During the sentencing hearing and again in a postconviction motion, defense counsel requested that the presentence investigation report (PSI) be amended to reflect the victim's trial testimony, insofar as that might impact future sex offender treatment for Washburn. The criminal complaint referenced digital penetration. During her trial testimony, however, the victim's testimony was less clear as to that detail. Ultimately, the State did not object to attaching a partial transcript of the victim's trial testimony to the PSI, and the circuit court entered an order to this effect.

The comprehensive no-merit report sets forth the procedural history of the case and addresses, among other things, whether there is any arguable merit to challenge the jury selection process, Washburn's waiver of his right to testify, the jury instructions, the sufficiency of the evidence, the constitutional effectiveness of trial counsel, and the sentences imposed. Upon our review of the record, we agree with counsel's description, analysis, and conclusion that none of the identified issues have arguable merit. The no-merit report sets forth an adequate discussion of these potential issues to support the no-merit conclusion, and we need not address them further.

Our independent review of the record discloses no other potential issue for appeal.

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Frederick A. Bechtold is relieved of his obligation to further represent Ryan G. Washburn in this matter. See WIS. STAT. RULE 809.32(3).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*