

*This opinion is nonprecedential except as provided by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
A24-1436**

State of Minnesota,
Respondent,

vs.

Mark Anthony Ryan,
Appellant.

**Filed July 28, 2025
Affirmed
Johnson, Judge**

Aitkin County District Court
File No. 01-CR-20-384

Keith Ellison, Attorney General, Thomas R. Ragatz, St. Paul, Minnesota; and

James Ratz, Aitkin County Attorney, Aitkin, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Jennifer Lauermann, 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NONPRECEDENTIAL OPINION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

Mark Anthony Ryan pleaded guilty to a charge of second-degree criminal sexual
conduct based on his admission that he sexually assaulted his 16-year-old daughter. We

conclude that the district court did not err by denying Ryan’s motion for a downward dispositional departure. Therefore, we affirm.

FACTS

In May 2020, the state charged Ryan with eight counts of criminal sexual conduct. The state alleged that, on November 3, 2019, Ryan entered the bedroom of his 16-year-old daughter during the night, held her down, and inserted his penis into her vagina. Two days later, Ryan’s daughter told a law-enforcement officer that Ryan had sexually assaulted her multiple times. She submitted to a sexual-assault examination. A vaginal swab revealed the presence of sperm cells that matched Ryan’s DNA profile.

The state filed an amended complaint in June 2023, again charging Ryan with eight counts of criminal sexual conduct. The factual allegations in the amended complaint are identical to the allegations in the original complaint.

The case was scheduled for trial in January 2024. Three weeks before the trial date, the parties entered into a plea agreement. Ryan agreed to plead guilty to a charge of second-degree criminal sexual conduct, with force or coercion and personal injury, in violation of Minn. Stat. § 609.342, subd. 1(e)(i) (2018), and the state agreed to dismiss the other seven charges. At the plea hearing, Ryan admitted that he approached his 16-year-old daughter while she was sleeping, that he “had contact with her intimate parts,” that he “did so with a sexual or aggressive intent,” and that he caused her injury and pain.

In June 2024, Ryan moved for a downward dispositional departure. The district court conducted a sentencing hearing later that month. Ryan’s daughter appeared and orally presented a victim-impact statement. The prosecutor urged the district court to

impose a presumptive sentence of 90 months of imprisonment. Ryan’s attorney urged the district court to order a downward dispositional departure, noting that Ryan is 45 years old, that he has an associate’s degree in computer science, that he has maintained steady employment, that he consistently has resided at the same address, that he has social connections and hobbies, and that several persons submitted letters of support. Ryan’s attorney asserted that Ryan “has taken full responsibility,” is remorseful, and cooperated with the pre-sentence investigation (PSI). In rebuttal argument, the prosecutor stated that the PSI report does not support the argument that Ryan is remorseful. Ryan gave a statement in allocution.

In pronouncing sentence, the district court stated that it had had an opportunity to “watch and observe” Ryan for four years while the criminal case and a child-protection case were pending. The district court stated that it was “troubled” by Ryan’s version of the offending incident, as recited in the PSI report. The district court also stated that it had reviewed the psychosexual-evaluation report and that the report supported treatment in a correctional facility instead of treatment on an outpatient basis. The district court concluded by stating that it “cannot find a basis” for a downward departure. The district court imposed a presumptive sentence of 90 months of imprisonment. Ryan appeals.

DECISION

Ryan argues that the district court erred by denying his motion for a downward dispositional departure.

The Minnesota Sentencing Guidelines prescribe presumptive sentences for felony offenses. Minn. Sent’g Guidelines 2.C (2019). For any particular offense, the guidelines

sentence is “presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics.” Minn. Sent’g Guidelines 1.B.13 (2019). Accordingly, a district court “must pronounce a sentence . . . within the applicable [presumptive] range unless there exist identifiable, substantial, and compelling circumstances to support a departure.” Minn. Sent’g Guidelines 2.D.1 (2019). The sentencing guidelines provide non-exclusive lists of mitigating and aggravating factors that constitute identifiable, substantial, and compelling circumstances and thus may justify a departure if such circumstances are found to exist. Minn. Sent’g Guidelines 2.D.3 (2019). Only in a “rare case” will this court reverse a district court’s imposition of a presumptive sentence. *State v. Kindem*, 313 N.W.2d 6, 7 (Minn. 1981).

Ryan contends that the district court erred on the ground that “multiple mitigating factors existed to support a finding that Ryan was particularly amenable to probation and sex offender treatment in a probationary setting.” He specifically refers to his age, his prior record, his remorse, his cooperation while in court, his support from friends and family, and his particular amenability to probation.

The record reveals that the district court appropriately considered Ryan’s motion. The district court was familiar with Ryan and his cases and did not believe that he was remorseful. The PSI report supports the state’s argument that Ryan lacked genuine remorse. Similarly, Ryan’s allocution statement is not especially remorseful because he appears to have suggested that he might have been sleepwalking when he committed the offense, which indicates a lack of acceptance of responsibility. The other factors identified by Ryan do not make this a “rare case” in which a district court has no discretion to deny

a motion for a downward dispositional departure. *See id.* The district court did not abuse its discretion when it stated that it “cannot find a basis” for a downward departure.

Thus, the district court did not err by denying Ryan’s motion for a downward dispositional departure.

Affirmed.