

RENDERED: DECEMBER 4, 2009; 10:00 A.M.  
NOT TO BE PUBLISHED

**Commonwealth of Kentucky**  
**Court of Appeals**

NO. 2009-CA-000759-MR

KHALID A. ZAAHIR, A.K.A  
RAEMON T. ANDERSON

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT  
HONORABLE GEOFFREY P. MORRIS, JUDGE  
ACTION NO. 05-CR-002723

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: CLAYTON, DIXON AND THOMPSON, JUDGES.

THOMPSON, JUDGE: Khalid A. Zaahir, a.k.a. Raemon T. Anderson, filed a *pro se* appeal from an order of the Jefferson Circuit Court denying his motion requesting that the court amend his name on record in the Jefferson Circuit Court to reflect his legal name as Khalid Abdul-Samad Zaahir and to order the Kentucky Department of Corrections to similarly amend its records. The Jefferson Circuit

Court denied the motion and this appeal followed. Because we find that the facts as alleged are insufficient to state a basis for relief, we affirm.

On May 13, 2003, the Morgan District Court entered a name change order in which the appellant's name was changed from Raemon Terrell Anderson to Khalid Abdul-Samad Zaahir. Subsequently, appellant was indicted by the Jefferson County Grand Jury for ten counts of first-degree robbery, one count of first-degree assault, and for being a persistent felony offender in the second degree. The indictment designated appellant as "Raemon Terrell Anderson, a.k.a. Khalid Abdul-Samad Zaahir." Subsequent pleadings in the case were styled "Raemon Terrell Anderson" and appellant's signature on at least one court document appeared as "Raemon Anderson." Appellant pleaded guilty to the charges: the judgment of conviction and sentence was styled, "*Commonwealth of Kentucky v. Raemon Anderson.*"

Post-conviction proceedings were pursued in the name of "*Raemon T. Anderson a.k.a. Khalid A. Zaahir v. Commonwealth of Kentucky*" and appellant signed his RCr 11.42 motion as "Raemon Anderson." *Pro se* pleadings filed in conjunction with the RCr. 11.42 motion were also signed "Raemon Anderson."

On February 27, 2009, counsel for appellant filed a motion to supplement appellant's RCr 11.42 motion wherein it was advised that appellant's legal name had been changed to Khalid Abdul-Samad Zaahir and attached a copy of the Morgan District Court's name change order. Subsequently, appellant filed a

*pro se* motion requesting amendment of the court's records and prison records to reflect his name as Khalid Abdul-Samad Zaahir.

As we understand the appellant's *pro se* brief, he requests this Court to order that the Jefferson Circuit Court amend all pleadings regarding appellant's criminal case to reflect his legal name, Khalid Abdul-Samad Zaahir, and that we issue an order requiring the Kentucky Department of Corrections to likewise amend its prison records. Appellant maintains that the continued use of his former name *in lieu* of his Islamic name violates the First Amendment of the United States Constitution which embodies his right to freely exercise his religion. He asserts that his name change was mandated by his Islamic religion that requires him to reject his birth name given as a result of the enslavement of his ancestors.

A prisoner retains the First Amendment right to the free exercise of religion. *Cruz v. Beto*, 405 U.S. 319, 92 S.Ct. 1079, 31 L.Ed.2d 263 (1972). The fallacy in appellant's claim is that he fails to indicate how the continued use of his former name in court and prison records infringes upon that right because he does not allege how the refusal to amend the records precludes him from practicing his Islamic faith.

This precise issue was presented and rejected in *Imam Ali Abdullah Akbar v. Canney*, 634 F.2d 339, 340 (6th Cir. 1980), where the Court held:

The question of a prisoner's right to change his name does not appear to be the question raised by this appeal. Rather we are asked to determine whether prison officials must change all their records to reflect the newly adopted name of a prisoner who has changed his name upon

acceptance of the Sunni Muslim religion. We do not believe so. This record does not indicate prison regulations included any prohibition against a prisoner assuming a new name nor was there a denial of any prison benefit because of the use of the new name. As we view this record, the only act complained of by appellant is a matter of prison record keeping. We do not believe that any inmate has a constitutional right to dictate how prison officials keep their prison records.

We adopt this reasoning and extend it to the maintenance of court records.

Appellant cannot complain that his right to practice his religion compels the court and prison officials to amend their records.

The judgment of the Jefferson Circuit Court is affirmed.

DIXON, JUDGE, CONCURS.

CLAYTON, JUDGE, DISSENTS AND FILES SEPARATE

OPINION.

CLAYTON, JUDGE, DISSENTING. While I agree with the reasoning of Judge Thompson's opinion, I dissent as I believe this action should be remanded to the trial court for appropriate findings.

The trial judge in this case denied the appellant's request for a name change, setting forth that his reason for the denial was "need proof of name change." As proof of his name change, the appellant submitted a Morgan County District Court order which officially changed his name from Raemon T. Anderson to Khalid Abdul-Samad Zaahir.

In KRS 401.010, it provides that "[a]ny person at least eighteen (18) years of age may have his name changed by the District Court of the county in

which he resides.” The appellant has proof that he has changed his name in the form of a District Court order. The Commonwealth argues that he has “publicly declared” himself to be Raemon T. Anderson after the order was entered and that, therefore, pursuant to Kentucky caselaw, he should not have his name changed in court records.

In *Burke v. Hammonds*, 586 S.W.2d 307 (Ky.App. 1979), it was set forth that Kentucky “recognizes the common law right of any person to informally change their name by public declaration.” In this instance, the Commonwealth uses the signatures of the appellant in court pleadings as proof. The trial court did not make this finding, however, it simply stated that there was no proof of the appellant’s name change. I disagree with this holding and would remand the case back for further findings.

While the majority cites *Imam Ali Abdullah Akbar v. Canney*, 634 F.2d 339, 340 (6<sup>th</sup> Cir. 1980), in support of its finding, I believe the issue in this case is not whether the appellant has a constitutional right to a name change for prison record keeping, but it is whether the trial court based its ruling upon facts set forth in the record. Thus, I respectfully dissent.

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