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**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-914**

In the matter of the Application of William Richard Iverson
for a change of name to Nuh Isa Riyaahwa

**Filed October 17, 2011
Affirmed
Larkin, Judge**

Nicollet County District Court
File No. 52-CV-10-375

William R. Iverson, St. Peter, Minnesota (pro se appellant)

Lori Swanson, Attorney General, Matthew Frank, Assistant Attorney General, St. Paul,
Minnesota (for respondent)

Considered and decided by Schellhas, Presiding Judge; Klaphake, Judge; and
Larkin, Judge.

UNPUBLISHED OPINION

LARKIN, Judge

Appellant claims that the district court erred in denying his request for a religious name change, arguing that the denial of his request based on public-safety concerns is unconstitutional. Because the district court did not abuse its discretion, we affirm.

DECISION

A person who has resided in Minnesota for six months “may apply to the district court in the county where the person resides to change [his or her] name.” Minn. Stat. § 259.10, subd. 1 (2010). The applicant “shall describe all lands in the state in or upon which the person . . . claim[s] any interest or lien, and shall appear personally before the court and prove identity by at least two witnesses.” *Id.* Thereafter, the district court must grant a name-change request unless “it finds that there is an intent to defraud or mislead.” Minn. Stat. § 259.11(a) (2010). But if the applicant has a felony conviction, as does appellant William Richard Iverson,¹ the name-change application is also governed by Minn. Stat. § 259.13 (2010).

Minn. Stat. § 259.13 gives the prosecuting authority the right to file an objection if the name-change request aims to defraud or mislead, is not made in good faith, will cause injury to a person, or will compromise public safety. Minn. Stat. § 259.13, subd. 2. If an objection is filed, the district court cannot grant the applicant’s request for a name change unless the applicant files “a motion with the court for an order permitting the requested name change.” *Id.*, subd. 3. At that point, the burden shifts to the applicant to prove by clear and convincing evidence that the name-change request complies with the aforementioned requirements. *Id.* The statute also requires that the district court grant the name change if failure to allow it would infringe on a constitutional right of the person. *Id.*, subd. 4. We review a district court’s decision to grant or deny a name

¹ Iverson has been convicted of numerous felonies including assault in 1975, criminal damage to property in 1979, second-degree murder in 1983, and aggravated assault and first-degree burglary in 1997.

change for an abuse of discretion. *In re Welfare of C.M.G.*, 516 N.W.2d 555, 561 (Minn. App. 1994).

Iverson's name-change application was first heard by the district court at a telephonic hearing on December 2, 2010. Iverson informed the district court that he had submitted an affidavit of service on the prosecuting authorities and that Ramsey County "never filed any—uhm—let's say, objections to it. Only Washington County. Ms. Susan Harris." Iverson then stated that he had responded to that objection via affidavit. His affidavit states, "[Iverson] hereby so swears under oath that on 8/2/10 he received Wash. Cty. Ct. Letter by Susan Harris and his name change is for religious purposes with no intent to defraud or mislead and by no means compromise public safety." Iverson then argued, "I believe that my affidavit should weigh more heavily than her objection for the name change from Washington County." The district court recessed the telephonic hearing so it could arrange for Iverson's appearance via interactive television (ITV).

The hearing resumed on February 14, 2011. Iverson stated, "[A] notification to change my name to Ramsey County and Washington County attorneys, has been done. Only the Washington County attorney objected. And I then submitted an affidavit for name change, 8-3-10, which was notarized. And there is no intent to defraud or mislead. It's for religious purposes." The district court later asked Iverson to confirm that "Washington County wrote a letter to you and told you that they objected?" Iverson responded, "Yes. District Washington County Attorney Susan Harris. I got a copy of her objection, but then I sent an affidavit to you after that objection for my—uhm—it was merely religious intent and not to defraud, after she sent that." In sum, Iverson informed

the district court of a prosecuting authority's objection, filed an affidavit in response to the objection, and argued that he had overcome the objection.

Because a prosecuting authority objected, Iverson is not entitled to a name change unless he proves, by clear and convincing evidence that "the request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to a person, and will not compromise public safety." Minn. Stat. § 259.13, subd. 3. The district court concluded that Iverson failed to prove that the name change will not compromise public safety. Iverson contends that the district court erred in its conclusion. As support for this contention, Iverson argues that he is indeterminately civilly committed, that he is under supervised release until 2014, and that a department-of-corrections agent would be notified of his name change. Iverson also insists that numerous unidentified statutes and policies protect the public safety.

We have reviewed the district court's conclusion that Iverson failed to meet his burden of proof, and we find no abuse of discretion. The district court's memorandum shows that the district court considered the issue, made findings on the issue that are supported by the record, and that the findings support the conclusion that Iverson failed to prove that the proposed name change will not compromise public safety. The district court noted Iverson's history of violent crimes, including second-degree murder, and explained that "[t]he public clearly has a strong, legitimate interest in [Iverson] continuing to carry in the public records the same name as that under which he was convicted of those crimes."

Iverson also contends that denying him “a religious name change [in the interest of public safety] would deny the ‘Bill of Rights’ so afforded citizens” of the United States. Iverson suggests that denial of his application for a name change based on public-safety concerns infringes on his constitutional right to freedom of religion.² *See* Minn. Stat. § 259.13, subd. 4 (“The court shall grant a name change if failure to allow it would infringe on a constitutional right of the person.”). Iverson’s assertion is arguably waived for inadequate briefing. *See State v. Modern Recycling, Inc.*, 558 N.W.2d 770, 772 (Minn. App. 1997) (stating that an assignment of error in a brief based on mere assertion and not supported by argument or authority is waived unless prejudicial error is obvious on mere inspection). We nonetheless review the district court’s findings, analysis, and conclusion on this issue.

The district court recognized and addressed Iverson’s constitutional argument at the ITV hearing. The district court asked Iverson to tell the court about his religion and to explain why he wanted to change his name, why he chose the proposed name, and why changing his name had anything to do with his religion. At the end of the hearing, the district court took the matter under advisement and informed Iverson that it had to determine “whether or not [he had] shown . . . that this is for religious purposes.” The district court’s memorandum supporting its order contains detailed findings indicating that it understood that the issue was whether denial of the name change would infringe on a constitutional right. The district court’s findings show that it understood and

² Iverson does not specify which of his constitutional rights is allegedly violated. We construe his arguments as a claimed violation of his right to free exercise of religion under the First Amendment to the United States Constitution. U.S. Const. amend. I.

considered Iverson's proffered reasons for the name change. Yet the district court concluded that denying the name change does not infringe on a constitutional right. The court specifically found that Iverson "did not explain how the proposed name is necessary to his practice of his current religion"; he "adopted his current religion in 2006, but did not make this name change request until 2010"; he "would merely like the name change to go along with the new person that he believes he has become"; he "appears motivated as well by dislike of his current name" and associated nicknames; and denial of the application will not prohibit Iverson from using his proposed name in connection with ceremonies or rites associated with his religion. These findings are supported by Iverson's own testimony, and the findings support the district court's conclusion that the name change is not necessary for the exercise of Iverson's religion.

In conclusion, the district court did not abuse its discretion by concluding that (1) Iverson failed to demonstrate, by clear and convincing evidence, that the name change will not compromise public safety and (2) denial of Iverson's name-change request does not infringe on his constitutional right to free exercise of religion. We therefore affirm.

Affirmed.

Dated:

Judge Michelle A. Larkin