STATE OF MINNESOTA
IN COURT OF APPEALS
A13-1235

In the Matter of the Application of:
Allen LaShawn Pyron, for Change of Name.

Filed February 10, 2014
Affirmed
Bjorkman, Judge

Carlton County District Court
File No. 09-CV-13-393

Allen LaShawn Pyron, Moose Lake, Minnesota (pro se appellant)

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Michael O. Freeman, Hennepin County Attorney, Minneapolis, Minnesota; and

James C. Backstrom, Dakota County Attorney, Hastings, Minnesota; and

Thomas Pertler, Carlton County Attorney, Carlton, Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Bjorkman, Judge; and Hooten, Judge.

U N P U B L I S H E D O P I N I O N

BJORKMAN, Judge

Appellant challenges the district court's denial of his application for a name change under Minn. Stat. § 259.13 (2012), arguing that (1) the proposed change would

not compromise public safety, (2) he has a constitutional right to change his name for religious reasons, and (3) the district court's findings are insufficient. We affirm.

FACTS

Appellant Allen LaShawn Pyron is indeterminately civilly committed as a sexually dangerous person to the Minnesota Sex Offender Program. He filed an application to change his name to Takashi-Kaito Tai-Zaki Ato, stating that he sought the change "[t]o be able to exercise my religious freedoms of the name change process without having to explain myself." The state objected, arguing that the name change would compromise public safety by hindering accurate record keeping and future investigations. After a hearing, the district court denied Pyron's application. This appeal follows.

D E C I S I O N

We review a district court's decision to grant or deny a name change for abuse of discretion. *In re Welfare of C.M.G.*, 516 N.W.2d 555, 561 (Minn. App. 1994). A district court abuses its discretion when its findings of fact are unsupported by the record, it improperly applies the law, or it resolves the matter in a way that is "against logic and the facts on record." *Foster v. Foster*, 802 N.W.2d 755, 757 (Minn. App. 2011) (quotation omitted).

An appellant, even one who is pro se, has the burden of providing an adequate record on appeal. Minn. R. Civ. App. P. 110.02, subd. 1; *State v. Carlson*, 281 Minn. 564, 566, 161 N.W.2d 38, 40 (1968) ("It is elementary that a party seeking review has a duty to see that the appellate court is presented with a record which is sufficient to show the alleged errors and all matters necessary to consider the questions presented."). This

court cannot presume error in the absence of an adequate record. *Custom Farm Servs., Inc. v. Collins*, 306 Minn. 571, 572, 238 N.W.2d 608, 609 (1976) (declining to consider an allegation of error in the absence of a transcript).

Minn. Stat. § 259.13 governs a convicted felon's request for a name change. The statute gives the prosecuting authority the right to object if the request (1) aims to defraud or mislead, (2) is not made in good faith, (3) will cause injury to a person, or (4) will compromise public safety. Minn. Stat. § 259.13, subd. 2. The burden then shifts to the applicant to prove by clear and convincing evidence that there is no basis for denying the request. *Id.*, subd. 3. But the request must be granted if denial of the name change would infringe on the applicant's constitutional rights. *Id.*, subd. 4.

Pyron first argues that the district court clearly erred by finding that his proposed name change would compromise public safety. We are not persuaded. Pyron has the burden to prove that a name change would not implicate public safety and that the district court's findings of fact in that regard are clearly erroneous. Minn. Stat. § 259.13, subd. 3; *see also Rogers v. Moore*, 603 N.W.2d 650, 656 (Minn. 1999). But Pyron did not provide a transcript of the hearing on his application, and we cannot presume error. In the absence of an adequate record, we have no basis to conclude that the district court clearly erred in finding that his name change would compromise public safety. Accordingly, the district court did not abuse its discretion in denying Pyron's application for a name change based on public-safety grounds.

Pyron next argues that denial of his name-change application infringes his constitutional right to freedom of religion. In considering such a challenge, we review

de novo whether (1) the applicant's religious belief is sincerely held, (2) the state regulation burdens the exercise of religious beliefs, (3) the state interest in the regulation is overriding or compelling, and (4) the state regulation uses the least-restrictive means. *See Hill-Murray Fed'n of Teachers v. Hill-Murray High Sch.*, 487 N.W.2d 857, 865 (Minn. 1992); *see also State v. Pedersen*, 679 N.W.2d 368, 372-73 (Minn. App. 2004) (stating we review de novo whether application of a statute is unconstitutional as applied), *review denied* (Minn. Aug. 17, 2004). There is no evidence before this court of Pyron's religion, whether his beliefs are sincerely held, or how changing his name would impact his religion. Pyron's argument that the district court did not properly balance these factors fails in the absence of a sufficient record.

Finally, Pyron asserts that the district court failed to make sufficient findings of fact. We disagree. Findings must include enough detail and specificity to support the order and to allow proper review by the appellate court. *See Woodrich Constr. Co. v. State*, 287 Minn. 260, 263, 177 N.W.2d 563, 565 (1970) (stating that factual findings should include as many facts as necessary to disclose to appellate court the basis for the decision). Here, the district court's order and memorandum substantively address the statutory name-change factors. And the lack of an adequate record presents us from further reviewing the district court's factual determinations. Accordingly, we discern no error related to the adequacy of the district court's findings.[1]

Affirmed.

[1] Pyron also argues that the district court abused its discretion by denying his motion to proceed in forma pauperis but this motion was in fact granted.