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DISTRICT II

March 2, 2016

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

2015AP481

Aaron D. Allen v. Waukesha County (L.C. # 2014CV2356)

Before Neubauer, C.J., Reilly, P.J., and Hagedorn, J.

Aaron David Allen petitioned the circuit court to change his name to Harvey Bitch Cooper. The circuit court denied Allen's petition, concluding that "sufficient cause" existed to deny Allen's request. Based on our review of the briefs and the record, we conclude that this case is appropriate for summary disposition and affirm the order. *See* WIS. STAT. RULE 809.21 (2013-14).¹

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

In papers supporting Allen's request to change his name, he stated that he sought to change his first and last names because Aaron "is a common name in my family" and he was "also estranged from" them. Explaining the reason behind the proposed change to his middle name, Allen said, "[t]he middle initial 'B' would actually stand for the expletive word of 'bitch' because that was for a long time my nickname." For him, "[i]t was a long standing joke like calling a big guy tiny, and I [am] not offended by such use of the word bitch by my middle name."

In connection with Allen's request, his criminal history was produced which showed that he had multiple prior convictions. Among them included a 1996 conviction for robbery, a 2001 conviction for battery and bail jumping, a 2001 conviction for carrying a concealed weapon, a 2002 conviction for operating a motor vehicle while intoxicated, a 2003 conviction for possession of THC, and a 2003 conviction for burglary.

Allen's mother wrote the circuit court requesting that Allen's request be denied. She told the circuit court that Allen suffered from a mental illness and was no longer taking his medication. His desire to change his name stemmed from a series of delusions. Allen, his mother wrote, did not have the ability to deal with the legal ramifications that came with changing one's name, such as informing his bank or the social security administration, the latter from which he received disability benefits. Allen's mother had spoken with Allen's social worker at the office of health and human services, and he agreed that granting Allen's request "would not be a good idea."

A report from the Waukesha police department detailed that on January 26, 2015, Allen placed two calls to the police department, stating that people were intercepting his money and

erasing his memory, that there was a microphone in his neck and he was currently on television, and that he heard voices telling him that they are stealing his money. The police found Allen's complaints to be unsubstantiated, noting that Allen was "extremely" mentally ill.

The circuit court conducted a lengthy hearing on Allen's request. During the hearing, Allen again explained the reason for wanting his name changed, stating as follows:

[T]here's some kind of game played around me, some sort of conspiracy of many people using me as a basis of other things besides what I want to do with my life, and it all stems back to being named Aaron Allen. Some sort of political game is played around my name and my property, and I want my own name attached so that they couldn't treat me as if I was some sort of unique alien. The name Aaron Allen, to some people that a big game they play around my name. I want to attach a new name to it so that they couldn't discriminate against me. It seems the name Aaron Allen, they think they can take my property and my tax record and my credit. Play some type of game around it seems like.

Allen informed the circuit court that he had previously been diagnosed with a mental illness. However, he had stopped attending mental health treatment and was no longer on medication because "it didn't really help." In a discussion about Allen's 2003 conviction for burglary, he noted that he was held in pretrial detention for 406 days because he was first declared competent to stand trial, then incompetent, and then competent. The circuit court noted that Allen had "submitted volumes of paperwork, most of which [was] not helpful to" his position. The circuit court denied Allen's petition, and Allen now appeals from the circuit court's order.

In a letter to this court explaining the basis for his appeal, Allen repeated his prior arguments, including his contention that

[m]y argument was that my family victimizes me because my name is Aaron David Allen, and that there are political games being played around me due to my name.... By seeking to usurp my own name my family tries to take property which is rightfully mine.

Under WIS. STAT. § 786.36(1), upon petition, a court may change the name of an adult “if no sufficient cause is shown to the contrary.” In other words, “the name change will be granted *unless* sufficient cause is shown to the contrary.” *Williams v. Racine Cty. Circuit Court*, 197 Wis. 2d 841, 845, 541 N.W.2d 514 (Ct. App. 1995). The statutory language of “no sufficient cause” gives the circuit court a “narrow” measure of discretion “to determine whether there is a legitimate reason to deny a petitioner’s request for the change.” *Id.*; see *Kruzel v. Podell*, 67 Wis. 2d 138, 153, 226 N.W.2d 458 (1975). Mere “[u]nsupported generalizations” do not constitute sufficient cause for the denial of a name change. *Kruzel*, 67 Wis. 2d at 154. Since the determination involves the exercise of discretion, we will not disturb that determination so long as the circuit court “examined the relevant facts, applied a proper legal standard, and, using a demonstrated rational process, reached a reasonable conclusion.” *Martindale v. Ripp*, 2001 WI 113, ¶28, 246 Wis. 2d 67, 629 N.W.2d 698; see *Williams*, 197 Wis. 2d at 844.

Here, we cannot conclude that the circuit court improperly exercised its discretion in denying Allen’s petition to change his name. Under the totality of the circumstances, sufficient cause existed to deny Allen’s request. Against a backdrop of multiple felony convictions, the evidence in the record, which is supported by Allen’s communications with the circuit court, showed that he was suffering from a mental illness. Further, he had stopped taking his medication, was having delusions, and would not be able to cope with the daily and legal ramifications associated with changing one’s name, such as informing his bank or the social security administration.

Accordingly, we affirm the circuit court's order denying Allen's petition to change his name.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed. WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals