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DISTRICT II

December 26, 2019

To:

Hon. Eugene A. Gasiorkiewicz
Circuit Court Judge
Racine County Courthouse
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Dean Richard vonGermeten
1921 Turston Ave.
Racine, WI 53403

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

2018AP2397

Dean Richard vonGermeten v. Racine County
(L.C. #2018CV1632)

Before Reilly, P.J., Gundrum and Davis, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

DEAN RICHARD VONGERMETEN appeals from the denial of his petition to change his name to Dean Richard vonGermeten. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).¹ As the circuit court properly exercised its discretion in denying the petition, we affirm.

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

Appellant petitioned to change his name, which he alleged was DEAN RICHARD VONGERMETEN due to his birth certificate having his name in all capital letters, to Dean Richard vonGermeten.² Appellant gave the reason for his requested name change as “status correction.” On December 3, 2018, the circuit court denied the request as it “saw no valid legal reason to grant the request pursuant to [WIS. STAT.] § 786.36” and dismissed appellant’s petition without prejudice. Appellant did not provide a transcript of the December 3, 2018 hearing with this appeal.

Whether a court grants a petition for a name change under WIS. STAT. § 783.36 is a discretionary act that we review under the erroneous exercise of discretion standard. A trial court’s exercise of discretion in a petition for a name change will be upheld if the record shows that “there is a reasonable basis for the court’s determination.” *Williams v. Racine County Circuit Court*, 197 Wis. 2d 841, 844, 541 N.W.2d 514 (Ct. App. 1995) (citation omitted).

We first note that Appellant has not provided us with a transcript of the December 3, 2018 hearing. Therefore, we must assume under our standards of appellate review that the transcript supports the court’s exercise of discretion in dismissing the petition. *See State v. McAttee*, 2001 WI App 262, ¶5 n.1, 248 Wis. 2d 865, 637 N.W.2d 774 (“It is the appellant’s responsibility to ensure completion of the appellate record and ‘when an appellate record is

² We note that after the deadlines in this case had passed, Appellant sent a letter to this court, which we received on December 2, 2019. The letter indicated that Appellant was aware “that my brief is before the court for consideration,” but “it is of ABSOLUTE IMPORTANCE the court be informed of my proper name for which the decree is requested.” The letter included a copy of Appellant’s birth certificate, which was not included in the record on appeal. The birth certificate appears to list his name as Dean Richard VonGermeten, not as DEAN RICHARD VONGERMETEN (capital letters) as he alleged in the circuit court.

incomplete in connection with an issue raised by the appellant, we must assume that the missing material supports the trial court’s ruling.” (citation omitted)).

Setting aside the lack of transcript, we also agree with the State that Appellant is not asking to change his legal name—he is asking only to change how he writes his name, i.e., how he chooses to capitalize certain letters in his name. The fact that Appellant’s 1957 Wisconsin birth certificate may have reflected his name in all capital letters (but see footnote 2 above), does not mean that he cannot spell his name as Dean Richard vonGermeten.³ Given the lack of transcript from the December 3, 2018 hearing and given Appellant is not changing his name,

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

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals

³ Appellant did not ask to change his name on his Wisconsin birth certificate. We note that the petition for name change includes Question 9, which states that “I wish to change the name on my Wisconsin birth certificate.” Appellant did not check that box and instead wrote “N/A.”