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DISTRICT IV

December 9, 2021

To:

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

2020AP2016

In re the Name Change of Victor Robert Brown:
Victor Robert Brown v. State of Wisconsin (L.C. # 2020CV102)

Before Blanchard, P.J., Kloppenburg, and Graham, 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).

Victor Brown appeals an order denying his petition to change his name. 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 (2019-20).¹ We affirm.

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

Brown filed a petition for a name change. The State moved to intervene. Brown objected to intervention. The State and Brown filed briefs. The circuit court held a hearing at which it granted the motion to intervene and denied the petition. The court also entered a written order stating that Brown's petition was denied because: "The State/Dept. of Corrections provided cause to deny because of Mr. Brown's criminal history, the need for DOC to maintain order, and his request to modify a Judgment of Conviction."

Brown first argues that the circuit court erred by reviewing the State's brief before the court formally granted the motion to intervene. Brown's argument might have had more force if the court had not later granted the motion to intervene. Here, however, the court eventually did grant the motion, and the State properly became a party. Brown has not identified any prejudice that resulted from these events occurring in this sequence, rather than intervention being granted before the court reviewed the brief. Brown also does not argue that intervention was improperly granted under the applicable legal standard for intervention. Therefore, we conclude that there is no reversible error in connection with intervention.

Brown next argues that the circuit court erred by not giving him enough time to speak at the hearing. Brown did not have the transcript of that hearing prepared for this appeal, and therefore we have no way of confirming Brown's assertions about what occurred at the hearing or the manner in which the court controlled the presentation of arguments. Without a transcript, we are unable to review this issue.

Finally, Brown argues that his interests in having his name changed outweigh the State's opposing interests. This is a discretionary decision that we would affirm if the record shows a reasonable basis for the circuit court's decision. *Williams v. Racine Cnty. Cir. Ct.*, 197 Wis. 2d

841, 844, 541 N.W.2d 514 (Ct. App. 1995). The absence of the transcript again prevents our complete review of this issue. Although the circuit court's written order briefly states the reasons for its decision, the court may have further explained and supported its decision at the hearing. Ordinarily, when the transcript is not provided, we assume that it supports the circuit court's ruling. See *State v. McAttee*, 2001 WI App 262, ¶5 n.1, 248 Wis. 2d 865, 637 N.W.2d 774. Brown replies that a transcript is unnecessary in this case because he does not dispute what occurred at the hearing. However, that argument does not address the problem, which is that, without a transcript, we are not able to know the circuit court's complete basis for denying the petition. We therefore assume that the circuit court had a reasonable basis for concluding that Brown's interests in having his name changed were outweighed by the State's opposing interests, and for denying Brown's petition on that basis.

IT IS ORDERED that the order appealed is summarily affirmed under 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