

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0962**

In the Matter of the Application of
Anthony Theodore Wagoner for a Change of Name.

**Filed June 1, 2021
Affirmed
Bjorkman, Judge**

Carlton County District Court
File No. 09-CV-19-2425

Anthony Wagoner, Bayport, Minnesota (pro se appellant)

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Mark S. Rubin, St. Louis County Attorney, Jessica J. Fralich, Assistant County Attorney,
Duluth, Minnesota (for respondent county)

Considered and decided by Bryan, Presiding Judge; Bjorkman, Judge; and Bratvold,
Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant challenges the denial of his application for a name change. Because we conclude that the state's compelling interest in public safety outweighs the burden on the exercise of appellant's religious beliefs and the district court did not abuse its discretion, we affirm.

FACTS

Appellant Anthony Theodore Wagoner is currently serving a 95-month prison sentence imposed in January 2019 for first-degree aggravated robbery. The offense involved robbery of a convenience store during which Wagoner threatened a clerk with a hatchet. He has an extensive criminal history, including convictions of: first-degree aggravated robbery (2004); second-degree burglary, unlawful possession of a firearm, and second-degree assault with a dangerous weapon (2012); and numerous misdemeanor offenses (2011-12).

In December 2019, Wagoner applied to change his name, asserting his religious beliefs require him to use the name “Thorvald Anthony-Theodore Ueland.” Respondent St. Louis County—the authority that prosecuted the offense for which Wagoner is incarcerated—objected. The county cited Wagoner’s criminal history, and asserted that his request was made with intent to defraud or mislead, was not made in good faith, and that granting the change would compromise public safety.

Wagoner filed a responsive memorandum further detailing the reasons for his request. He explained that he practices the Asatru religion, which involves runic interpretation. In September 2019, Wagoner conducted a “Nine World Rune Cast” that revealed to him, “in no uncertain terms”:

a) That the Gods and Ancestors will no longer honor my devotion to, and my practice of, the Asatru religion if I do not change my name and begin to conduct ALL of my affairs, both mundane and sacred, under this new name. **b)** This new name must honor my maternal ancestry and must also reflect the sacred path I have chosen. **c)** That references to my old surname “Wagoner” must be minimized as much as possible

in order to minimize the destruction that each reference will reap upon my Hamingja (part of a person's soul complex).

Wagoner further asserted that denying his request would substantially burden his faith, and that this burden outweighs the interest in public safety because modern technology makes it possible to accurately track a person's criminal history across multiple names.

The district court denied Wagoner's request following a hearing. It determined that the state's compelling interest in public safety overcomes Wagoner's exercise of his religious beliefs and there is no less-restrictive alternative to denying his requested name change. The court rejected Wagoner's argument that modern technology will eliminate confusion, noting that he proposed to drop his surname entirely and that the "public should not be forced to sift through name change and other records to find out if their records search is in fact accurate."

Wagoner moved the district court to reconsider, asserting he is not a threat to public safety and further explaining the significance of the rune cast to his faith. The district court declined to reconsider its decision, reasoning that while Wagoner's religious beliefs are sincere, he understates the potential for confusion and the public-safety concerns associated with changing his name. Wagoner appeals.

DECISION

Minnesota Statute section 259.13 (2020) governs requests by convicted felons seeking to change their name. The statute gives the prosecuting authority the right to object if the request (1) is intended 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. When the prosecuting authority does object, the applicant must prove by clear and convincing evidence that there is no basis for denying the name change. *Id.*, subd. 3. But a district court must “grant a name change if failure to allow it would infringe on a constitutional right of the person.” *Id.*, subd. 4. We generally review a district court’s decision on a name-change request for abuse of discretion. *In re Welfare of C.M.G.*, 516 N.W.2d 555, 561 (Minn. App. 1994). But we review de novo whether a district court’s decision violated a person’s constitutional rights. *State v. Tate*, 682 N.W.2d 169, 174 (Minn. App. 2004), *review denied* (Minn. Sept. 29, 2004).

Wagoner argues that the denial of his requested name change infringes upon his rights under the Freedom of Conscience Clause of the Minnesota Constitution. *See* Minn. Const. art. I, § 16 (recognizing the “right . . . to worship God according to the dictates of [one’s] own conscience”). To determine whether these rights have been violated, we apply “the compelling-state-interest test.” *State v. Pedersen*, 679 N.W.2d 368, 373 (Minn. App. 2004), *review denied* (Minn. Aug. 17, 2004). This test considers whether: (1) the religious belief is “sincerely held,” (2) “the state regulation burdens the exercise of religious beliefs,” (3) “the state interest . . . is overriding or compelling,” and (4) “the state regulation uses the least restrictive means.” *Hill-Murray Fed’n of Teachers v. Hill-Murray High Sch.*, 487 N.W.2d 857, 865 (Minn. 1992).

The district court determined—and the parties agree—that Wagoner’s religious beliefs are sincere and that denying his requested name change burdens them. *See Pedersen*, 679 N.W.2d at 376 (stating a belief is sincere if it is not “a personal, secular belief” but is instead tied to “philosophical principle or religious tenet”). He has been

practicing the Asatru faith since 2005 and expresses extensive knowledge of its practices and core beliefs. Wagoner asserts that the September 2019 rune cast compels him to change his name. Denying his request to do so creates a “real and not remote” risk of interference with his religious practices. *Edina Cmty. Lutheran Church v. State*, 745 N.W.2d 194, 204 (Minn. App. 2008) (quotation omitted), *review denied* (Minn. Apr. 29, 2008). Accordingly, Wagoner satisfies the first two prongs of the *Hill-Murray* compelling-state-interest test.

But the record persuades us that the state’s compelling interest in public safety overrides the burden on Wagoner’s religious beliefs. The state has a fundamental interest in protecting public safety and a compelling interest in maintaining records of violent crimes. *See State v. Ambaye*, 616 N.W.2d 256, 261 (Minn. 2000) (implicitly sanctioning the district court’s recognition of a compelling interest in “maintaining [a] record of violence”); *State v. Hershberger*, 462 N.W.2d 393, 398 (Minn. 1990) (“The interest in public safety is also fundamental, and serves as a rationale for the very formation of our state government.”).

Wagoner’s proposed name change implicates this compelling interest. He is currently incarcerated for first-degree aggravated robbery—one of several crimes of violence he has committed since 2004. He contends that he poses no risk to public safety because “[a]ll of [his] crimes have been committed out of absolute desperation or self-defense,” and he has for the first time expressed a commitment to remain crime-free. But Wagoner has not demonstrated law-abiding behavior when released from incarceration in the past. And it is difficult to square his explanations for his past acts with the violent

nature of the offenses. We are not convinced that the state's interest in public safety, including the state's ability to maintain and provide information to the public regarding Wagoner, will be met if Wagoner is permitted to assume a new and very different name.

The nature of the relief Wagoner seeks further supports our conclusion that denial of his name-change request will not impermissibly infringe on his religious practices. Existing law provides no less-restrictive alternative—the only options available under the statute are to grant or deny the name change. *See* Minn. Stat. § 259.13, subds. 3, 4. Because the state's interests in maintaining an accurate record of Wagoner's criminal history override Wagoner's sincerely held beliefs, and there is no less-restrictive alternative, denying the name-change request does not impermissibly infringe on Wagoner's constitutional rights.

Having concluded that denial of Wagoner's request did not impermissibly infringe on his constitutional rights, we consider whether the district court otherwise abused its discretion by denying his request. *C.M.G.*, 516 N.W.2d at 561. The district court determined that the state's interest in maintaining accurate records is compelling given the seriousness of Wagoner's past criminal conduct. And the court was not persuaded that Wagoner's records would be easily tied to his proposed new name, stating that Wagoner "is overly optimistic that every search through an appropriate agency would provide accurate records without confusion." Based on our review of the record, we discern no abuse of discretion in the district court's implicit conclusion that Wagoner did not meet his evidentiary burden. Wagoner's unproven and conclusory assertions that his name change

would not cause confusion about his identity and criminal history are not clear and convincing evidence that his name change will not compromise public safety.

Finally, we note the district court's observation that Wagoner may renew his name-change request after he is released from prison. In the past, Wagoner has not remained law-abiding when released from custody. But he will have the opportunity to choose a different path. Doing so may mitigate public-safety concerns and warrant more favorable future consideration of a proposed name change.

In sum, the denial of Wagoner's requested name change did not impermissibly burden the exercise of his religious beliefs. And the district court did not abuse its discretion by denying his request.

Affirmed.