

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEON REYNARD MORGAN.

DEON REYNARD MORGAN, a/k/a KHALIL
DEON MORGAN,

UNPUBLISHED
April 14, 2011

Petitioner-Appellant,

and

DEAUNTE DALANO MORGAN, a/k/a
DEAUNTE KHALIL MORGAN,

No. 296678
Wayne Circuit Court
LC No. 09-106111-NC

Petitioner.

Before: DONOFRIO, P.J., and CAVANAGH and STEPHENS, JJ.

PER CURIAM.

Petitioner appeals as of right from the trial court's order denying his petition to change his legal name. Because the trial court did not abuse its discretion by denying the petition for a legal name change and in denying the motion for reconsideration, we affirm.

As explained in *Piotrowski v Piotrowski*, 71 Mich App 213, 216; 247 NW2d 354 (1976):

Under the common law a person may adopt any name he or she wishes, without resort to any court and without any legal proceedings, provided it is not done for fraudulent purposes. There is no requirement that any person go through the courts to establish a legal change of name. . . .

In Michigan, as in most states, a statute authorizes procedures by which a court can, upon petition, change the name of any person. [MCL 711.1] Such change of name statutes do not abrogate or supersede the common law. To the contrary, they affirm the common law right and afford an additional method by which a name change may be effected as a matter of public record. [Internal citations omitted.]

MCL 711.1(1) provides:

The family division of the circuit court for a county may enter an order to change the name of an individual who has been a resident of the county for not less than 1 year and who in accordance with subsection (2) petitions in writing to the court for that purpose showing a sufficient reason for the proposed change and that the change is not sought with a fraudulent intent. If the individual who petitions for a name change has a criminal record, the individual is presumed to be seeking a name change with a fraudulent intent. The burden of proof is on a petitioner who has a criminal record to rebut the presumption. . . .

In this case, the trial court denied the petition for a name change because petitioner has a criminal record, which includes a history of several aliases. Because petitioner has a criminal record, he was presumed to be seeking the name change with a fraudulent intent. MCL 711.1(1). Petitioner had the burden of rebutting that presumption. *Id.* The petition vaguely indicated that the name change was sought for “personal and religious beliefs.” At the hearing, petitioner explained that he wanted both him and his son to have the name “Khalil” because his father wanted him to have that name. The trial court did not abuse its discretion in determining that petitioner failed to rebut the presumption of fraudulent intent, particularly in light of petitioner’s use of several aliases when dealing with the police. *Rappleye v Rappleye*, 183 Mich App 396, 398-399; 454 NW2d 231 (1990).

Petitioner also argues that the trial court erred in denying his motion for reconsideration. In support of his motion, petitioner explained his reasons for a name change in more detail and provided additional reasons for the requested change. Petitioner could have presented these reasons earlier and did not demonstrate any palpable error in the trial court’s original decision. Thus, the trial court did not abuse its discretion in denying the motion for reconsideration. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). Further, the denial of the petition does not preclude petitioner from using the name for the non-fraudulent purposes he claimed. See *Piotrowski*, 71 Mich App at 216. The denial merely eliminates one method for changing the name as a matter of public record. *Id.*

Affirmed.

/s/ Pat M. Donofrio
/s/ Mark J. Cavanagh
/s/ Cynthia Diane Stephens