STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1615

In the Matter of the Application of
Marco Quinton Hanlon for a Change of Name.

Filed May 12, 2025
Affirmed
Bjorkman, Judge

Rice County District Court
File No. 66-CV-23-3048

Kyle R. Kroll, Margaret M. Green, Alexandra R. Wilkie, Winthrop & Weinstine, P.A., Minneapolis, Minnesota (for appellant Marco Quinton Hanlon)

Kimberly J. Maki, St. Louis County Attorney, Bonnie Norlander, Assistant County Attorney, Hibbing, Minnesota (for respondent St. Louis County)

Considered and decided by Bond, Presiding Judge; Bjorkman, Judge; and Halbrooks, Judge.*

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant challenges a district court order denying her application to change her name, arguing that (1) denial of her application violates her right to equal protection, and (2) the district court abused its discretion when it determined that her proposed name change would compromise public safety. We affirm.

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* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

FACTS

Appellant Marco Quinton Hanlon is a transgender woman who is currently incarcerated at a Minnesota correctional facility for men. Her incarceration follows a 2019 felony conviction for first-degree criminal sexual conduct under Minn. Stat. § 609.342, subd. 1(a) (2016).[1]

On December 21, 2023, Hanlon applied for a name change under Minn. Stat. § 259.10 (2024), seeking to change her name to Alexia Lynn Valenteena. The following day, Hanlon served notice of her application on respondent St. Louis County (the county) pursuant to Minn. Stat. § 259.13, subd. 1(1) (2024).[2]

The county objected, asserting that permitting Hanlon to change her name would compromise public safety. In its objection, the county stated that Hanlon was serving a 144-month prison sentence for first-degree criminal sexual conduct and that the nature of her conviction requires registration as a predatory offender upon her release. Given these circumstances, the county argued that Hanlon's name change would negatively impact public safety by "limit[ing] awareness of and hinder[ing] the community's ability to access [her] criminal history."

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[1] First-degree criminal sexual conduct under subdivision 1(a) involves "sexual penetration" or "sexual conduct" with a person under the age of 13, and requires that the "actor is more than 36 months older than the complainant." Minn. Stat. § 609.342, subd. 1(a).

[2] We cite the current versions of these statutes because they have not been amended in relevant part and "appellate courts apply the law as it exists at the time they rule on a case." *Interstate Power Co. v. Nobles Cnty. Bd. of Comm'rs*, 617 N.W.2d 566, 575 (Minn. 2000).

Hanlon then filed a motion and supporting memorandum of law contesting the county's objection. Hanlon argued that her required predatory-offender registration mitigated any public-safety risk posed by her name change and that denying her application would infringe upon her constitutional right to equal protection by preventing her from being "known by [her] feminine name" and "effectively eras[ing]" her gender identity. In an accompanying declaration, Hanlon explained that she has been diagnosed with gender dysphoria and has been receiving hormone-therapy treatment for several years, predating her incarceration. She indicated that her gender dysphoria has led to mental-health struggles, and that she has "spent a lot of time working with [her] medical team," discussing options for gender-affirming surgery as a way to "cope and heal." She stated that changing her name will "allow [her] to live as [her] authentic self."

Following a hearing, the district court denied the application. Hanlon appeals.

DECISION

Minnesota Statutes section 259.13 (2024) governs the process by which a convicted felon may seek a name change. The statute affords the prosecuting authority that obtained the felony conviction the right to object to the name-change request on any one of four bases: (1) the request "aims to defraud or mislead," (2) it was "not made in good faith," (3) it "will cause injury to a person," or (4) it "will compromise public safety." Minn. Stat. § 259.13, subd. 2. If the prosecuting authority chooses to object, the burden falls on the name-change applicant to prove by clear and convincing evidence that there is no basis for objection. *Id.*, subd. 3. But a district court must grant the name change if "failure to allow it would infringe on a constitutional right of the person." *Id.*, subd. 4.

We review a district court's decision to grant or deny a name change for abuse of discretion. *In re Welfare of C.M.G.*, 516 N.W.2d 555, 561 (Minn. App. 1994). But we review the question of whether the district court's decision violates a person's constitutional rights de novo. *State v. Tate*, 682 N.W.2d 169, 174 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004).

I. Hanlon's right to equal protection has not been violated.

Hanlon first argues that the denial of her name-change application infringes on her constitutional right to equal protection in violation of Minn. Stat. § 259.13, subd. 4.

The Minnesota Constitution guarantees equal protection under the law. Minn. Const. art. 1, § 2. This protection limits "the circumstances under and extent to which the Legislature can treat similarly situated people differently." *Fletcher Props., Inc. v. City of Minneapolis*, 947 N.W.2d 1, 20 (Minn. 2020). The threshold inquiry for an equal-protection claim is whether "the claimant is similarly situated in all relevant respects to others whom the claimant contends are being treated differently." *Schroeder v. Simon*, 985 N.W.2d 529, 549 (Minn. 2023) (quoting *State v. Lee*, 976 N.W.2d 120, 125-26 (Minn. 2022)). To assess this threshold question, we consider "whether the law creates distinct classes within a broader group of similarly situated persons or whether those treated differently by the law are sufficiently dissimilar from others such that the law does not create different classes within a group of similarly situated persons." *Fletcher Props., Inc.*, 947 N.W.2d at 22. Minnesota courts "routinely reject[]" equal-protection claims when a party cannot make the threshold showing that they are "similarly situated to those whom

they contend are being treated differently." *State v. Cox*, 798 N.W.2d 517, 521 (Minn. 2011).

Hanlon asserts that she is similarly situated to women generally and that other women are allowed "to be known by their feminine name" while she is not. The district court agreed that—if it considered only the steps Hanlon has taken to socially and physically transition—she would be similarly situated to women generally. But because Hanlon is a woman who was convicted of first-degree criminal sexual conduct, the district court concluded that her claim did not survive the threshold inquiry. Hanlon argues this conclusion is erroneous because her "felony conviction is not relevant to the similarly situated test." This argument is unavailing.

For purposes of the threshold analysis, the challenged "statute itself tells us what it is about and what is relevant." *Schroeder*, 985 N.W.2d at 550. In *Schroeder*, the appellants had been convicted of a felony and were then living in the community on supervised release. *Id.* at 534. They contended that the statute governing restoration of the right to vote—which required that a person's conviction be discharged before they are eligible to vote—violated their equal-protection rights. *Id.* at 546. Applying the threshold analysis, our supreme court determined the appropriate broader group of similarly situated persons was not "all Minnesotans of voting age who are generally qualified to vote," but those who "have been convicted of a felony and lost their right to vote." *Id.* at 550-52.

At issue here is the district court's application of Minn. Stat. § 259.13, the statute governing name changes for persons "with a felony conviction." Accordingly, the appropriate broader group of similarly situated persons for Hanlon's equal-protection

threshold analysis is not all women; it is women who have been convicted of first-degree criminal sexual conduct. Because we determine that Hanlon is not similarly situated to those whom she asserts are being treated differently, we discern no error in the district court's conclusion that Hanlon's challenge does not meet the threshold equal-protection inquiry.

II. The district court did not abuse its discretion by denying Hanlon's name-change application.

Hanlon also argues that the district court abused its discretion because the predatory-offender registration requirement negates any concern that her proposed name change will impact the public's ability to access her criminal history. She asserts—as an undisputed fact—that predatory offenders must provide names and aliases as part of the registration process. We are not persuaded by this argument for two reasons.

First, we are not convinced that Hanlon preserved this argument for appeal because she did not create a record to substantiate her argument. We generally only consider "issues that the record shows were presented and considered by the [district] court in deciding the matter before it." *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (quotation omitted). And a party may not obtain review "by raising the same general issue litigated below but under a different theory." *Id.* That appears to be what Hanlon seeks to do.

Minnesota's predatory-offender registration statute requires registrants to provide a variety of information to law enforcement, including contact information, vehicle details, and the addresses of any location where the individual lives, works, or studies. Minn. Stat. § 243.166, subd. 4a (2024). Significantly, the predatory-offender registration statute *does*

not include a requirement that registrants provide aliases.[3] *See* Minn. Stat. § 243.166 (2024). Hanlon argues that this statutory omission is irrelevant because, in practice, the Minnesota predatory-offender registration process *does* collect alias information, as demonstrated by the predatory-offender registration form and the Minnesota Department of Public Safety's website. But the record does not include the form or any reference to the website. And the district court made no related factual findings.

Second, Hanlon's argument is unpersuasive on its merits. Although it is undisputed that Hanlon will be required to register as a predatory offender following her release from prison, it is unclear how much of her registration information will be publicly accessible. The predatory-offender registration statute expressly provides that registration data is "private data," which "may be used only by law enforcement and corrections agencies for law enforcement and corrections purposes." Minn. Stat. § 243.166, subd. 7(a), (b); *see also State v. Davenport*, 948 N.W.2d 176, 180 (Minn. App. 2020) (stating that the "purpose of the predatory-offender registry is to aid law enforcement in subsequent investigations"). Registration data may only be more broadly disclosed under the narrow parameters described in Minn. Stat. § 244.052 (2024).

Under section 244.052, predatory offenders are assigned a "risk level" at least 90 days before they are released from confinement. Minn. Stat. § 244.052, subds. 2, 3. This

[3] Hanlon argues that the federal Sex Offender Registration and Notification Act (SORNA), 34 U.S.C. §§ 20911-20932 (2018), requires the collection of alias information from predatory offenders. But the registration requirements under the Minnesota predatory-offender registration statute clearly differ from the requirements under SORNA. *Compare* Minn. Stat. § 243.166, subd. 4a, *with* 34 U.S.C. § 20914(a)(1).

risk-level assignment, which falls on a one-to-three scale, dictates the extent to which the offender's registration information is disclosed to the public. *Id.*, subd. 4. For risk-level-I offenders, law enforcement "*may* disclose" registration information to "other law enforcement agencies" or "victims of or witnesses to the offense committed by the offender." *Id.*, subd. 4(b)(1) (emphasis added). For risk-level-II offenders, registration information "*may* [be] disclose[d] . . . to agencies and groups that the offender is likely to encounter," including educational institutions, day-care establishments, and victim-services providers. *Id.*, subd. 4(b)(2) (emphasis added). Only for predatory offenders assigned to risk level III is public disclosure mandatory. *Id.*, subd. 4(b)(3). For those offenders, registration information "*shall* [be] disclose[d]" to "members of the community whom the offender is likely to encounter" and must be posted on a publicly accessible website. *Id.*, subds. 4(b)(3) (emphasis added), 4b.

Because Hanlon is still incarcerated and has not yet been assigned a risk level, it is unclear how much of her predatory-offender registration information will be publicly accessible upon her release. In other words, it is unknown at this time how her registration will impact the public's ability to access her criminal history following a name change. On this record we discern no abuse of discretion by the district court in denying Hanlon's name-change application.

Affirmed.