

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

880

CA 15-00366

PRESENT: WHALEN, P.J., SMITH, LINDLEY, TROUTMAN, AND SCUDDER, JJ.

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IN THE MATTER OF THE APPLICATION OF ANTHONY  
LAMONT JACKSON FOR LEAVE TO ASSUME THE NAME  
OF TONIESHA SISSY JACKSON, PETITIONER-APPELLANT.

----- MEMORANDUM AND ORDER

NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE AND  
NEW YORK STATE DEPARTMENT OF CORRECTIONS AND  
COMMUNITY SUPERVISION, RESPONDENTS-RESPONDENTS.

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MIK KINKEAD, SYLVIA RIVERA LAW PROJECT, NEW YORK CITY, FOR  
PETITIONER-APPELLANT.

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Appeal from an order of the Supreme Court, Livingston County  
(Robert B. Wiggins, A.J.), entered December 10, 2014. The order  
denied the petition for a change of name.

It is hereby ORDERED that the order so appealed from is  
unanimously reversed on the law without costs and the petition is  
granted.

Memorandum: Petitioner, an inmate at Groveland Correctional  
Facility, appeals from an order that denied the petition for a change  
of name "with leave to re-petition upon Petitioner's release from  
prison." Supreme Court erred in denying the petition. "A court's  
authority to review an application for a name change is limited; if  
'the petition is true, and . . . there is no reasonable objection to  
the change of name proposed, . . . the court *shall* make an order  
authorizing the petitioner to assume the name proposed' " (*Matter of  
Powell*, 95 AD3d 1631, 1632, quoting Civil Rights Law § 63). The  
petition satisfies the requirements of Civil Rights Law § 61, and  
petitioner's incarceration, without more, does not justify denial of  
the petition. Indeed, respondent New York State Department of  
Corrections and Community Supervision has received notice of this  
application and takes no position with respect thereto (*see* § 62 [2]).  
"Under these circumstances, and absent any indication of fraud,  
misrepresentation or intent to interfere with others' rights," we  
conclude that the court should have granted the petition (*Powell*, 95  
AD3d at 1632-1633).

Entered: November 10, 2016

Frances E. Cafarell  
Clerk of the Court