

STATE OF WISCONSIN * CIRCUIT COURT * KENOSHA
COUNTY

BERNARD TOCHOLKE
THE CORRECT

Petitioner,

Vs.

SHEREEN TOCHOLKE

Respondent,

MOTION TO CONFIRM

CALCULATION USED

Case number, # 02FA365

COMES NOW, Bernard Tocholke, the Petitioner to move the court to inquire of Attorney Thomas W. Anderson, Jr. the explanation of which of the conflicting calculations (was used) and should be used in determining the correct income base which would be used for calculating child support.

1. There is an extreme conflicting report from Attorney Thomas W. Anderson, Jr., which is in reality so contradictory from one calculation (which was used for nearly ten years), from the other calculation he portrayed on January 20, 2012.
 - a. **THE CALCULATION OF NEARLY TEN YEARS.** Starting in 2002, Anderson maliciously insisted that there was no error in calculation even though the Plaintiff argued that there was. A direct quote from him in an early transcript is as follows which the opposition of the plaintiff is included:
 - a.i. *The plaintiff*, "I never made \$40,000 in my life ever."
Anderson, "That's just not true. That's not true. I can show you the 2001 tax return, Mr. Tocholke, that the Commissioner Plous worked off of and **WE** worked off of, your 2001 tax return, which I have."
The plaintiff, "I got the 2002 right here."
Anderson, "2002 is not-"
The Court, "- the one that was used." (highly aggressive reaction)
The plaintiff, "Okay. 2001 then."
Anderson, "2001. Shows business income wages of **\$14,191 on LINE 13.** And you go to schedule C and it shows depreciation and section 179 expense \$25,400."
The Court, "Add them together and you got forty"
Anderson, "Add them together you got a little over forty, to be honest with, Your Honor." (Even if the numbers were correct, does the "honest" calculation come out to "a little over forty"?)
 - a.ii. **The above excerpts from the transcript has been in the court files since about 2002-2003, and is an attachment again for this Motion.**
Note: For the media, politicians, or anyone else reading this that does NOT have the attachment, you can find it at my website, www.screwedenoshastyle.com, scroll down to the four column graph and click on "Judge Mary K. Wagner". Once that pops up, at the top you will find the hot link to "Is she just". The above diagram is on the third page. Please read the fourth page too.
 - a.iii. Mr. Anderson maliciously argued this evaluation of income for nearly a decade, which involved at least 5 judges.

- b. **THE CONFLICTING CHANGE IN CALCULATION ON JANUARY 30, 2012.** Suddenly in that court hearing, Anderson changes his evaluation.
- b.i. **Here are the excerpts from the 1/20/12 transcript.** Notice the change of lines and how he is still deceiving the court that he has the correct \$40,000 calculation even while using **LINE 29** now.
- b.ii. *Anderson*, “Looking at the basic Schedule C, 2010, it would have been taking **LINE 31** – well, excuse me – **LINE 29** and adding back depreciation.”
- Then the court elaborated about the importance of using the AGI**
The Court, “**You are talking about the AGI here.**”
- Anderson*, “**AGI and add back in depreciation is HOW IT WAS ORIGINALLY CALCULATED.** (That was a deliberate lie!)”

Note: Soon I will have the January 20, 2012 transcript installed on my website too where the above **LIE** was made, so that everyone can read it for themselves.

The purpose of this motion is for the court to verify a few things:

- A.) Did Anderson swindle the court into believing a deliberate error in calculation?
- B.) Which of the two conflicting calculations is correct?
- a.) If the recent January 20, 2012 calculation is correct, then the plaintiff . . .
1. Was wrongfully jailed, was financially destroyed, and was made homeless because of Anderson’s deliberate scheme.
 2. However, if the 2002 – 2003 calculations were accurate, (which is NOT according to law), then Anderson **LIED** in the courtroom to Judge Warren.
- C.) THAT LEADS US TO THE QUESTION I WILL PRESENT TO THE NATIONAL MEDIA– Will the Office of Lawyer Regulation investigate and rule according to the ABA rules and to the Wisconsin’s SCR rules? This question is NOT for this court to decide, but yet is an important ingredient for this battle in trying to get justice.
- D.) It has already been mentioned that this court CANNOT change any arrearages, but this motion is simply to move this court to confirm which of these two conflicting calculations is wrong.
- E.) DOWN TO THE BASIC REQUEST – WAS THE 2002-2003 CALCULATION, WHICH ANDERSON SWORE BY FOR NEARLY 10 YEARS, IN ERROR?
- IN FINAL, (FOR ONE MORE TIME), the request for this Motion is for the court to determine if **LINE 13** on an IRS 1040 form is the right line to use for determining the AGI or if that would be a mistake. Is it a mistake to use Line 13? If it is a wrong calculation, then the arrearages are based on a mistake.

Signed this 7th day of May, 2012 _____

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