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BERNARD TOCHOLKE

Petitioner,

Vs.

SHEREEN TOCHOLKE

Respondent,

Case no, # 02-FA-365

AFFIDAVIT of the facts

(attachment to the Motion for the January, 2012 hearing)

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**HERE COMES NOW**, the petitioner, Bernard Tocholke, in pursuit of getting a fair and impartial hearing, either in Kenosha, Wisconsin, or preferably in another state. He is not opposed at giving the Kenosha courts another chance to display justice as the common American citizen understands it to be, but he is extremely skeptical at believing that it is even possible in Kenosha. Here are the reasons why he believes his case is involved in a conspiracy:

1. **Calculation Mistakes** made by NON-ACCOUNTANTS.

- a. Even though the judges and commissioners (that have worked on this case before) do not have a license or a degree in accounting, they absolutely refused to even consider the calculations of an accountant. They framed him with an Adjusted Gross Income of **twice** the amount of what accountants or the IRS considered him at, and defiantly refused to change their mistake.
- b. Somehow they manipulated the system to place **eleven dependents** against the plaintiff! He has never had 11 children, and once again the Kenosha court refused to change that.
- c. He was given primary placement for his two oldest children. They have grown into adults and are on their own. However, the Kenosha Court system manipulated the calculations in a way that he NEVER received even a penny in child support for them. Their mother was a 4-year, college graduate. She had a teaching degree, and had taught for a few years. However, the former Kenosha judge insisted that the mother could stay home and does not need to work.
- d. Because of the calculation errors, the plaintiff was wrongfully incarcerated for an entire year. Even though the law allows an attorney to be furnished for a poverty person facing incarceration, Kenosha once again did not do that.
- e. Because of the vindictiveness and retaliation of the judges, child support was never stopped while the plaintiff sat in jail not making a single penny.
- f. Many Americans in this economy are struggling financially. Many are losing their homes to foreclosures. How would the rest of the American citizens fare if they had a **wrongful debt of \$100,000** hanging over their head on top of their expenses? Because of that debt from the judicial mistakes, the plaintiff has bad credit, too low to get a loan for anything.
- g. Because of the wrongful incarceration, the plaintiff lost his good job and has never been able to replace it with the equal.
- h. Also due to the huge wrongful debt, he is hindered from getting any decent typical job. He actually took a ten dollar an hour job which was only part time. As soon as child support found out about it, the State of Minnesota was forced to garnish the wages. Garnishing is not wrong, but when another 60% gets taken out on top of the regular taxes, there was not enough left over to buy gas to go back to

work. Therefore, all typical forms of employment are not available to him. There is something wrong with the system when a person is better off financially when they do not drive to work and make absolutely nothing, than when they do drive to work but they have to borrow money from somewhere else so that they can make a check which the state takes entirely away.

2. **Judicial Misconduct** witnessed.

- a. He witnessed a judge run out of the courtroom as he entered it for his scheduled hearing. He not only was deprived his scheduled hearing (which he has NEVER received to this day) but was also incarcerated moments later without a hearing.
- b. While America is witnessing judges in other states, send parents who spank their children to jail, a Kenosha judge elaborates to the plaintiff how he sees no child abuse if a stranger or principal beats the child with sawed-off golf clubs!
- c. According to law, almost all hearings are required to have transcripts taken. However, by the experience that the plaintiff had with Kenosha, the law is NOT adhered to in their court building.
  - c.i. One judge ordered all transcripts to stop so that he could elaborate about how it is permissible to beat children with golf clubs.
  - c.ii. A different judge had transcripts altered from what was said in the court. She had stated certain things in court which needed to be eliminated or else it would affect her conspiracy. The things eliminated were brought up in other court hearings and was referred to in those transcripts.

3. **Extreme bias rulings based on their own assumptions.**

- a. When a judge lives with a six figure income, they could easily lose perspective of the financial struggles someone would have earning near minimum wage. The gallon of milk cost the same for the judge or the pauper.
  - a.i. Example: Suppose it cost \$10,000 just for food per year to survive. If the pauper made \$11,000 – he only has a “profit” of \$1,000. If he made \$12,000 – he just doubled his “profit-line” In other words, anyone making a six digit income, food is a tiny percentage of what their “profit” is.
- b. Another focus lost is what this economy is feeling. The former judge has a perspective that is opposite of what the rest of America is experiencing. Good jobs are extremely hard to get if not impossible. Ironically, the judge interpreted that someone with his assumed intellect of the plaintiff, that a person like that should be able to get any job, and in abundance. A judge with that perspective should run for President! He would be the Commander in Chief of the Rose Colored Glasses!

4. **CHILD PLACEMENT.** The Kenosha Court under the rule of Judge Schroeder intimidated the Plaintiff to either let his family move to Ohio or else Bernard would be threatened with incarceration. Out of fear, the plaintiff agreed to let his family move under the condition that he would have a lot more time with his children in child placement – about six weeks throughout the year.

- a. Before he could even get his first placement scheduled, he was defiantly arrested, probably out of retaliation because he dared place the words of the judge concerning the golf clubs, on his website.
- b. Bernard did not have a single contact with his children the entire six months that he spent in jail.

- c. When he finally was released in May, 2008, he was too broke to get his children then. It was not until June 2008 before he could pick up his children in Ohio with a borrowed vehicle.
  - d. When the plaintiff drove to Ohio in July, the children had been influenced by their mother, and they refused to leave the home of the mother.
  - e. Even though he had everything documented with police reports due to their escort, the Kenosha Court refused to enforce the placement orders, and simply stated that the plaintiff had no basis for a hearing.
5. **Best interest of the child.** The respondent and mother, is involved with some strange beliefs and practices. I ask the courts to evaluate if some of those practices are healthy and in the best interest of the child.
- a. The Plaintiff desires to share some of the concerns of their practices at the hearing.
  - b. Very aggressive discipline which is regarded as extreme child abuse was standard practice in her church's teachings.
  - c. Abstinence from any medical intervention or use of any medication was also practiced and believed.

**The following pages are the facts for calculating the real INCOME;**