

INCOME EVALUATION / ADJUSTMENT CALCULATION FOR - Bernard Tocholke

I am sure that there will be accusations that Bernard is intentionally under-employing himself in order to defeat his child support obligations. I will include MANY YEARS of IRS figures which many of them are before the 2002 divorce. It would be ironic then for him to have under-employed himself for a whole decade while he was still married. He either was living at the claimed income which was usually between \$15,000 to about \$20,000 a year for most of his life, or the Kenosha judges know something that nobody else in the world knows. Why does the IRS and accountants accept the following figures but the Kenosha court FRAMED HIM with an income of DOUBLE of what was accepted by the IRS?

YEAR	Adjusted Gross Income (AGI)	Depreciation	Total Receipts- everything before expenses
1989	9,892	0	
1992	19,647	0	
1993	20,745	0	
1994	19,465	0	
1995	19,384	0	
1997	18,213	6,676 (24,889)	
1998	13,667	839 (14,506)	
1999 moved to Kenosha	12,133	3,029 (15,162)	
2000	11,112	6,017 (17,129)	
2001	8,429	12,248 (20,677)	
2001	FRAMED WITH	OVER \$40,000	INCOME!!!
2002	12,262	7,559 (19,821)	
2004	7,360	Spent most of the year in jail!	
2005	12,108	0	
2006	1,124	Got Lyme Disease twice, bills!	
2007	3,014	Used up time job searching and then went to jail anyway.	
2008	Loss - 680	Spent nearly ½ year in jail- lost everything! No job or home!	Gross receipts- \$5,682.50
2009	4,112	Can't get steady job!	\$11,484.13
2010	6,100	Struggling to rebuild.	\$20,477.

I have the proof and the documents to back up the numbers on the chart above. There are several ways to calculate or evaluate the 1040 IRS tax papers.

INTELLECTUALLY SKILLED – This category are the accountants, the IRS staff or agents, and some of the personnel working at loan offices or banks. They not only know how to read the forms but they could fill out the forms themselves when provided the raw data.

COMMON SENSE – Most of the typical citizens that I come in contact with have common sense. When they look at how I was framed with 11 children, and required to pay child support

on them, they have enough sense to know that I got screwed over. I never had 11 children!! These people also know that accepting the statement from an accountant who explains the income into simple terms, is the safe way to understand the complicated forms. A person with common sense would accept the incomes stated above, **and reject the red line above as a mistake.**

VINDICTIVELY IGNORANT – Ignorance in this context is not insulting. It basically means that you know practically nothing about the topic, and if you did, it would be the wrong interpretation. I admit that I am ignorant in the area of brain surgery or rocket science. Being ignorant is not the same as stupid. However, when a person is vindictively ignorant, there is a major problem. The person not only views or interprets something incorrectly, but they then perniciously push their wrong concept on other victims and bring them to ruins. Never do they want to accept the data and opinion from the real professionals that work in that field, since they believe they know better than the professional does.

MALICIOUSLY STUPID – The person that has this type of attitude is basically too stubbornly stupid to want to understand the facts. They think they know something but a common sense person can see their error and stupidity that goes with it. I had confrontations with one attorney that proved he was an idiot. When confronted with the IRS forms, he did not use the IRS accepted AGI (Adjusted Gross Income) figure, but used a bigger number higher up on the page which was not only inaccurate, but also used that number which was before certain taxes were itemized out from it. The most idiotic thing he did then was add these two incorrect numbers together which totaled together to about \$39,000 and declared that those two numbers totaled over \$40,000. This vindictive idiot not only used wrong numbers to get his total but also could not add (and he had a calculator!). He was maliciously stupid and will be as long as he maliciously insists that I made that income which was based on lies and error.

The challenge to the court now is, to see if the court will use the evaluations of the “Maliciously Stupid”, or if they will finally accept the evaluation of the “Intellectually skilled” individuals like the accountants and the IRS personnel. DOES THIS COURT WANT TO HARBOR THIS IDIOT’S PERSPECTIVE? (Sorry about being so blunt about this, but it is my life on the line.)

So how will the court evaluate the facts? Will they accept the IRS numbers and without bias simply apply them to the statute formulas? When a victim gets framed wrongfully with an income that is double of his best years, he only has two choices. He will either spend the rest of his life in jail, or he will fight against the error until it is corrected.

<u>List of the children</u>	<u>Birthday</u>	<u>Year they turned 18</u>
Randall Tocholke placement) “)	7/16/1986	2004 (father’s
David Tocholke “)	2/9/1988	2006 (father’s
Rachell Tocholke “)	10/17/1990	2008 (mother’s
Suzanna Tocholke “)	10/26/1992	2010 (mother’s
Stephen Tocholke “)	5/16/1994	2012 (mother’s
Joel Tocholke “)	9/25/1995	2013 (mother’s

2000 My family was intact and I was in my second year of operating an Arborist (tree cutting) business.

I had **7 children** (only 7 children – **NOT** 11 children!)

My AGI was - \$11,112.

I had equipment and therefore depreciation - \$6,017.

The IRS and accountants accepted TOTAL income - \$17,129.

2001 My family was still intact. My Ex. Wife (now) did some of the organizing of appointments and answering the phone. Often I had the children helping me pull brush. Therefore, it was a family business, even though later I was framed with the entire income for myself. That year I bought new equipment which demanded a huge down payment. The normal depreciation would not compensate for the large down payment, plus the monthly payments enough, - so my accountant used an IRS approved strategy. The very first year an Accelerated Depreciation is allowed which takes into consideration that problem. However, that created another easy problem. Using all the normal deductions, plus using the accelerated depreciation, I would have had zero income which would be a disadvantage. Having children qualifies the person for Earned Income Credit (**IF** they fall into an income between \$10,000 and \$20,000). It is on a curve with the most return somewhere in the middle, while receiving nothing if below \$10,000 or above \$20,000. So what advantage would there be to itemize qualified deductions further when you arrive at \$15,000? It only is feasible if there are no children and then therefore no Earned Income Credit available to try to use all the deductions allowed by the IRS. Despite that knowledge, I still peaked at the top end of that spectrum, but having (only) 7 children (**not 11**) helped for the Earned Income Credit.

I still had only 7 children

My AGI was - \$8,429.

I had old and new equipment/ depreciation - \$12,248.

The IRS and Accountants accepted TOTAL - \$20,677.

2001 Even though this year my family was still intact, THIS WAS THE YEAR constantly used to keep enforcing the ERRORS IN CALCULATION. Like already mentioned, the “maliciously stupid” insisted on using this year, so that they could concoct up an income that **was double of what the IRS HAD ACCEPTED!** The problem stemmed from the ignorant or vindictive idiots that did not know the difference between standard depreciation and accelerated depreciation. They either ignorantly or defiantly insisted to use the wrong (accelerated) depreciation. They also did not use the AGI reported on line #37 of the 1040 IRS forms, but used a wrong larger number to fabricate an inflated larger income. The bigger and most idiotic mistake was when they applied simple math and could not even do that right. It was a mistake how 11 children were framed against him while using a fabricated (double the amount of accepted IRS) income. **THE ENTIRE CALCULATION IS A MISTAKE!** Why do the courts insist that the most appropriate 1040 IRS form that should be used is one **from an ENTIRE DECADE ago** where the family worked together to create that income? Is it because it is the easiest to vindictively concoct a wrong evaluation of **DOUBLE INCOME?**

2002 My (Ex) wife takes **5 of my children**, and abandons our two oldest boys and myself, and then moves in with the pastor that told her to leave us. I think the first court hearing was May 10th, 2002. That means 18 weeks of the year had gone by, which leaves only 34 weeks remaining for the year. I was FRAMED WITH THE FALSE INCOME of the RED square above, and started the financial downward spiral which resulted in financial ruin. I quickly started defaulting on all my bills. My phone was disconnected within the first couple of months. With just the customers that had my cell phone, I could continue to support and provide for my two boys and myself and pay the bills that I could. My Ex-wife no longer did any of the work for the business. Technically, last year's income was partly hers too but yet the entire income was imputed to be mine. If I get accused that I was hiding money or under employing myself that year, why are the incomes for 2001 and 2002 so close in the total amounts?

Divorce began – I have **2 children**, and she has **5 children**. Does she pay me for 2, and I pay her for 5 children? Or do I pay her for **3 children**?

Shereen Tocholke **has a four year college degree in teaching!** The religious cult convinced

her that it is ungodly to teach in a public school, and therefore she is willfully under-employing herself to what her education level is. Will the court punish me because of her decision and belief?

My AGI was -	\$12,262.
I had equipment / depreciation	\$7,559.
The IRS accepted TOTALS -	\$19,821.

2003 In the first year of the divorce (2002) I did alright, even though I got the family tore apart and was also FRAMED with an income of double of what the IRS and accountants accept. Nevertheless, this year I continued to spiral downward financially. The two boys were living in Minnesota and going to school there while I was trying to acquire work in Minnesota and still harnessing some of the income in the Kenosha area from previous customers. My only vehicle blew the engine and I was destroyed. Judge Wagner violently ordered that I quit the tree cutting business and get a regular job. She forcefully stated that even a McDonald's job is better than what I was doing. Ironic though was when the next court date came she ridiculed me for giving up the lucrative tree cutting job and accused me that I did it out of defiance! She removed her orders out of the transcripts. Even though I had a \$10/per hour job as a butcher-meat cutter, she called me in contempt and rescheduled the hearing for March 2004.

When March came, I was simply arrested and thrown away into jail for most of that year. Unfortunately, during my incarceration, my oldest son had to quit school so that he could support himself and his brother. They also cleaned house and all my tax documents for filing my taxes for this year were destroyed. Why do the taxes, when every number is just guessing?

2004 I worked January, February, and March as a meat cutter. Judge Wagner ordered me to **six months of jail**. Even though I had paid \$18,000 since the beginning of the divorce (22 months) she still incarcerated me! I served three months and filed for an appeal during that time. About the time the Court of Appeals required the Brief, Judge Wagner released me illegally so that I must conform to all the “un- citizen friendly” rules for the appeal. Naturally, I would default on the appeal. If I had still been in jail, the court could not reject me for the style and format. While I am out of jail, I filed for another Order to Show Cause hearing **to correct the errors in**

calculations. Upon entering the courtroom for my scheduled hearing, I watched Judge Wagner run out the side door, depriving me the hearing and instead she had me arrested to finish the six month sentence.

As already mentioned, my oldest son (17) had to quit school so that he could support himself and his brother (15), while their dad was incarcerated. **Even though the oldest two boys were given to the father as Primary Placement, NEITHER HE/NOR THE TWO SONS EVER RECEIVED EVEN ONE PENNY IN CHILD SUPPORT FROM THE MOTHER THAT ABANDONED THEM!**

I had **2 children**, she had **5 children**. She has a 4 yr/teaching degree from college.

(First year teacher of Kenosha was getting \$26,000/yr)

Did the two boys and I have to get punished because of her choices?

My AGI was - (spent most of the year in jail) \$7,360.

Lost all the equipment / no depreciation 0

The IRS and accountants accepted TOTAL calculation \$7,360.

Lost Randall as a dependant this year – after this- 1 child for me/ 5 children for her

2005 Released from jail just before Thanksgiving 2004, I finally found a tree cutting job again in the winter. I started working six and seven days a week. Even though I had lost everything including my credit (430), and was in collection for everything, I managed to get another cheap junk van that got me to the woods. It was my home and I slept in the woods. I slept in the van and in the tent and ate cold beans for every meal. Unfortunately, I got Lyme Disease that nearly destroyed me. Because I did not have insurance or money to pay for a medical situation, I did not get treated right away. I did not even know what I had or how serious it was. There are tests that determine if a person has Lyme Disease. There are ten blots, and if the test comes back with five blots positive, the person has Lyme Disease. When I finally went to the hospital, I found that I had nine of the ten blots positive! I was crippled up for several weeks where I had extreme difficulty walking stairs and ladders. It took years to reverse the affects of that small little tick. Despite the Lyme Disease and other set-backs, I still managed to make more money than the previous year when I sat most of it in jail

My AGI with NO equipment or depreciation - \$12,108.

The IRS and accountants accepted TOTAL calculation - \$12,108

I had 1 child, she had 5 children = (paying on 4 children?)

2006 My worst health struggles in my life. I was in pain most of the year and accumulated more medical bills. I was in the emergency room at least a couple times. The collection agencies are contacting me almost daily. Some identities automatically take money out of my account at certain times of the month. Why did I end up with every legitimate bill while my ex didn't get any "real" bills? She ended up with only trumped up and bogus bills that the cult created for her. My credit was destroyed and I cannot get a credit card or get a loan anywhere.

She has five children and **David graduated** this year and I lost all my dependants.

My AGI was - \$1,124 (My Gross Receipts was much more)

The IRS and accountant accept a TOTAL - \$1,124

2007 I struggled to heal back physically and financially. In the end of this year, the Judge

ordered me an unreasonable job search task. I spent nearly two full months at spending time and money to get 250 proofs of job searches. Nobody was hiring me for \$30,000/year. In November I was sentenced to **six more months of jail**. I could not find steady employment.

She had **5 children** while I had NO dependants for myself.

My AGI was - \$3,014 (My Gross Receipts was more)

I do not own any equipment but must rent everything/ no depreciation

2008 I spent nearly the first half of the year in jail. I had lost everything. The jail allowed my vehicle to be towed away and it was confiscated. I lost **over** \$2000 in that alone. Starting over from nothing is extremely difficult. The entire year I was too broke to even have the capabilities to go to work. I worked enough to get a vehicle and insurance again.

Rachell turned 18 this year which left **4 more children** to pay child support on.

My AGI was a negative loss of - -\$680. (IRS accepted)

Previous customers were lost because of the phone getting defaulted while I went to jail.

2009 Finally found a part time job which was not even in the type of work as tree cutting. After a few weeks, the child support agency found out about it and started withholding support from the total income. When the normal taxes (20 -25%) were deducted, another 60% for child support was deducted. My take home pay was about \$20! I was not left with enough gas money to go back to work the next day. I would be spending more than I made. It does not take a brain surgeon to realize that it cannot work. Because of the 2002 mistake and error, I was from this point forward hindered from any regular job too! I had to find work directly from a private customer in order to survive.

There were **4 children** to pay on.

My AGI was - \$4,112. (My Gross Receipts - \$11,484.13)

I had a lot of expenses

I also became a full-time college student. I took up some Online classes in Paralegal. All I learned was that I could file all the right papers to the court, but if the judge is defiant and malicious, there is not much a paralegal can do about a bad situation judicially. I have now about \$20,000 in federal debt because of student loans, just to find out that depressing news. I wish I would have instead used up my money and energy to get publicity instead of trying to find out how to solve this problem judicially. I now have all this debt without a degree! If however, I get things resolved in the courts, I may go back to school to finish the Associate's degree in Paralegal. I am convinced that Publicity is the only cure to the judicial problem.

2010 I am working hard at rebuilding my life. With gas going over \$3/gallon, things were difficult. I cannot acquire a regular job since everything will be taken without leaving me gas money. Jobs were scarce and hard to find. Many businesses are shutting their doors and going out of business. More employees of those companies are trying to get the job that I need.

Suzy turned 18 this year, and I had only **3 more children** to pay on. Unfortunately, the child support has **NEVER** been adjusted in nearly a decade.

My AGI was - \$6,100. (Gross Receipts was - \$20,477. But I had a ton of expenses when a person has to rent everything)

I still did some college courses but temporarily quit this year in order to start paying on these outrageous loans. If I go back to jail I will default on the loan and would have to notify them

about my website and why I cannot pay them. How can I pay anything when I am in jail? Even after my release from jail or prison, I still would not be able to pay them. I would be destroyed without a job, with only a zeal and mission to get national publicity. I would be homeless!

Nearing the full decade of depriving me a fair and impartial hearing, I once again face the danger of going back to jail. In my entire life, I have paid about \$30,000 in child support, which most of it was before I was completely destroyed and left homeless. Sure I have not paid much in the last year, but jobs, economy, and finances are extremely tight and yet I am still paying on the debt that accumulated when I was in jail. If the court had not made the mistakes in the first place and had done things correctly according to statutes and the IRS accepted calculations, I would never have had arrearages or ever gone to jail (except where Shereen made false accusations against me and claimed that I grabbed her wrists, which was a blatant lie! I am glad that good judge saw the truth and dismissed the charges).

If the court feels that I am in contempt (**And I admit that I am in contempt according to their wrong calculations, but it is ONLY because of their wrong calculations**), and that I must spend some time again in jail or prison, I will serve my time. However, when I get out my main and only zeal will be to let the entire world know, www.screwedkenoshastyle.com and the details of it. America will hear how judges can have 2 DUI's and never serve a minute of jail, or how a judge can proclaim that he approves in beating children with sawed-off golf clubs and not consider that to be child abuse! I would prefer taking my signs down and live a quiet and peaceable life. However, as of yet I have never had the opportunity to be left alone. If I cannot get this resolved I will hitch-hike to Washington, DC to draw attention to what goes on in Kenosha. I don't have any other options when the carpet gets ripped out from under me every two to three years. It takes at least a year to get off of lying flat on your back. It takes another year just to sit up. It is now the third year and I feel like I am finally crawling on my knees. But if I get knocked down again before I could stand up, why rebuild again unless the person gets national/world publicity first? Will I be forced to burn a flag to get that? I would need to find out where a national parade is, find the national media cameras, and then do things without warning them of the flag desecration. I hope that I could get enough publicity with just burning the Wisconsin flag. However, my greatest desire is to not need to do any of it because the errors have been corrected. It sure would be nice to get my life back and to see my children again. I have not seen them since June 2008 – **which is OVER THREE YEARS!!** The Kenosha judges have ordered placement but then refuse to enforce it if it is her that is in contempt. It does sound very partial to me. I wonder if national America would feel the same way.

Judge Warren, I ask of you to please re-evaluate year-by-year, accept the IRS accepted numbers, apply them directly to the statutes of the child support formula, and correct the errors and mistakes that have lasted almost an entire DECADE. If you do, I want to thank you so very much for allowing me to start living a normal life.

**** The following (5 yellow) pages are the ORIGIN of the malicious errors that have destroyed my life.** [Note: The 5 pages referred to are on the graph section on my website,

with the box labeled- "Judge Mary K. Wagner". Once you open that up, click on- "Is she just". I used the first few pages of that to finish this document. Please see how they got the income numbers on **PAGE 3!**

IN FINAL, with the 2 pages of the Motion, the 3 pages of the issues, the next 8 pages dealing with the real income, and the last 5 yellow pages is of the origin of the **MISTAKE**; the plaintiff believes that there is plenty of proof provided to allow the courts to correct the errors. The plaintiff requests the court to demand both parties to be present at the January hearing to confirm and validate that this information is true through cross examination. That is not possible if the Respondent calls in for the hearing. **THEREFORE**, I request the court to address all issues

presented in this Motion and Affidavit with this being the 19th page.

Signed this 5th day of December, 2011 _____

Bernard Tocholke 218-341-8322
41391 Little Sand Rd.
Hinckley, MN 55037

Copies of the court signed Motion
& Affidavit will be sent to:
The Respondent / Shereen Tocholke
Greenville, Ohio Sheriff Dept. to serve on respondent
Attorney Tom Anderson, Jr.
Director of State Courts
Judicial Commission
Various Media places