
BERNARD TOCHOLKE

Petitioner,

vs.

SHEREEN TOCHOLKE

Respondent,

Case no, #02-FA-365

Motion for child support
revision, § 767.59(1m) correct
errors in calculation,
enforce child placement,
re-evaluate the
“best interest of the child”, and
revise the child tax deduction benefit
granted to which party

COMES NOW, the petitioner, Bernard Tocholke, in an attempt to correct the numerous mistakes and errors pending in this case for nearly a decade, and asks the court to address the issues which are contained in this motion.

1. A recent case in the United States Supreme Court, *Turner v. Rogers*, 564U.S., No. 10-10, June 20, (2011), made the decision that States needed to provide the basic requirements for a **fair trial** at giving “**more than minimum due process procedures.**” If that does not happen, counsel is a necessity.
2. The plaintiff has been denied that fair trial for nearly a decade, after the courts allowed a mistake and an error in calculation to be made.
3. Under normal situations the court would be restricted from addressing an error which happened almost a decade ago. However, here is a Statute that allows recalculation to be made and to be corrected from the origin.
 - a. § 767.59(1m) ***Payment revision prospective.*** *In an action under sub. (1c) to revise a judgment or order with respect to child support, maintenance payments, or family support payments, the court may not revise the amount of child support, maintenance payments, or family support payments due, or an amount of arrearages in child support, maintenance payments, or family support payments that has accrued, prior to the date that notice of the action is given to the respondent.*

**EXCEPT TO CORRECT PREVIOUS ERRORS IN
CALCULATIONS. !!!**

4. The plaintiff is including with this motion an affidavit of the facts of the IRS accepted calculations and will provide in the court every IRS 1040 which is needed to prove that an erroneous mistake was made in 2002.
5. Even though the plaintiff was wrongfully incarcerated because of those errors, he is willing to move on and desires that the court will just correct the mistakes.
6. Once the errors have been corrected, the plaintiff asks this court to revise the current child support based on the destroyed and devastated position that he was pushed into.
7. There were child placement orders made in 2007 because of the respondent’s desire to move to Ohio so she could be closer to her church/cult, with the

stipulation made that the plaintiff would get longer placements with the minor children. After she moved the placement was made only for one time and the plaintiff has **not seen his children for 3 ½ years!! (June 2008)**
The respondent is in contempt and the plaintiff asks the court to enforce the orders.

8. Even though the plaintiff has paid about \$30,000 in child support, he was never allowed to claim any of the minor children whom he has not seen for nearly four years as a tax deduction. The plaintiff asks this court to evaluate this injustice.
9. The Plaintiff desires this court to re-evaluate “the best interest of child” of the minor children.
10. The Plaintiff urges the court to allow him to cross examine the respondent for the purpose to confirm that the above mentioned issues are correct and agreed by both parties to be true.
11. **The Plaintiff requests that this court will DEMAND that both parties MUST be present (in the body form / NOT by phone) at this next hearing that is established in January 2012. It is impossible to cross-examine either party when they are only connected by phone lines.** If the court does not demand it, the plaintiff desires to just use the phone himself since the respondent has used the phones often.

THEREFORE, the plaintiff begs this court to DEMAND that both parties MUST attend in person this court hearing to address ALL the issues mentioned above, and finally embrace the justice that the Constitution and the Statutes depict.

Signed this 5th day of December, 2011_____

Bernard Tocholke

41391 Little Sand Rd.

Hinckley, MN 55037

Copies sent to:

The Respondent, her attorney, & media