

UNITED STATES COURTS
EASTERN DISTRICT OF WISCONSIN IN THE 7TH DISTRICT

Plaintiff

Bernard Tocholke

COMPLAINT

Vs.

Lawsuit under Title 18, U.S.C. Section 242

Defendant

Thomas W. Anderson, Jr.

Case Number # _____

COMES NOW, the plaintiff, Bernard Tocholke (who is not an attorney & without an attorney - *pro se*), in an attempt to explain the horrific damage the respondent has maliciously and intentionally inflicted upon him, by willfully and vindictively depriving him the federal rights, primarily the Constitutional rights and provisions that this great country offers. Because Anderson has maliciously and consistently deprived the plaintiff the rights of the U.S. Constitution for nearly a decade, this case therefore becomes a **Federal Lawsuit**, and THIS COURT DOES HAVE THE JURISDICTION over this case to decide and rule upon the information provided in this document and COMPLAINT,

The Plaintiff, wants to inform that the defendant is an attorney, and therefore should be held to a higher standard. He must be held accountable to the Oath that he needed to take to become an attorney, and the rules of ethical conduct which is required to practice law. When an attorney violates the Oath or the ethics standard, there usually is a penalty for the offense and a restitution remedy to the victim whom they injured. The Oath and Standard of Ethics is as follows;

1. **SCR 40.15 ATTORNEY'S OATH**

"I will support the constitution of the United States and the constitution of the state of Wisconsin; I will maintain the respect due to courts of justice and judicial officers; I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, or any defense, except such as I believe to be honestly debatable under the law of the land; I will employ, for the purpose of maintaining the causes confided to me, such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement or fact or law; ..."

2. **SCR 20:1.0 TERMINOLOGY**

(e) **"Fraud"** or **"Fraudulent"** denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a **purpose to deceive.**

(h) **"Misrepresentation"** denotes communication of an **untruth**, either knowingly or with reckless disregard, whether by statement or omission, **which if accepted would lead another to believe a condition exists that does not**

actually exist.

3. **SCR 20:1.1 COMPETENCE**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

4. **SCR 20:3.4 FAIRNESS TO OPPOSING PARTY AND COUNSEL**

A lawyer shall not:

- (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
- (b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

5. **SCR 20:8.4 MISCONDUCT**

It is professional misconduct for a lawyer to:

(C) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

6. **SCR 21:16 DISCIPLINE**

(1m) Any of the following may be imposed on an attorney as discipline for misconduct pursuant to the procedure set forth in SCR chapter 22:

- (a) Revocation of license to practice law.
- (e) **Monetary payment.**

7. **SCR 22.001 DEFINITIONS**

(9) "Misconduct" means any of the following:

(e) Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

THE COMPLAINT

1. Since Thomas W. Anderson, Jr. has been an attorney for many years, the plaintiff believes that he should therefore be very familiar with the laws of this country.
2. The plaintiff suspects that in order for Anderson to become an attorney he would have needed to swear to the "Attorney's Oath" (already typed above).
3. One of the first opening statements of that Oath, was that he will promise to uphold or "*support the Constitution of the United States.*"
4. Since many common citizens know parts of the Constitution and its amendments, Tocholke assumes that Anderson who is an attorney, should be very familiar with the United States Constitution.

5. Anderson should know the 14th Amendment, “*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*”
6. Anderson should also be familiar with the Universal Declaration of Human Rights, Article 10, which states that “*Everyone is entitled in full equality to a fair and public hearing.*....”
7. Before the last court date which was on January 20, 2012 the plaintiff sent Anderson a document which made him aware of the penalty and consequences of violating his Attorney’s Oath which was the **Title 18, U.S.C. Section 242** - “*Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States,... SHALL BE FINED UNDER THIS TITLE...*”

NOTE: The plaintiff received this statute as a response from the United States DEPARTMENT of JUSTICE.

8. The plaintiff believes that Anderson might try to dismiss this Complaint by stating it is outdated and the Statute of Limitation has expired its merit.
9. The last court date that he blatantly lied about certain facts was on January 20, 2012 and the plaintiff does not believe that this day is out of date.
10. This COMPLAINT is like a high quality plywood sheet which has a valuable veneer layer on top with “older” layers underneath. The top 1/16 of an inch is worth much more than all the other layers beneath put together. The top layer is the value, however, all the other layers provide the strength to back it up. The thin “veneer” layer (January 20, 2012) IS NOT OUT OF DATE!!
11. Exhibit A, is a document made by a certified and licensed accountant. Meister & Meister has been in business for at least a couple of decades and possibly three.
12. An individual that has run an accountant business, should know what he is doing and should know how to calculate income. If he did not, the IRS would have been “on his case” years ago. Therefore, for a common non-accountant to say that Meister does not know what he is doing, would either be an insult or a joke.
13. The plaintiff believes that Anderson is an attorney BUT DOES NOT have a license to practice accounting. If Anderson did practice accounting without a license and demanded that his calculating was correct, would he be doing

“Accounting Malpractice”??

14. The Meister & Meister Accountant document (Exhibit **A**), was given to the court and Attorney Anderson in 2002. For an entire decade he has known about it and at every hearing since then and has been reminded of it by the plaintiff.
 15. However, Anderson has consistently refused to accept this income explanation from this certified and licensed accountant.
 16. Instead of accepting the explanation of a licensed accountant, Anderson (who IS NOT an accountant, nor has a license to practice accounting) fabricated an erroneous income based on deception.
 17. Exhibit **B**, is the foundation of the deceit that Anderson fabricated to permeate the court with his “*conduct involving dishonesty, fraud, deceit or misrepresentation*”.
 18. Notice how Anderson did his arithmetic even while having a calculator beside him. It is a mighty poor accountant that would make mistakes like that. The plaintiff had informed Anderson about this mistake years ago and yet he still vindictively adheres to his calculations as if he didn’t make a mistake.
 19. When calculating income, a person must take the **AGI (Adjusted Gross Income)** as a base to work from. That number is on **line 33** (\$8,429)!
 20. Notice how Anderson used **line 12** (\$14,191) to fabricate his NON-LICENSED calculation. According to **SCR 20:8.4**, that would be misconduct for him to deliberately “*Engage in conduct involving dishonesty, fraud, deceit or misrepresentation*”.
- NOTE: The plaintiff has not received the transcripts yet for the January 20, 2012 hearing. However, it will be provided as an EXHIBIT as soon as it is furnished by the court.
21. In that 1/20/12 hearing, the judge specifically told Attorney Anderson that only the AGI gets used in calculating and then asked if that was the base that was used in calculating Tocholke’s income? Anderson confirmed that it was! That was a blatant and deliberate lie.
 22. By confirming his lie to the judge, Anderson not only violated the rules of professional conduct for attorneys, he also violated the Oath he took to become an attorney. “*with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement....*”.
 23. Even if Anderson would deny that he did NOT speak “*untruth*” “*knowingly*”, the **SCR 20:1.0 TERMINOLOGY** rule (h) Misrepresentation declares a much

wider range for the perpetrator to be guilty of it, by simple ***“reckless disregard, whether by statement or omission, which if accepted would lead another to believe a condition exists that does not actually exist.”***

24. At practically every court hearing, Anderson has maliciously deceived the court into believing his calculations that he had fabricated was correct.

OTHER AREAS THAT ANDERSON DILIBERATELY, “Engage (d) in conduct involving dishonesty, fraud, deceit or misrepresentation;”

25. The plaintiff’s ex-wife had a four year college degree in teaching and had taught for several years before she decided to stay home to be with the children as they were growing up. The plaintiff brought this information to the judge’s attention.

26. Here is how Anderson responded to the questions of the judge;

The court: *“How did the income get imputed to Mrs. Tocholke?”*

Mr. Anderson: *“We imputed it by agreement.”*

The court: *“Is she a teacher?”*

Note: It was not beneficial at this point for her to be a teacher so he deceived.

Mr. Anderson: *“She had done some work in the past. Basically, what it comes out to is seven dollars an hour working 40 hours a week. That comes out to \$14,560.”*

27. Notice how Anderson did not answer the question correctly? He deceived the court into thinking that she is NOT a teacher, and is only capable of making seven dollars an hour.

28. At another hearing it was much more obvious at how Anderson uses fraud to achieve what he wants. The plaintiff brought up that his ex-wife was involved in an illegal school for their children. He brought up that the church/cult pastor’s wife was doing the teaching who is not licensed which is a requirement. The Judge started asking questions;

The court: *“Who is teaching the children?”*

Mr. Tocholke: *“I believe she is the pastor’s wife.”*

The court: *“Is that true?”*

Mr. Anderson: *“I believe that’s probably correct.”*

When the judge demanded testing for the minor children, Anderson stated just two pages later on the same transcript;

Mr. Anderson: *“This woman is a certified teacher teaching her own children.”*

29. Now that there was a risk of unfavorable demands by the judge, Anderson suddenly contradicts what he testified just two pages prior to that. Once he said that he believes the pastor’s wife was teaching them, but now he changes his story and stated that the mother (Tocholke’s ex-wife) was teaching them.

30. The Ex-wife DID NOT TEACH THEM!! Anderson stated another lie to deceive the judge in not demanding testing.

31. Anderson permeated the courtroom with many more examples of **“conduct involving dishonesty, fraud, deceit or misrepresentation.”** However, if this court will excuse away these 30 accusations in this complaint, the plaintiff could not persuade this court about Anderson’s vindictive and deceptive conduct if he had 1000 numbered points of accusation. Therefore, Tocholke will leave this Complaint in a shortened version of what he could have drafted.

IN SUMMARY: Mr. Anderson has violated his Oath, and many of the ABA and SCR RULES of professional conduct for an attorney. The plaintiff even believes that Mr. Anderson will even vindictively over-ride Conflict of Interest issues, like insisting on getting another hearing against Mr. Tocholke where he could retaliate against him by deceiving the court to throw Tocholke in jail.

THEREFORE, the plaintiff asks this court to use the same standards that Anderson swore by for his Oath, and judge him accordingly to those SCR rules. In the **SCR 21:16 DISCIPLINE** section, it gives the options of what is necessary if the rules have been violated. Because of Anderson’s vindictive behavior which was permeated with deceit, Tocholke suffered tremendous trauma and financial loss, and has already spent an entire year in jail wrongfully.

RESTITUTION REQUESTED: Tocholke would rather have lived a peaceful life than receive restitution. Requesting \$500,000 is not nearly worth the heartaches, trauma, and financial loss he had to endure for nearly an entire decade! Tocholke was pushed into homelessness for several months. He would much rather have his ten years back that Anderson vindictively destroyed for him. Anderson was the fundamental reason that Tocholke has not seen his children for nearly four years (June 2008).

Signed this _____ day in February, 2012 _____

Bernard Tocholke
49605 Wild Haven Rd.
Bruno, MN 55712