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TABLE OF AUTHORITIES

There is only ONE statute which Tocholke is appealing to receive an explanation.

Statute 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,...”*

TABLE OF THE ISSUES

The plaintiff, Bernard Tocholke, appreciates having Honorable Judge Warren as his judge and esteems him highly as a fair and respectable person and judge. Tocholke does not want to bring reproof upon this judge since it appeared he was limited at what he could do with the above statute which is presented. The plaintiff is asking this court to interpret what this statute means and if it means what the common English language depicts it to mean, and then order this statute to be re-applied to Tocholke’s case which is stationed in the Kenosha court system. In simple terms, Bernard Tocholke wants this court to order Honorable Judge Warren, III to recalculate the errors in calculation which Tocholke was wrongfully framed with.

STATEMENT AS TO WHETHER ORAL ARGUMENT IS NECESSARY

This is a simple case of evaluating only ONE Statute. It is unreasonable to think that a lot of discussion is required or a lengthy argument is needed for this court to interpret what a single statute means. Tocholke does not think oral argument is needed.

STATEMENT OF THE CASE

Bernard Tocholke believes that the statute provides a relief for error regardless of how long ago the mistake was made. Judge Warren claims that this Court of Appeals has placed a Statute of Limitations on the Statute. It might be taken out of context or it might be misunderstood or misinterpreted what this Court of Appeals meant. The mission of this appeal is to have this court make a decision of what this statute means, and if it means what the common English language depicts it to be, Tocholke is asking this court to provide their decision or opinion back to Judge Warren and order him to correct the errors in calculation.

THE ARGUMENT

The statute under scrutiny; **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 notice of the action is given to the respondent, EXCEPT TO CORRECT PREVIOUS ERRORS IN CALCULATIONS..**

How does the English language interpret what was said? - HYPOTHETICAL - Suppose John Doe had a VP job at Enron and was making a six-digit income. When the company crumbled, John Doe lost his job and ALL his retirements like his 401k. Suppose John Doe did not do a thing for a year because of the shock, unbelief, and denial. Suddenly he snapped out of it and realized that child support has gotten out of hand. He has lost his job 12 months ago and he finally files a motion to the court that he wants a revision. Suppose three months go by before he is actually in the courtroom.

THE INTERPRETATION OF THE ENGLISH LANGUAGE- Using the English language, John Doe would be still responsible for the 12 months that he had no work because of the company shutting down, BECAUSE he did not give immediate attention to his dilemma. Also there was NO errors in calculations, even though he was without work. The only thing the court can do is re-evaluate his order from the time he filed for the hearing.

However, let us twist the hypothetical situation. Suppose John Doe had an apposing attorney that framed him with a false income. What if a vindictive attorney framed him wrongfully by using his social security number (999-99-9999) and labeled him with that number being his income (\$999,999,999.)? What if the courts were deceived by this vindictive attorney and then based his child support on that? What if at EVERY court hearing John Doe brought up this issue of being framed with this erroneous mistake? What if for an entire decade the judges consistently refused to address this issue? According to the common English language, the above statute would be the remedy when there finally comes a judge that is in line with the laws of this Country and the United States Constitution. That judge could use that statute and apply it to the errors and eliminate the inflated mistake from its ORIGIN!

QUESTIONS;

1. If this statute is contradicting the English language and there is Statute of Limitation in it, obscure from the Common citizen, why should the common citizen even read the laws, if their known language is inadequate?
2. Is there any remedy to a situation like John Doe's or Mr. Tocholke's then, if this statute is of no benefit?
3. If this statute does not mean what it says, does the U.S. Constitution have hidden limitations too that are discriminatory? An example would be that the Constitution provides citizens with freedom of religion (just like the law reads), **BUT** if I am mostly bald and answer to the name of Bernie, that law does not apply to me!??
4. To the common citizen it would not matter if the error was two days ago or two hundred years ago, or if the plaintiff brought it to the court's attention before,... the **ERROR IN PREVIOUS CALCULATIONS** still exists!! Why should the victim be deprived the Constitutional Rights of a fair trial just because someone in the judicial system claims that there is time limit to correct an error that the victim did not make himself?
5. If the victim gets deprived the right to escape the vindictive fabrication of a deliberate mistake, will he be forced to live the rest of his life with this huge wrongful debt?
6. If that happened, what would the flag that symbolizes the pledge, "***with liberty and justice for all***", mean to a victim that was framed with this vindictive debt?

SHORT CONCLUSION

According to the English language, there is NO time limit to correct previous errors. The ERROR STILL EXISTS TODAY and therefore, the statute still applies. The corrections are still in line to that statute and also to the United States Constitution as long as any error exists, and therefore becomes appeal-able even onto the federal courts if need be.