

ORIGINAL

FILED
COUNTY OF SNOHOMISH
CLERK OF COURT

09 JUL 25 PM 1:55

STATE OF WASHINGTON
BY _____

REPLY

NO. 37955-4-II

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

IN RE THE MARRAGE OF:

WILLAM D. WEBSTER
Appellant

v.

SOMDET WEBSTER
Appellant

REPLY BRIEF OF APPELLANT

William D. Webster
2102 25th Ave. SE
Puyallup, WA 98374
253-568-7506

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

I. INTRODUCTION.....1

II. DEFINITIONS AND LAWS.....1

III. STATEMENT OF THE ISSUES.....2

IV. STATEMENT OF THE CASE.....3

V. APPLICABLE STANDARDS OF REVIEW.....9

VI. FACTS & ARGUMNET.....12

 a) Perjury and Subordination of Perjury.....12

 The Chronology of Perjury is as Follows.....15

 b) Perjury, Abuse of Discretion for Failure to Recuse.....16

 c) Bigamy, Marriage Fraud, Immigration Fraud
 Attorney Perjury.....16

 d) Somdet as an Unfit Mother.....18

 e) William D. Webster as a Caring Fit Father and
 Husband. Court Records Show.....21

 e) Stacy Bronson, Child Investigator.....22

VII. CONCLUSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES

Statutes

RCW 9A.72.020.....1

RCW 4.12.040.....10

18 United States Code Section 4, THE FEDERAL RULES OF
CRIMINAL PROCEDURE, RULE 3.....2

Cases

Atkinson v. Atkinson, 38 Wn.2d 769, 772, 231, P.2d 641 (1951).....18

Christian v. Christian, 45 Wn. 387-393, S. Ct. (Oct 1945).....20

Graham, 91 Wn. App. At 669.....10

In Re Chevron, 121 F.3d 163, 165 (5th Cir. 1997).....10

Lindblom v. Lindblom, 22 Wn.2d 291, 296, 155 P.2d 790 (1945).....19

Kauzlarich v. Yarbrough, 105 Wn. App. 632, 653 (Feb. 2001).....10

Marshall v. Jerrico , 446 US 238, 242, 100 S. Ct.
1610, 64 L.Ed 2d 182 (1980).....9

Meredith v. Muriel-Suarez, Wn. App # 37098-1-II.....10

Norman v. Norman, 27 Wn.2d 25-33, S. Ct. (Jan 1947).....19

Schreifels v. Schreifels, 47 Wn.2d 409-417 (Sept 1955).....20

Schultz v. Schultz, 66 Wn.2d S. Ct. 713, 714, 716, 717 (Aug 1965).....19

Sherman v. State, 128 Wn.2d 164, 205, 905 P.2d 355 (1995).....10

State v. Madry, 8 Wn. App. 61 70, 504 P.3d, 1156 (1972).....11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Stone v. Powell, 428 US 465, 483 n. 35, 96 S.Ct. 3037 49
L.Ed 2d 1067 (1976).....9

Stotgaard v. Storgaard, 26 Wn.2d 388, 174 P.2d 309 (1946).....19

Tramonte v. Chrysler Corporation, 136 F.3d 1025-29 (5th Cir 1998).....10

Warnecke v. Warnecke, 28 Wn. 259-271, S. Ct. (1947).....20

Police Filed Cases

Port Orchard Police Case # DO-8-990.....16

Other Authorities

Webster’s New World Dictionary, Second College Addition.....1

1
2
3 **I. INTRODUCTION**

4 This brief is submitted by William D. Webster and will address the facts
5 surrounding this case including the perjury/subordination of perjury of Somdet
6 Webster and attorneys for the Northwest Justice Project, Jennifer Brugger, Lisa
7 Hayden and John Purbaugh. Also addressed is the negligent investigation/non
8 investigation by Stacy Bronson, Child Investigator for Kitsap County and the
9 connections during trial between the seated Judge, Judge Leonard Costello and
10 Jennifer Brugger of the Northwest Justice Project and Chairman of the Board of
11 Kitsap Legal Services.
12
13

14 **II. DEFINITIONS AND LAWS**

- 15 a) Perjury: 1. The willful telling of a lie while under lawful oath or
16 affirmation to tell the truth in a matter material to the point of inquiry.
17 2. The breaking of any oath or formal promise.
18 b) Corruption: 1. The act or fact of making, becoming, or being corrupt.
19 2. Evil or wicked behavior. 3. Bribery or similar dishonest dealing.
"Webster's New World Dictionary, Second College
Addition"

20 Revised Code of Washington

21 9A.72.020

22 Perjury In The First Degree

23 (1) A person is guilty in the first degree if in any official proceeding he
makes a materially false statement which he knows to be false under an
oath required or authorized by law.

24 (2) Knowledge of the materiality of the statement is not an element of this
crime, and the actor's mistaken belief that his statement was not material
is not a defense to a prosecution under this section.

25 (3) Perjury in the first degree is a class B felony.
26

27 *REPLY BRIEF OF APPELLANT-1*
28

1
2 18 United States code Section 4 (18 USC 4)
3 THE FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 3
4 “Whoever, having knowledge of the actual commission of a felony
5 cognizable by a court of the United States, conceals and does not as soon
6 as possible make known the same to some judge or other person in civil or
7 military authority under the United States, shall be fined not more than
8 \$500. or imprisoned not more than three years, or both.”

9
10 **III. STATEMENT OF THE ISSUES**

11 A) Did Somdet Webster, Jennifer Brugger, Lisa Hayden and John
12 Purbaugh commit felony perjury and subordination of perjury during trial,
13 and did Judge Costello abuse his discretion in not finding them in
14 contempt of court, holding them over for criminal prosecution and does
15 this perjury entitle Mr. Webster to a new trial or decision in his favor on
16 all counts including sole custody of his son William S. Webster. **YES.**

17 B) Did Judge Costello abuse his discretion for not recusing himself after
18 Mr. Webster showed him evidence and pictures of him with the
19 Appellee’s attorney, Jennifer Brugger during trial? **YES.**

20 C) Should Judge Costello have invalidated the marriage after Mr. Webster
21 produced U.S. Department of Justice approved documents that show that
22 Somdet Webster/Rahothan is still married to a Thai national in Thailand
23 and committed Bigamy by tricking Mr. Webster into marriage. **YES.**

24 D) Were Judge Costello’s finding’s that relate to Parenting and the
25 Parenting Plan entered in June 13, 2008 supported by any evidence at all
26 and should this plan be affirmed. **NO.**

1
2
3 ***IV. STATEMENT OF CASE***

4 William D. Webster and Somdet Rahothan/Budsadee (lateR Webster), met in
5 Thailand. Somdet was working as a bargirl/prostitute at the time. No paperwork
6 was entered at trial to show any marriage in Thailand.

7
8 Mr. Webster brought Somdet to America to afford her a better life than in
9 Thailand. On August 30, 1995 Somdet and Mr. Webster were married in
10 Ketchikan, Alaska. After bringing Somdet to America, Mr. Webster found that
11 Somdet had two children in Thailand and later found that Somdet is still married
12 to a Thai national. It should be noted once again that no paperwork was entered
13 into evidence to show that Somdet is not still married to Somjet Rahothan and no
14 evidence was entered into the Court to show that Somdet and Mr. Webster were
15 married in Thailand.
16

17 Mr. Webster tried to bring Somdet's son to America, but he is in prison in
18 Thailand for trying to kill a man over a motorcycle. Mr. Webster submitted
19 paperwork given him by Somdet, to the United States Department of Justice. The
20 paperwork was a true translation of a birth certificate from Thailand for Somdet's
21 son Khanchit Rahothan. The birth certificate translation was entered into evidence
22 by Judge Costello.
23

24 Mr. Webster did not look at the dates on Khanchit's birth certificate until
25 Somdet and her adulterous lover Samuel K. Flower using abuse of process, put
26 Mr. Webster out into the middle of the street with the cloths on back, so that
27

1
2
3 Somdet and Mr. Flower could use Mr. Webster's residence for their adulterous
4 trysts.
5

6 Mr. Webster discovered that the dates of Somdet's birth on Khanchits birth
7 certificate are not the same as Somdet's birth certificate that she submitted to the
8 Thai government to receive a passport and the American government to become a
9 resident alien and now citizen. Somdet states that she was born Nov. 14, 1972, but
10 her son's birth certificate, which was accepted in this trial and by the United
11 States Department of Justice as true, shows Somdet was born on Nov. 14, 1966.

12
13 Mr. Webster further wondered that if Somdet was born in 1972 as her birth
14 certificate states than she was 10 years old in 1982 when her son was born.

15 Mr. Webster being a loyal American and having served his country during the
16 Vietnam war, researched the federal criminal codes and found that he could be
17 held as an accessory for the fraud Somdet had perpetrated against the U.S.
18 government. Mr. Webster immediately contacted the Immigration and
19 Naturalization Service to show them the fraud he had found and that he was not a
20 party to said fraud.
21

22 The Northwest Justice Project and Judge Costello both stated that Mr. Webster
23 used "abusive use of conflict" for doing his duty and reporting fraud to the
24 United States Government.
25

26 On Jan. 29, 2007, Somdet and her adulterous lover Samuel K. Flower placed a
27

28 *REPLY BRIEF OF APPELLANT-4*

1
2
3 call to Kitsap County 911 and lied to the police that William D. Webster was in
4 violation of a temporary restraining order. Mr. Webster was in his home asleep
5 when Somdet's employer called in a ploy to get Mr. Webster outside of his house.
6 William D. Webster went outside his house and was illegally arrested at machine
7 gun point by the Kitsap Sheriff's Office for a temporary restraining order made
8 out to William S. Webster. The case was subsequently dismissed and Mr. Webster
9 has filed a \$5.5 Million Dollar lawsuit In Federal District Court against the Kitsap
10 Sheriff's Office.
11

12 On February 8, 2009, Somdet Webster and her attorney Jennifer Brugger went
13 before Kitsap Superior Court Commissioner Thurman Lowens. Commissioner
14 Lowens in conspiracy with Ms. Brugger and the Northwest Justice Project,
15 changed the name on the temporary and permanent restraining order to William
16 D. Webster with whiteout without calling William D. Webster to the bar to defend
17 himself in violation of William D. Webster's civil rights. It should be noted that
18 Mr. Webster submitted evidence to the court that was accepted that showed
19 Commissioner Lowens and Judge Costello at a fundraiser for Ms. Brugger's
20 Kitsap Legal Services and that both Lowens and Costello either accepted
21 gratuities and/or contributed to Ms. Brugger's organizations political action fund.
22 All of this during the Webster and Webster dissolution trial, Judge Costello seated
23 Judge. It should be noted that they evidence included pictures of Jennifer Brugger,
24 Judge Costello and Commissioner Lowens.
25
26
27

1
2
3 On February 27, 2007, Somdet and her attorney Jennifer Brugger filed to
4 dissolve the marriage. During trial, Mr. Webster discovered repeated perjury by
5 Somdet and Ms. Brugger, and Mr. Webster submitted solid evidence of these
6 felonies. It should be noted that Mr. Webster took the evidence of Somdet's
7 felony perjury to the Port Orchard Police Department and their Det/CSI Martin
8 filed felony perjury charges against Somdet with the Kitsap County Prosecutors
9 office. It should be further noted that documents show that Ms. Brugger is a past
10 Kitsap County Prosecutor and as a favor to Ms. Brugger, Kitsap County
11 Prosecutor Kevin Howell is setting on Somdet's case to make sure it does not go
12 to trial. After Mr. Webster showed the court submitted, solid evidence of
13 perjury/subordination of perjury by Somdet and Ms. Brugger with substantiating
14 evidence and documents, the Northwest Justice Project brought in attorney Lisa
15 Hayden to try and cover up the felony perjury/subordination of perjury. Judge
16 Costello with his links to Jennifer Brugger stated that there were "small mistakes
17 made" but he found no perjury. Judge Costello never defined and/or clarified the
18 difference between "small mistakes" and felony perjury. Mr. Webster wonders if
19 this is like being "a little bit pregnant" as opposed to being "fully pregnant."
20
21
22

23 Mr. Webster found more perjury with submitted evidence and the Northwest
24 Justice Project brought in attorney/supervisor John Purbaugh to see if he could
25 help cover up the perjury. Once again Judge Costello, with his links to Jennifer
26

27 REPLY BRIEF OF APPELLANT-6
28

1
2 Brugger found no contempt for perjury for anyone even though the Port Orchard
3 Police had filed felony perjury charges against Somdet. It should be noted that
4 Somdet was found in contempt for entering casinos against court orders after she
5 stated on sworn court documents that she didn't gamble and had not gone to
6 casinos, and for the child abuse of non medicating poor young 9 year olds William
7 for his ADHD. It should be noted once again that with his connections to the
8 Northwest Justice Project and Jennifer Brugger, President of the Board of Kitsap
9 Legal Services, that no sanctions were brought against Somdet and/or Ms.
10 Brugger for the transgressions and perjury/subordination of perjury.
11

12
13 At this time, The Northwest Justice Project hired the mega Seattle law firm of
14 Schwabe, Williams & Wyatt in the person among others of attorney Colin
15 Folawn. Mr. Folawn was brought in to help intimidate pro se Mr. Webster and
16 help cover up the felonies committed by the attorneys for the Northwest Justice
17 Project. It should be noted that with Ms. Brugger calling in friends from the
18 Prosecutors Office, that Mr. Webster has faced, pro se, up to seven (7) attorneys
19 in court. At this time Mr. Webster discovered Judge Costello's transgressions and
20 ex part meetings with Jennifer Brugger during trial and even brought in blown up
21 pictures of Judge Costello drinking wine provided by Ms. Brugger's Kitsap Legal
22 Services. It should be noted that after Mr. Webster showed Judge Costello his
23 pictures at Mr. Brugger's fundraiser party, the pictures disappeared off of the
24
25

26 *REPLY BRIEF OF APPELLANT-7*
27
28

1
2 internet.

3 Judge Costello refused to recuse himself and awarded custody of the minor son
4 to Somdet, even though it was proven in trial that Somdet had tried to commit
5 suicide twice with drugs and knives, lied in court, lied to the police, and had a
6 ongoing adulterous affair with Mr. Flower while still living with Mr. Webster.
7

8 During Trial Judge Costello appointed GAL/custody investigator Stacy Bronson
9 to investigate the interaction of 9 year old William with Mr. Webster and Somdet
10 in their respective home environments. Court records show that Ms. Bronson had
11 numerous meetings with Somdet and Ms. Brugger and limitless phone calls
12 between the parties. It appears that Ms. Brugger and Somdet had Ms. Bronson on
13 “speed dial” on their phones.
14

15 Other than three phone calls, one to cancel a meeting, Ms. Bronson had no
16 contact with Mr. Webster. In one documented phone call to Mr. Webster and
17 witnessed by Mr. Webster’s brother Kip Webster, Ms. Bronson was screaming so
18 loud at Mr. Webster that he had to hold the cell phone at arms length. A
19 declaration by Kip Webster of this incident was submitted to and ignored by the
20 Court. Ms. Bronson subsequently refused to investigate Mr. Webster’s home
21 environment and his interaction with his son. Even though Ms. Bronson has stated
22 that Mr. Webster should have visitation of the minor child, she stated that she
23 feared for her safety if she went to Mr. Webster’s home. At no time did Ms.
24
25

26 REPLY BRIEF OF APPELLANT-8
27
28

1
2 Bronson ask the police to standby while she investigated Mr. Webster or try to
3 bring another Kitsap County employee when she investigated. Mr. Webster, Ms.
4 Bronson and Kitsap Child Services are at present in the United States 9th Circuit
5 Court of Appeals over Ms. Bronson actions in this case.
6

7 **V. APPLICABLE STANDARDS OF REVIEW**

8 Judge Leonard Costello ignored the mandatory Judicial Canons, along with
9 governing Washington state statutes, controlling law and the evidence of the case,
10 to achieve a desired outcome consistent with his undisclosed connections to
11 Jennifer Brugger of the Northwest Justice Project and Kitsap Legal Services.

12 As Stated by the United States Supreme Court in *Marshall v. Jerrico Inc.*, 446
13 US 238, 242, 100 S.Ct. 1610, 64 L.Ed 2d 182 (1980):
14

15 “The neutrality requirements helps to guarantee that life, liberty, or property will
16 not be taken on the basis of erroneous or distorted conception of the facts of law.”

17 The above is applicable to this court by application of Article VI of the United
18 States Constitution and *Stone v. Powell*, 428 US 465, 483 n. 35, 96 S.Ct. 3037 49
19 L. Ed. 2d 1067 (1976), which states:
20

21 “ State courts, like federal courts, have a constitutional obligation to safeguard
22 personal liberties and uphold federal law.”

23 It seems that Judge Costello was not bound by the rule of law in his decisions, but
24 felt personal connections were the governing rules. Judge Costello’s conduct is
25 profoundly antithetical to the proper role of a judge, which is to disclose conflicts,
26 weigh the evidence before him and make rulings on that evidence, and on the true
27

1
2 events of the case, not on a preordained desired outcome, which is completely
3 contrary to said evidence and truth. As such, Judge Costello's rulings should
4 properly be overturned. This Court recently held in *Kauzlarich v. Yarbrough*, 105
5 Wn. App. 632, 653 (Feb 2001) that:

6
7 "The Code of Judicial Conduct provides that 'judges should disqualify
8 themselves in a proceeding in which their impartiality might be questioned' CJC
9 Canon 3(D)(1)...the "CJC recognizes that where a trial judge's decisions are
10 tainted by even a mere suspicion of partiality, the effect on the public's
11 confidence in our judicial system can be debilitating." *Graham*, 91 Wn. App. At
12 669 (quoting *Sherman v. State*, 128 Wn.2d 164, 205, 905 P.2d 355 (1995)). "The
13 test for determining whether the judge's impartiality might reasonably be
14 *questioned* is an objective test that assumes that 'a reasonable person knows and
15 understands all relevant facts' *Graham*, 91 Wn. App. At 669 (quoting *Sherman*,
16 128 Wn.2d at 206). ' We noted that judges should be encouraged to view the
17 Canons of Judicial Conduct in a broad fashion and to err, if at all, on the side of
18 caution *Meredith v. Muriel-Suarez* Wn. App # 37098-1-II (quoting *Graham*, 91
19 Wn. App. At 670."

20 The federal courts went on to state in *Tramonte v. Chrysler Corporation*, 136
21 F.3d 1025, 1027-29 (5th Cir. 1998):

22 "Denial of recusal is reviewed for abuse of discretion"

23 And reaffirmed abuse of discretion for non recusal in *In Re Chevron*, 121 F.3d
24 163, 165 (5th Cir. 1997) when it stated:

25 " Accordingly, we hold that a reasonable person might harbor doubts about the
26 trial judge's impartiality, and thus a reasonable court abused its discretion in
27 denying the defendant's motion to recuse."

28 **RCW 4.12.040 States, in Pertinent Part:**

"(1) No Judge of a superior court of the state of Washington shall sit to hear or try
any action or proceeding when it shall be established as hereinafter provided that
said judge is prejudiced against any party or attorney, or the interest of any party

REPLY BRIEF OF APPELLANT-10

1
2
3 or attorney appearing in such cause. In such case the presiding judge in judicial
4 districts where there is more than one judge shall forthwith transfer the action to
5 another department of the same court, or call in a judge from some other court.”
6 Judge Leonard Costello did not disqualify himself in the instant case, nor did he
7 make a disclosure on the record prior and/or during trial as required by Judicial
8 Canon 3, of his involvement with Jennifer Brugger, past Kitsap County
9 Prosecuting Attorney, attorney for the Northwest Justice Project and President of
10 the Board of Kitsap Legal Services. Had Judge Costello made such disclosure,
11 Mr. Webster would have immediately moved that he recuse and disqualify
12 himself from presiding over the instant case. Due to Judge Costello’s failure to
13 disclose these conflicts, Mr. Webster was denied the opportunity to know about
14 them until Mr. Webster did extensive research and Mr. Webster was not given his
15 guaranteed civil right of his case being heard by an impartial, unbiased judge.
16
17

18 It was precisely stated correctly in *State v. Madry*, 8 Wn. App. 61, 70, 504 P.2d
19 1156 (1972):
20 “ The law goes further than requiring an impartial judge, it also requires that the
21 judge appear to be impartial. Next in importatnce to rendering a righteous
22 judgment, is that it be accomplished in such a manner that no reasonable question
as to impartiality or fairness can be raised.”

23 Even after bringing these conflicts to Judge Costello’s attention and moving for
24 him to disclose his connections and gratuities/contributions to Ms. Brugger’s
25 Kitsap Legal Services, Judge Costello denied Mr. Webster’s motion and refused

26 *REPLY BRIEF OF APPELLANT-11*
27
28

1
2 to recuse himself from the case. It is inconceivable that Judge Costello did not
3 recognize the inherent conflict of his ex parte meetings with Ms. Brugger and her
4 organization and his subsidizing the aforementioned political action group and/or
5 receiving gratuities from that group. Pictures don't lie and Mr. Webster submitted
6 pictures of Judge Costello and Ms. Brugger at Ms. Brugger's organizations
7 fundraiser during trial. Judge Costello failure to disclose his involvement with this
8 group and Ms. Brugger before and during trial constituted deceptive behavior and
9 is a clear violation of the governing Canons of Judicial Conduct. Accordingly his
10 decisions should be reversed or Mr. Webster granted a new trial before an
11 unbiased judge.
12
13

14 **VI. FACTS & ARGUMENT**

15 **a) Perjury and Subordination of Perjury**

16 Court records clearly show that sworn statements signed by Somdet Webster
17 and authored by Jennifer Brugger were contradictory and full of lies, perjury and
18 subordination of perjury. Somdet first states that she never had an affair with
19 Samuel K. Flower, then after Mr. Webster produced evidence, she states that
20 "well, I did have an affair." Somdet states she hadn't been in All Star
21 Lanes/Casino to gamble in over a year, but when Mr. Webster subpoenaed records
22 that show that was perjury, Somdet stated "Well, I was in All Star Lanes/Casino."
23 Somdet stated that she didn't "frequent casinos," but Mr. Webster brought in
24
25

26 *REPLY BRIEF OF APPELLANT-12*
27
28

1
2 ATM records that show that was lies and perjury, then Somdet through Ms.
3 Brugger states “Well, I did go to casinos,” and Somdet was held in contempt of
4 court for entering casinos against court orders.
5

6 Somdet in sworn statements authored by Jennifer Brugger, states that she was
7 always medicating young William for his ADHD, but Mr. Webster brought in
8 pharmacy records to show this was a lie and perjury, and Somdet was held in
9 contempt of court for violating court orders to medicate young William for his
10 ADHD. It should be noted that young Williams doctor is/was very concerned
11 about Somdet not medicating young William and wrote letters to the court to try
12 and have the court make Somdet medicate young William. This is a medical
13 doctor concerned about the child abuse committed by Somdet on an innocent boy.
14

15 One has to ask one’s self, if Somdet and Ms. Brugger lied on court documents
16 and Somdet was held in contempt for things she said she did and did not do, than
17 why didn’t Judge Costello hold Somdet, Ms. Brugger and Ms. Hayden in
18 contempt for felony perjury even after the Port Orchard Police Department filed
19 felony perjury charges against Somdet? One only has to look at the pictures of
20 Judge Costello at Ms. Brugger’s fundraiser to answer that question. Judge
21 Costello and Ms. Brugger conspired to cover up felony perjury and the court
22 documents make that undeniable. The facts are in the Court documents and won’t
23 go away as much Ms. Brugger and Judge Costello (retired) would like. Perjury is
24 perjury is perjury!
25
26

27 *REPLY BRIEF OF APPELLANT-13*
28

1
2
3 Jennifer Brugger states that Somdet Webster cannot speak and understand the
4 English language. If Somdet did not speak and understand the English language,
5 how did Somdet convey all the information that Ms. Brugger filed in court
6 documents? How did Somdet talk to her adulterous lover Samuel K. Flower in 64
7 telephone conversations in a month and a half as evident in cell phone documents
8 Mr. Webster filed with the court? It seems that Judge Costello also overlooked
9 this little fact. How did Somdet talk to her son if she didn't speak and understand
10 English? How did Somdet talk to her husband of 13 years if she didn't speak and
11 understand English? Clearly Ms. Brugger committed perjury when she made the
12 statement to the court that Somdet "does not speak or understand the English
13 language." Once again, perjury, is perjury, is perjury and Judge Costello abused
14 his discretion by turning a blind eye to perjury in his court and not finding
15 Somdet, Ms. Brugger and John Purbaugh in contempt of court for felony perjury.
16 Judge Costello has stated that Mr. Webster is abusive for defending himself in
17 court. It would seem by the evidence that Mr. Webster is the abused and Judge
18 Costello and his friend Jennifer Brugger of the Northwest Justice Project and
19 Kitsap Legal Services are the abusers.
20
21
22

23 Clearly Judge Costello, with his proven links to Jennifer Brugger of the
24 Northwest Justice Project/Kitsap Legal Services, abused his discretion by not
25 finding Somdet and her attorneys in contempt of court for perjury and
26

27 *REPLY BRIEF OF APPELLANT-14*
28

1
2 subordination of perjury.

3 **The Chronology of Perjury is as Follows:**

4
5 1) Jennifer Brugger and Somdet Webster commit perjury and subordination of
6 perjury.

7 2) The Northwest Justice Project brings in Lisa Hayden to cover up Ms. Brugger's
8 and Somdet's perjury.

9 3) Lisa Hayden commits perjury and the Northwest Justice Project brings in
10 supervisor attorney John Purbaugh to cover up the perjury.

11 4) John Purbaugh commits perjury and the Northwest Justice Project uses federal
12 money ment to help the poor and senior citizens to hire the mega Seattle law firm
13 of Schwabe, Williamson & Wyatt in the person of attorney Colin Folown to
14 intimidate pro se Mr. Webster and cover up felony perjury.

15 5) All of the above attorneys are aware of the perjury committed in this case so
16 are in violation of the Rules of Professional Conduct. It should be noted that you
17 the judge who is reading this is in violation of the Rules of Judicial Conduct and
18 the RCWs if you do not report the perjury you are now aware of. Do you chance
19 not reporting the felonies to the proper authorities? Well, its your life and you can
20 throw it away if you wish as Mr. Webster has stated in the court records that he is
21 want to report all infractions like he did to the Port Orchard Police.
22
23
24

25 *REPLY BRIEF OF APPELLANT-15*
26
27
28

1
2 **b) Perjury, Abuse of Discretion for Failure to Recuse**

3 During trial, Mr. Webster showed Judge Costello pictures of himself at Jennifer
4 Brugger's Kitsap Legal Services fundraiser during trial. Court records in the form
5 of pictures and newspaper stories clearly show Judge Costello in ex parte
6 meetings with Ms. Brugger. It's interesting that these meetings were at the very
7 same time as Mr. Webster's filing of perjury contempt charges against Ms.
8 Brugger and Somdet, and Judge Costello dismissing the charges even though
9 court records show perjury and the Port Orchard police filed perjury charges
10 against Somdet.(Case # DO-8-990) Did Judge Costello trade a few glass's of
11 wine, (like the one he is holding in the picture Mr. Webster submitted to the
12 court) for dismissing the perjury charges? It would seem to an uninterested
13 observer that Judge Costello was bought off very cheap by his friend Jennifer
14 Brugger. (President of the Board of Kitsap Legal Services.) Judge Costello abused
15 his discretion for not recusing himself after Mr. Webster showed him
16 undisputable ex parte links he had with Jennifer Brugger of the Northwest Justice
17 Project/Kitsap Legal Services, and for not ordering a new trial after viewing
18 massive perjury on the part of attorneys for the Northwest Justice Project and
19 Somdet Webster.
20
21
22

23
24 **c) Bigamy, Marriage Fraud, Immigration Fraud, Attorney Perjury**

25 During trial, Mr. Webster showed the court a United States Department of
26 Justice approved birth certificate for Kanchit Rahothan. The Mother is listed as

1
2 Somdet Rahothon and in 1982 was 16 years old. In court records Somdet
3 Webster/Rahothon claims she was born in 1972 and has a false birth certificate
4 that states this. If Somdet was born in 1972, she would have been 10 years old
5 when her son was born and 9 years old when she got pregnant. On the Dept. of
6 Justice approved paperwork, Somdet Webster/Rahothon states that Khancit
7 Rahothon is her son. Which documents are real and which ones are perjury and
8 false? Somdet claims in court that she was born in 1972, but her son's birth
9 certificate shows this to be false and perjury. Attorney John Purbaugh with full
10 knowledge of the Department of Justice approved documents has stated in court
11 documents that Somdet was born in 1972, clearly perjury by a licensed attorney.
12 The United States Department of Justice approved birth certificate shows that
13 Somdet Rahothon is married to Somjet Rahothon, presently her husband. Mr.
14 Webster submitted these approved documents as solid proof that Somdet Webster
15 is in fact Somdet Rahothon and still married to Somjet Rahothon, thus Somdet
16 Webster/Rahothon has not only committed repeated adultery, she has committed
17 the felony of bigamy. At no time did Judge Costello or Somdet Webster and her
18 attorneys enter into court records any evidence to show that Somdet is not still
19 married to a Thai national. All the evidence shows that Somdet Webster/Rahothon
20 committed bigamy.
21
22
23
24

25 Judge Leonard Costello abused his discretion by ignoring the United States
26 Department of Justice approved paperwork and declaring the marriage of Somdet

27 *REPLY BRIEF OF APPELLANT-17*
28

1
2 and Mr. Webster valid. Once again, Judge Costello's links to his friend Jennifer
3 Brugger carry the day over solid, substantiated, court entered ,court approved
4 evidence that the marriage is invalid. According to the U.S. Department of Justice
5 approved birth certificate, if Judge Costello and this Court declare the marriage of
6 Somdet and Mr. Webster valid, that, according to the United States government
7 would make Somdet a felon by committing bigamy and subject to deportation for
8 lying on official documents and committing the felony of bigamy. Which is it
9 then? Is Somdet a felon and lied on Immigration documents(a felony) or is the
10 marriage invalid due to Somdet being presently married to a Thai National.
11 Somdet and her attorneys for the Northwest Justice Project can't have it both
12 ways. It has to be one or the other. Is Somdet a felon or the marriage invalid and
13 she is married to a Thai national?
14
15

16 **d) Somdet as an Unfit Mother**

17
18 1) The court records show that Somdet Webster was held in contempt for not
19 medication poor young William for his ADHD, which is child abuse, but Judge
20 Costello still awarded Somdet custody.

21 2) The Court records show that Somdet is mentally unbalanced and has tried to
22 commit suicide twice with knives and drugs, but Judge Costello awarded Somdet
23 custody of poor innocent William.
24

25 "Mental disturbance may also render a parent ineligible for child custody
26 responsibilities. *Atkinson v. Atkinson*, 38 Wn.2d 769, 772, 231 P.2d 641 (1951).
Nor need a mother's unfitness be proven in order to justify the court in awarding

27 *REPLY BRIEF OF APPELLANT-18*
28

1
2 custody of the children to the father. *Storgaard v. Storgaard*, 26 Wn.2d 388,174
3 P.2d 309 (1946). It was stated in *Lindblom v. Lindblom*, 22 Wn.2d 291, 296, 155
4 P.2d 790 (1945): A careful consideration of all the evidence convinces us that the
5 welfare of the children would be endangered if they were given into custody of
6 their mother. It is not necessary to prove moral unfitness on the part of a mother
7 in order to deprive her of the care and custody of her children. Their health and
8 physical well-being must be taken into consideration at all times. While it is
9 hoped that the respondent's condition will improve and she will not suffer a
10 relapse, the award of custody cannot rest on a hoped-for recovery. The past 8-year
11 history of intermittent mental disorders requiring hospitalization, and a record of
12 three suicide attempts, hardly augers well for the existence of a healthy home for
13 brining up youngster's This past record should be the basis of the court's
14 decision." *Schultz v. Schultz*, 66 Wn.2d S. Ct. 713, 714, 716, 717 Aug. 1965)

15 3) The Court Records show that Somdet abandoned two children and a husband in
16 Thailand, but Judge Costello still awarded Somdet custody of young William.

17 4) The Court records show that Somdet had an adulterous affair with Samuel K.
18 Flower while married and still living with Mr. Webster, and that this affair was
19 done in front of poor innocent young William, but Judge Costello still awarded
20 custody to Somdet.

21 "And the man that committeth adultery with another man's wife, even he that
22 committeth adultery with his neighbour's wife, the adulterer shall be surely put to
23 death Lev, 20: 10. Know ye not that the unrighteous shall not inherit the Kingdom
24 of God. Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor
25 effeminate, nor abusers of themselves with mankind.... Shal inherit the kingdom
26 of God I. Cor. 6:9, 19"

27 *Norman v. Norman*, 27 Wn.2d 25-33, S. Ct. (Jan 1947)

28 " The defendant has willfully violated her marital obligations. Her stepping aside
from the path of rectitude has not been condoned by the plaintiff husband. No
blame can be attached to him for that attitude. The defendant has sinned, and
sinned grievously. She has not shown the moral stamina and stability which this
child now of the age of about three and a half years has the right to expect from a
mother....That the defendant during the marital relationship has been guilty of

REPLY BRIEF OF APPELLANT-19

1
2 cruel treatment of and personal indignities towards the plaintiff, rendering his life
3 burdensome, in that, among other things, the defendant contrary to the wishes of
4 the plaintiff has consorted with strange men, unknown to plaintiff, thereby
5 causing plaintiff great mental anguish and distress of mind and has manifested a
6 lack of affection and unconcealed aversion for plaintiff. The children have lost
7 their mother's influence; but no god reason is shown why they should lose the
8 protection and care of their father."

Warnecke v. Warnecke, 28 Wn. 259-271, S. Ct. (1947)

9 "In choosing between this home where this open adultery has been committed
10 over a period of years, and the father, who, the court is convinced, to the best of
11 his ability will take care of these children, there really is no choice. The mother is
12 absolutely unfit, if moral principles have any validity at all. Adultery, whether
13 promiscuous or not, violates one of the Ten Commandments.....The mother has
14 either failed or never attempted, to curb her lustful passion. These innocent
15 children should not be required to live in such surroundings."

Schreifels v. Schreifels, 47 Wn.2d 409-417 (Sept 1955)

16 5) The Court records show that on sworn court documents that Somdet through
17 her attorney Jennifer Brugger, lied about having an adulterous affair with Samuel
18 K. Flower. The Port Orchard Police Department brought felony perjury charges
19 against Somdet.

20 "That the defendant has been guilty of adultery, and having denied it, committed
21 perjury." *Christian v. Christian*, 45 Wn. 387-393, S. Ct. (Oct 1945)

22 6) The Court records show that Somdet has a gambling habit, lied about it in court
23 records, but Judge Costello still awarded custody of young impressionable
24 William to Somdet.

25 7) The Court records show that Somdet was a prostitute and Mr. Webster took her
26 out of that life, brought her to America and a better life, but Somdet continued
27 gambling and was involved in at least one adulterous affair and possibly more, but

28 *REPLY BRIEF OF APPELLANT-20*

1
2 Judge Costello still awarded custody of young William to Somdet, a known
3 adulterer.

4
5 All in all this does not paint a very good picture of a caring and/or fit mother who
6 should have custody of an innocent young boy. Is there something wrong with
7 this picture, can you find it. What is wrong is that Judge Costello awarded custody
8 of a young innocent boy to a mentally unbalanced, lying, adulterer as a favor to
9 his friend Jennifer Brugger.

10
11 **e) William D. Webster as a Caring Fit Father and Husband. Court Records Show:**

12 1) Mr. Webster works a steady job for the state of Washington and is retired from
13 the state of Alaska.

14
15 2) Mr. Webster, to provide more for his family, worked a second job as an
16 unarmed security officer for Securitas Security Inc.

17 3) Mr. Webster provided double medical/dental coverage for Somdet and young
18 William.

19 4) Mr. Webster provided Somdet with a car of her own and money of her own.

20 5) Mr. Webster took Somdet and William on healthy outdoor activities.

21 6) Mr. Webster tried to get young William into sports, but received no co-
22 operation from Somdet as it had nothing to do with her gambling or Mr. Flower
23 her adulterous lover.

24
25 7) Mr. Webster provided Somdet with Thai ethnic food and drove her great

26
27 *REPLY BRIEF OF APPELLANT-21*

28

1
2 distances to find it.

3 8) Mr. Webster never tried to commit suicide like Somdet.

4 9) Mr. Webster never had an adulterous affair like the one or more Somdet had in
5 front of young William.

6 10) Mr. Webster gambled at the start of the marriage, but stopped when young
7 William was born.

8 11) Mr. Webster never committed perjury in this case

9
10 **f) Stacy Bronson, Child Investigator**

11 1) Submitted court documents show that Somdet and Jennifer Brugger enjoyed a
12 close personal relationship with Ms. Bronson that was not afforded to Mr.
13 Webster.

14 2) Court records show that Stacy Bronson made multiple visits to Somdet's
15 apartment.

16 3) Court records show that Stacy Bronson knew of Somdet's adulterous affair
17 with Samuel K. Flower and its occurrence in close proximity to innocent young
18 William.

19 4) Court declarations show that Ms. Bronson was want to scream at Mr. Webster
20 uncontrollably.

21 5) Court declarations show that Ms. Bronson disparaged Mr. Webster.

22 6) Court records show that Ms. Bronson refused to investigate and view Mr.
23 Webster's interaction with his beloved son.

24
25
26 *REPLY BRIEF OF APPELLANT-22*

27
28

1
2 7) Court records show that Ms. Bronson knew of Somdet's mental instability and
3 multi-suicide attempts with drugs and knives.
4

5 8) Court records indicate that Ms. Bronson's investigation was gender biased
6 against males like Mr. Webster.

7 Clearly Judge Costello abused his discretion by awarding custody of young
8 William on the basis of his connections to Somdet's attorney Jennifer Brugger
9 and court records and pictures clearly show the connection.
10

11 **VII. CONCLUSION**

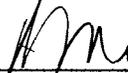
12 The Court records conclusively show that Somdet Webster, and attorneys
13 Jennifer Brugger, Lisa Hayden and John Purbaugh committed perjury repeatedly
14 in this case and their friend Judge Leonard Costello condoned those felonies in his
15 court. It's a forgone conclusion that with his links to Jennifer Brugger and the
16 Northwest Justice Project, Judge Leonard Costello would award custody of poor,
17 innocent , young 10 year old William S. Webster to Somdet Webster, a proven
18 mentally unstable, lying, perjurous, gambling, adulterer who lied her way to come
19 to America and abandoned children and a husband when she fled to America.
20

21 Somdet has shown she abuses young William by among other things non-
22 medication and has been known to assault young William and leave him alone at
23 night so she can go gamble and tryst with her boyfriends or knowing her past
24 prostitution, possibly her customers. Somdet was held in contempt for non-
25 medication and will do the same abuse in the future. The only way that this court
26

27 *REPLY BRIEF OF APPELLANT-23*
28

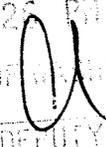
1
2 can be assured that young William will not be abused and receive his medication
3 is to award sole custody to Mr. Webster. To not award Mr. Webster rightful sole
4 custody of his son, is to sentence young William to a life of non stop abuse. Can
5 you judges sleep at night knowing that your decision doomed a poor, young
6 innocent boy to a life of abuse? It seems that Judge Costello and his friends at the
7 Northwest Justice Project have no trouble sleeping with this on their minds. But
8 its maybe my mistake, first you have to have a moral compass and know right
9 from wrong before you can be bothered by dooming a young child to abuse.
10

11
12 SIGNED this date the 26th day of June, 2009, at Puyallup, WA
13

14
15 

16 William D. Webster
17 2102 25th Ave. SE
18 Puyallup, WA 98374
19 253-881-1531
20
21
22
23
24
25
26

ORIGINAL

COURT OF APPEALS
DIVISION II
09 JUN 26 PM 1:55
STATE OF WASHINGTON
BY 
DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**No. 37955-4-II
IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II**

In re the Marriage of

**WILLIAM D. WEBSTER
v.**

SOMDET WEBSTER

CERTIFICATE OF SERVICE

I swear under penalty of perjury, that on June 26, 2009, that I caused to be delivered by first class mail: **Reply Brief of Appellant** to:

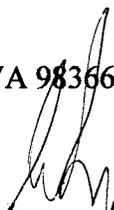
Christopher Howard
1420 5th Ave. Ste 3010
Seattle, WA 98101-2339

Kevin M. Howell
614 Division St. Ms-35A
Port Orchard, WA 98366

Lisa Harden/Jennifer Brugger
715 Tacoma Ave. S
Tacoma, WA 98402

Somdet Webster
P.O. Box 2351
Port Orchard, WA 98366

SIGNED this day June 26, 2009, at Puyallup, WA.


William D. Webster
2102 25th Ave. S
Puyallup, WA 98374
253-881-1531

CERTIFICATE OF SERVICE-1