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FIRST CIRCUIT
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	)	CASE NO. 1CPC-24-0000150
	)	
Plaintiff,	)	<u>COUNTS 1 AND 2</u> : MURDER IN THE
	)	SECOND DEGREE
VS.	)	<u>COUNTS 3 AND 4</u> : KIDNAPPING
	)	<u>COUNTS 5, 6 AND 7</u> : CONSPIRACY TO
	)	COMMIT KIDNAPPING
	)	<u>COUNTS 8 AND 9</u> : UNLAWFUL
BRANDY BLAS,	)	IMPRISONMENT IN THE FIRST
THOMAS BLAS SR.,	)	DEGREE
DEBRA GERON,	)	<u>COUNTS 10, 11 AND 12</u> : CONSPIRACY
	)	TO COMMIT UNLAWFUL
Defendant.	)	IMPRISONMENT IN THE FIRST
	)	DEGREE
	)	<u>COUNTS 13 AND 14</u> : ENDANGERING
	)	THE WELFARE OF A MINOR IN THE
	)	FIRST DEGREE
	)	<u>COUNTS 15 AND 16</u> : HINDERING
	)	PROSECUTION IN THE FIRST DEGREE
	)	<u>COUNT 17</u> : ENDANGERING THE
	)	WELFARE OF A MINOR IN THE
	)	SECOND DEGREE
	)	<u>COUNT 18 AND 19</u> : PERSISTENT
	)	NONSUPPORT
	)	
	)	DEFENDANT BRANDY BLAS'S
	)	MOTION TO DISMISS INDICTMENT
	)	FOR GRAND JURY IRREGULARITIES;
	)	DECLARATION OF COUNSEL;
	)	MEMORANDUM IN SUPPORT;
	)	PROPOSED WITNESSES AND
	)	EXHIBITS AND EXHIBIT A
	)	

[NOTICE BY SERVICE OF ELECTRONIC FILING GENERATED BY JEFS]

) HONORABLE PAUL B.K. WONG

) TRIAL WEEK: 01/25/2027

) PTM: 04/24/2026

) HEARING DATE: TPD

) HEARING TIME: TPD

) APPROXIMATE TIME: 20 minutes

DEFENDANT BRANDY BLAS’S MOTION TO DISMISS INDICTMENT
FOR GRAND JURY IRREGULARITIES

COMES NOW Defendant BRANDY BLAS, by and through court appointed counsel, HARRISON L. KIEHM, and respectfully moves the HONORABLE PAUL B.K. WONG for an Order dismissing the Indictment filed February 14, 2025 (Dkt. 1 IND).

This motion is premised on irregularities that occurred during the grand jury proceedings which compromised the fairness and impartiality of the panel, in violation of Ms. Blas’s constitutional and statutory rights. Specifically, a sitting grand juror disclosed a personal relationship with a key prosecution witness to an individual who was present with the grand jury and is identified in the transcript only as an “Unidentified Female.” After that disclosure, the Deputy Prosecuting Attorney (DPA) asked whether she should exit and was told to do so, and, once the DPA left the room, the individual identified as Unidentified Female conducted a colloquy with the juror regarding the relationship and then stated on the record that there was “no conflict of interest” and that the juror could proceed. This irregular, non-adversarial vetting procedure raises significant questions about the grand jury’s ability to act as an unbiased barrier to an unfounded prosecution.

This Motion is made pursuant to Article 1, Sections 5 and 10 of the Hawaii Constitution; the Fifth and Fourteenth Amendments to the United States Constitution; Hawaii Revised Statutes (HRS) § 612-59; Hawaii Rules of Penal Procedure (HRPP) Rule 6(b), the Declaration of

Counsel attached hereto, the Memorandum in Support, the records and files and any evidence and arguments as may be presented at a hearing.

DATED: Honolulu, Hawaii, April 11, 2026.

/s/ Harrison L. Kiehm
HARRISON L. KIEHM
Attorney for Defendant
BRANDY BLAS

DECLARATION OF COUNSEL

1. By order filed February 23, 2024, effective February 12, 2024 (Dkt. 69 OAC), I, HARRISON L. KIEHM, am court appointed counsel for Defendant BRANDY BLAS in the above-entitled case.

2. I have reviewed the records and files of the above-entitled case, and am informed and believe as follows:

3. By Indictment filed February 14, 2025 (Dkt. 1 IND), Defendant Brandy Blas is charged with multiple offenses.

4. On February 14, 2024, prior to the presentation of testimony to the grand jury, a sitting juror disclosed a personal relationship with the State's first prospective witness. The issue was addressed inside the grand jury room by an individual identified as an "Unidentified Female," outside the presence of the Deputy Prosecuting Attorney (DPA), who was directed to leave the room.

5. Following an on-the-record colloquy conducted by the Unidentified Female, that individual stated that there was "no conflict of interest" and permitted the juror to remain on the panel. The DPA re-entered the room, and the grand jury proceeded to hear testimony and

ultimately returned the indictment.

6. The facts, circumstances, and legal authority supporting Defendant Brandy Blas's Motion to Dismiss Indictment for Grand Jury Irregularities are set forth in the attached Memorandum in Support and incorporated herein by reference.

7. Attached hereto as Exhibit A is a true and correct copy of pages 3 to and including 8 of the Transcript of Proceeding of the Oahu Grand Jury – Panel B, Wednesday, February 14, 2024.

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, April 11, 2026.

/s/ Harrison L. Kiehm
HARRISON L. KIEHM
Attorney for Defendant
BRANDY BLAS

MEMORANDUM IN SUPPORT

I. Background.

On February 14, 2024, the State presented evidence to the grand jury seeking an indictment against Ms. Blas, Thomas Blas Sr., and Debra Geron. Before any testimony was taken, a sitting grand juror notified an individual who was present with the grand jury and is identified in the transcript as an “Unidentified Female” of a potential conflict with the State's first prospective witness. The Deputy Prosecuting Attorney (DPA) then asked whether she should exit and was told to do so, and, after the DPA left the room, the Unidentified Female

conducted a colloquy with the juror regarding the relationship with the prospective witness.

According to the transcript, the grand juror disclosed that she and the prospective witness had attended the same school. She further explained that their respective sons were friends and attended the same preschool, leading to interactions when their children would “meet up.” The juror clarified that she did not socialize with the prospective witness outside of these encounters and that they did not discuss personal matters, characterizing their conversations as “kinda chit chat.”

In response to questioning by the Unidentified Female, the juror stated that her acquaintance with the prospective witness would not cause her to give the prospective witness’s testimony any more or less credence. The juror affirmed that she could set aside the relationship, listen to the evidence fairly and impartially, and that her judgment would not be influenced.

This entire inquiry into juror bias was conducted by the Unidentified Female, outside the presence of the DPA. Following this exchange, the grand jury, with the juror in question remaining empaneled, proceeded to receive testimony and subsequently returned the indictment.

II. Argument.

1. Due Process and Hawaii Rules of Penal Procedure Rule 6 Require an Unbiased Grand Jury.

Article I, Sections 5 and 10 of the Hawaii Constitution guarantees that felony prosecutions proceed only upon indictment or other charging mechanisms authorized by law, and that criminal proceedings comply with due process. Accordingly, the grand jury panel must be unbiased and must function as an independent barrier to reckless or unfounded prosecutions rather than a mere arm of the State. The Intermediate Court of Appeals has emphasized that consistent with notions of due process, the grand jury must be unbiased. See, *State v. Griffin*, 266

P.3d 448, 458 (2011).

Dismissal of an indictment is a recognized remedy when conduct before the grand jury invades the province of the grand jury or tends to induce action other than that which the jurors in their uninfluenced judgment deem warranted on the evidence fairly presented before them. A tendency to prejudice may be presumed where such an invasion is found and that it is unnecessary for the defendant to prove that the grand jury was in fact influenced. See, *State v. Chong*, 949 P.2d 122 (1997).

Hawaii Rules of Penal Procedure (HRPP) Rule 6(b) implements these constitutional protections procedurally. Rule 6(b)(1) authorized challenges to the array and to individual grand jurors on the ground that a juror is “not legally qualified.” Rule 6(b)(2) then expressly permits a motion to dismiss an indictment “based on objections to the array or on the lack of legal qualification of an individual juror,” while limiting dismissal where, after deducting unqualified jurors, at least three-fourths but no fewer than eight legally qualified jurors concurred. The rule presupposes that questions bearing on a grand juror’s impartiality will be handled in a transparent fashion subject to judicial oversight, not by ad hoc, internal procedures inside the grand jury room.

The Hawaii Supreme Court has treated structural irregularities in grand jury selection and impanelment as presumptively prejudicial. In *State v. Schmidt*, 774 P.2d 242 (1989), the court held that a denial of public access to the selection process went to the heart of insuring a fair and impartial grand jury and constituted a substantial failure to comply with HRS § 612-16(b). Accordingly, the denial was presumptively prejudicial, and the court upheld the dismissal under HRS § 612-23(b).

Taken together, *Giffin*, *Chong* and *Schmidt* establish that: (1) due process requires an unbiased grand jury; (2) conduct that invades the grand jury's province or tends to induce action other than that which jurors in their uninfluenced judgment would take may justify dismissal, without a showing of actual influence; and (3) structural irregularities in how a grand jury is constituted or functions, when they undermine the integrity of the panel's deliberative process, can be treated as presumptively prejudicial and remedied by quashing the indictment.

2. An Ex Parte Vetting of Juror Bias by an "Unidentified Female" Departed from the Rule Based Framework.

The February 14, 2024 transcript reflects that, after the DPA called the case and confirmed that the grand jurors had read the Phase 1 charge language, the State announced that it wished to call its "first witness." Before any witness was sworn, an individual identified in the transcript only as "Unidentified Female" interjected that "there might be a conflict" involving one of the grand jurors. The DPA asked, "Do I exit?", and the Unidentified Female responded, "Yes," prompting the DPA to leave the room.

Once the DPA had exited, the Unidentified Female conducted an on-the-record colloquy with a sitting juror. In response to questioning, the juror stated that: (1) she and the prospective witness had gone to the same school; (2) their sons were friends and attended the same preschool; and (3) she would see the prospective witness whenever "the boys meet up," during which they would engage in "kinda chit chat," but did not "socialize" in the sense of deeper or more frequent contact and did not discuss personal matters or politics. The Unidentified Female then asked whether the juror would give the prospective witness's testimony more or less credence because of this relationship, and whether she could set aside any "personal relationship" and remain fair and impartial; the juror said she would not give the witness's

testimony any added or reduced credence and affirmed that the relationship would not influence her.

At the conclusion of this exchange, the Unidentified Female told the juror that, based on the colloquy, she believed there was “no conflict of interest” and that the juror could “proceed” as a grand juror, and stated that she would inform the DPA. Immediately thereafter, the transcript reflects the fact that the DPA re-entered, placed her appearance back on the record, and called the prospective witness as the State’s first witness, with the juror in question still seated on the panel.

The transcript does not identify the Unidentified Female by name, title, or role, nor does it reference any contemporaneous court involvement in resolving this juror-witness relationship issue. The only on-the-record vetting of the juror’s impartiality thus consisted of: (1) an internal colloquy conducted entirely inside the grand jury room by an unidentified person; (2) outside the presence of the DPA; and (3) culminating in that same unidentified person’s unilateral on-the-spot pronouncement that there was “no conflict of interest” and that the juror could continue to serve.

3. This Vetting Procedure Was a Structural Irregularity that Compromised the Appearance and Reality of an Unbiased Grand Jury.

The facts establish a structural irregularity in how the grand jury screened for juror bias concerning the State’s first witness. The irregularity has several components.

First, the grand juror described a relationship that goes beyond a brief or historical acquaintance and, on its face, raises a reasonable question whether the juror might, even unconsciously, give the prospective witness’s testimony added weight or credibility. Whether or not the juror personally believed the juror could remain impartial, the connection itself implicates

the requirement that the grand jury be “unbiased” as an institution.

Second, instead of handling this question of juror qualification through the mechanisms contemplated by HRPP Rule 6(b) and HRS Chapter 612 – e.g., notice to the court, an opportunity for formal challenge, and a determination on the record by a judicial officer – the bias issue was resolved in an ad hoc fashion wholly inside the grand jury room by an unidentified individual. That individual directed the DPA to leave, questioned the juror about the relationship, and then unilaterally declared that there was “no conflict of interest” and that the juror could continue to serve, before inviting the DPA back in and allowing the prospective witness’s testimony to proceed. Nothing in the transcript suggests that the court was informed contemporaneously of this relationship or that it made its own determination about the juror’s suitability.

Third, the colloquy itself relied solely on the juror’s subjective assurances that the juror could be fair and would not give the prospective witness added credence. A juror’s self-assessment of impartiality, however, is not dispositive. Courts evaluate both the juror’s statements and the objective circumstances of the relationship in determining qualification. The handling of this matter by an unidentified individual inside the grand jury room, rather than by the court, meant that no such objective judicial determination was ever made.

Given these structural features, it would be practically impossible for Ms. Blas to demonstrate how this irregularity affected the actual deliberations or the vote. The problem is that the “vetted” juror sat, heard the first witness’s testimony, and participated in the panel’s decision whether to indict, under circumstances where the only safeguard against bias was a brief internal colloquy by an unidentified person.

III. Conclusion and Prayer for Relief.

It is respectfully submitted that the Court treat this as a structural defect in the grand jury process that is presumptively prejudicial and dismiss the indictment with prejudice. Alternatively, should the Court find that a dismissal without prejudice be appropriate, if the State wishes to pursue these charges, it must do so before a properly constituted and transparently vetted grand jury that complies with due process.

The transcript does not identify the Unidentified Female as the grand jury counsel or otherwise specify her role. If, in the course of further proceedings, evidence shows that the individual who conducted the colloquy was in fact the appointed grand jury counsel, then HRS §612-59 may provide an additional, statute-specific ground for dismissal without prejudice.

DATED: Honolulu, Hawaii, April 11, 2026.

/s/ Harrison L. Kiehm
HARRISON L. KIEHM
Attorney for Defendant
BRANDY BLAS

PROPOSED WITNESSES AND EXHIBITS

WITNESSES

None.

EXHIBIT

Relevant Portion of Transcript of Proceedings of The Oahu Grand Jury – Panel B
Wednesday, February 14, 2024.

EXHIBIT A

Pages 3 to and including 8 of the Transcript of Proceeding of the Oahu Grand Jury –
Panel B, Wednesday, February 14, 2024.

(FILED UNDER SEAL)