

HARRISON L. KIEHM 6171
8 South King Street, Suite 202-B
Honolulu, Hawaii 96813
Telephone: (808) 538-1700
Attorney for Defendant
BRANDY BLAS

Electronically Filed
FIRST CIRCUIT
1CPC-24-0000150
22-APR-2026
10:07 PM
Dkt. 393 MD

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: MURDER IN THE</u>
	)	SECOND DEGREE
VS.	)	<u>COUNTS 3 AND 4: KIDNAPPING</u>
	)	<u>COUNTS 5, 6 AND 7: CONSPIRACY TO</u>
	)	COMMIT KIDNAPPING
	)	<u>COUNTS 8 AND 9: UNLAWFUL</u>
BRANDY BLAS,	)	IMPRISONMENT IN THE FIRST
THOMAS BLAS SR.,	)	DEGREE
DEBRA GERON,	)	<u>COUNTS 10, 11 AND 12: CONSPIRACY</u>
	)	TO COMMIT UNLAWFUL
Defendants.	)	IMPRISONMENT IN THE FIRST
	)	DEGREE
	)	<u>COUNTS 13 AND 14: ENDANGERING</u>
	)	THE WELFARE OF A MINOR IN THE
	)	FIRST DEGREE
	)	<u>COUNTS 15 AND 16: HINDERING</u>
	)	PROSECUTION IN THE FIRST DEGREE
	)	<u>COUNT 17: ENDANGERING THE</u>
	)	WELFARE OF A MINOR IN THE
	)	SECOND DEGREE
	)	<u>COUNT 18 AND 19: PERSISTENT</u>
	)	NONSUPPORT
	)	
	)	DEFENDANT BRANDY BLAS'S
	)	MOTION TO DISMISS INDICTMENT
	)	FOR FAILURE TO PRESENT CLEARLY
	)	EXCULPATORY EVIDENCE;
	)	DECLARATION OF COUNSEL;
	)	MEMORANDUM IN SUPPORT;
	)	PROPOSED WITNESSES AND EXHIBITS;
	)	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: TBD

) HEARING TIME: TBD

) APPROXIMATE TIME: 2 hours

DEFENDANT BRANDY BLAS’S MOTION TO DISMISS INDICTMENT
FOR FAILURE TO PRESENT CLEARLY EXCULPATORY EVIDENCE

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 made pursuant to Rule 12(b)(1) of the Hawaii Rules of Penal Procedure on the grounds that the grand jury proceeding was tainted by prosecutorial misconduct, including the presentation of materially misleading evidence and the failure to present clearly exculpatory evidence, which violated Ms. Blas’s right to due process and a fair and impartial grand jury.

Ms. Blas requests that the Court dismiss the Indictment in its entirety, with or without prejudice. In the alternative, Ms. Blas requests dismissal of individual counts affected by the defective grand jury presentation. This motion is based upon the following Memorandum in Support, the Declaration of Counsel, Exhibit A -- transcript of the grand jury proceedings, the complete record on file herein, and any evidence and arguments presented at the hearing.

DATED: Honolulu, Hawaii, April 22, 2026.

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

DECLARATION OF COUNSEL

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

2. I have reviewed the case record, relevant filings, and the discovery materials provided by the State. Based on that review, I am informed and believe as follows:

3. The factual assertions in the accompanying Memorandum in Support concerning (a) evidence presented to the grand jury and (b) evidence known to the State but not presented, are based on my review of the grand jury transcript and the discovery materials provided by the State.

4. Based on that review, I am informed and believe that, as set forth in the Motion and supporting Memorandum, the State (a) failed to present evidence of a clearly exculpatory nature to the grand jury and (b) presented testimony that was materially misleading, thereby prejudicing Ms. Blas's and her co-defendants' right to a fair and impartial grand jury proceeding.

5. Attached hereto as Exhibit A is a true and correct copy of the Transcript of Proceedings of the Oahu Grand Jury – Panel B, Wednesday, February 14, 2024.

I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, April 22, 2026.

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

MEMORANDUM IN SUPPORT

The State obtained the Indictment against Defendant Brandy Blas by presenting the grand jury with a fundamentally distorted and incomplete narrative. This presentation violated Ms. Blas's substantial right to a fair and impartial grand jury proceeding under Article I, Sections 5 and 10 of the Hawaii Constitution and Hawaii Rules of Penal Procedure (HRPP) Rule 6. The prosecution's case rested on painting a picture of deliberate cruelty and neglect. Yet, in presenting that case, the State omitted or misrepresented critical evidence known to it that directly undermined that narrative.

Specifically, the State failed to inform the grand jury of clearly exculpatory psychiatric records documenting the decedent's years-long history of severe self-harm and aggressive behaviors—the very issues the family was actively seeking to treat. Instead, the prosecution presented testimony that characterized the decedent's mental health treatment in a stripped-down, misleading manner. This conduct, combined with other omissions and the use of misleading half-truths, effectively usurped the grand jury's function to screen unfounded charges. Because the proceeding was so fundamentally flawed as to deceive the grand jury and prevent it from acting with fairness and impartiality, the Indictment must be dismissed.

I. The Evidence

The evidence presented to the grand jury, when contrasted with the evidence known to the State, reveals a pattern of material omissions and misleading characterizations.

A. Omission of Clearly Exculpatory Psychiatric Records

The State presented testimony minimizing the nature of the decedent G.B.'s psychiatric

care while withholding documentary evidence of her severe and long-standing behavioral and psychiatric history.

1. What the Grand Jury Heard

HPD Detective Blake Davidson testified regarding his review of records from G.B.'s psychiatrist, Dr. Rodney Yamaki. Detective Davidson told the grand jury that Dr. Yamaki's sessions with G.B. occurred about once a month, that G.B. was not always present for the sessions, and that she was never alone when she was present. He testified that the sessions began in person in 2019 but moved to telehealth during the COVID-19 pandemic and never returned to in-person. Finally, he testified that the average session was only about 15 minutes long. The State presented no further testimony or documentary evidence regarding the substance of Dr. Yamaki's treatment or the reasons the family sought it.

2. What the Omitted Records Show

The State was in possession of Dr. Yamaki's substantive records a full week before the grand jury convened. Detective Davidson prepared the search warrant for Dr. Yamaki's records on January 26, 2024; it was signed on February 1, 2024, and executed on February 5, 2024. Dr. Yamaki's office provided a copy of G.B.'s medical records to HPD on February 7, 2024. These records, which were not presented to the grand jury, contained clearly exculpatory information that directly contradicted the narrative of unexplained abuse and neglect. The intake forms document the family's stated reasons for seeking treatment: "We are very afraid she will hurt herself & someone in our household due to her hitting everyone when she explodes with temper." The stated goal for treatment was to "[h]elp her calm down her actions/behavior."

The forms also documented a history of severe self-harm, including "[b]anging head on

floors & walls, throwing herself down stairs, [and] [b]leeding her open cuts & fingertips.” The family also reported that G.B. “likes to hit & boss children” and was not performing well in school due to not focusing.

B. Misleading Presentation of Evidence Regarding Restraint and Toileting

The State presented highly inflammatory evidence regarding G.B. sleeping in a bucket while omitting evidence known to it that provided context regarding G.B.’s long history of toileting issues.

1. What the Grand Jury Heard

Detective Kendell Wong testified that his analysis of Brandy Blas’s phone revealed a text message dated November 14, 2023, stating, “we need another bucket for the idiot to sleep in, the bucket broke.” He further testified that he found photos and videos on the phone that provided evidence that G.B. was “in fact sleeping in a bucket.”

2. What the Omitted Records Show

During the February 2, 2024 search of the family residence, detectives recovered numerous school and medical documents. On February 5, 2024, detectives reviewed these documents. Among the items recovered from the bedroom of Debra and William Geron was a paper from G.B.’s schoolwork dated October 31, 2019. The paper stated, “I will not pee in my bed or on the floors, I will go to the bathroom when I need to go.” The grand jury was not made aware of this documentary evidence corroborating a history of incontinence and toileting issues dating back several years.

C. Misleading Testimony Regarding G.B.’s Behavioral History

The State presented testimony from one teacher that selectively portrayed G.B.’s behavior

as normal, creating a misleading impression that conflicted with other testimony and with the psychiatric records the State possessed but did not present.

1. What the Grand Jury Heard

Jodi Wong, who was G.B.'s third-grade teacher for the first quarter of the 2022-2023 school year, testified that G.B. was in a regular education program at her parents' request. Ms. Wong described G.B. as initially "reserved and very quiet" but stated she saw social growth. When asked about behavioral issues, Ms. Wong testified that she did not recall any, other than normal third-grade conduct like occasionally shutting down or saying she did not want to do something. She specifically testified that she never saw G.B. hurt herself, hurt any other child, scream, or be disruptive in the manner of running around or hiding under tables.

In contrast, Carrie Jyo, G.B.'s kindergarten teacher, testified that G.B. had significant behavioral issues. Ms. Jyo stated that G.B. had weekly "outbursts," was "very defiant," would "throw herself on the floor," and would "bang her head, her body against the table or the filing cabinet." Ms. Jyo testified that she saw bruises on G.B. that she believed were from these self-injurious behaviors at school. She also testified that G.B. once stabbed her in the arm with a pencil.

2. What the Omitted Records Show

The State possessed Dr. Yamaki's psychiatric records, which corroborated Ms. Jyo's account of severe, long-term behavioral problems and directly contradicted the "normal behavior" narrative suggested by the questioning of Ms. Wong. The grand jury was presented with conflicting testimonial snapshots but was deprived of the underlying medical documentation that confirmed the more severe history.

D. Speculative and Incomplete Digital Forensic Testimony

The State presented testimony from a digital forensics detective that was framed as conclusive but was based on inferences from screenshots, without disclosing the status of the analysis of the underlying data from numerous other seized devices.

1. What the Grand Jury Heard

Detective Kendell Wong testified that he reviewed approximately 35,000 photos and 22,000 texts from Brandy Blas's phone. He described two images, State's Exhibits 6 and 7, as screenshots from a surveillance application.

Regarding Exhibit 6, he testified the timestamp of January 13, 2024, appeared to be accurate and that the image was "deleted from the device shortly after it was created," around "almost the same time." He identified one person as G.B. and the other as an adult male whose "stature and tattoo on the foot closely resembles Thomas Blas."

Regarding Exhibit 7, he testified the timestamp was January 16, 2024, and that the photo was deleted on January 18, 2024, at approximately 9:00 a.m., after police were already at the residence. He testified that in this photo, G.B.'s "hands are possibly bound behind her back" and that a black stripe was "what I believe to be more duct tape, which is most likely binding her arms behind her back."

2. What the Seizure Logs Show

The detective's testimony was based on screenshots, not the native surveillance data itself. On February 5, 2024—nine days before the grand jury proceeding—HPD submitted a digital forensic request to examine two security device cards recovered from the scene. The search warrant authorized the seizure of a wide range of electronic devices, including servers, computers,

tablets, and other storage media. The evidence log confirms the seizure of at least seven cellular phones, eight tablets, three laptops, a portable hard drive, and a flash drive from the residence. The State did not inform the grand jury whether the native surveillance footage or data from any of these other devices had been analyzed, or whether such analysis confirmed or contradicted the detective's inferences about timing, deletion, and what was "most likely" depicted.

E. Omission of Evidence of Parental Engagement and Support

The State omitted evidence that showed Ms. Blas and her family were engaged with G.B.'s school and medical providers, further distorting the presentation to suggest a lack of care.

1. What the Grand Jury Heard

While kindergarten teacher Carrie Jyo testified that Brandy and "Grandma" were "very supportive" of educational efforts for G.B., the State presented no documentary evidence to corroborate this or to show a similar pattern of engagement with medical providers.

2. What the Omitted Records Show

The search of the residence yielded "Daily communication logs," "Medical documents," and "School documents," which detectives reviewed on February 5, 2024. Further, the records from Dr. Yamaki, received by HPD on February 7, 2024, included authorization forms signed by both Brandy Blas and Thomas Blas, Sr., on September 21, 2019, to both release and obtain confidential health information for G.B. This documentary evidence of parental consent and involvement in G.B.'s mental healthcare was not provided to the grand jury.

II. Legal Standard Under HRPP Rule 12(b)(1)

A motion to dismiss an indictment for defects in its institution is properly brought before trial under HRPP Rule 12(b)(1). The Hawaii Constitution guarantees that no person shall be held

to answer for an infamous crime “unless on a presentment or indictment of a grand jury.” Haw. Const. art. I, § 10. This guarantee is not merely procedural; it includes the substantive right to a fair and impartial grand jury proceeding, a right which emanates from the due process clauses of the United States and Hawaii Constitutions. *State v. Joao*, 491 P.2d 1089, 1091 (1971).

A court may exercise its discretion to dismiss an indictment for prosecutorial misconduct that prejudices the defendant’s right to a fair grand jury. *State v. Chong*, 949 P.2d 122, 125 (1997). However, dismissal is an “extreme” remedy. *State v. Pulawa*, 614 P.2d 373, 378 (1980). The standard is met where the prosecutor’s misconduct is “extreme and clearly infringes upon the jury’s decision-making function.” *Pulawa*, 614 P.2d at 378.

This includes not only affirmative misconduct but also the failure to present certain evidence. HRPP Rule 6(f) mandates that “[e]vidence of a clearly exculpatory nature known to the prosecution shall be disclosed to the grand jury.” In *State v. Bell*, 589 P.2d 517 (1978), the Hawaii Supreme Court clarified that this duty is limited to evidence that would have clearly negated the defendant’s guilt. *Bell*, 589 P.2d at 521. The prosecution is not required to present all evidence that might tend to undermine a witness’s credibility or that is of a “less than clearly exculpatory nature.” *Bell*, 589 P.2d at 520, 525.

Nonetheless, the State may not mislead the grand jury by presenting a materially incomplete or distorted version of the facts. In *State v. Wong*, 40 P.3d 914 (2002), the court affirmed dismissal where the prosecutor prevented a witness from giving clearly exculpatory testimony. The court held that where the State’s actions prevent the grand jury “from operating with fairness and impartiality,” dismissal is the appropriate remedy. *Wong*, 40 P.3d at 929. An indictment may be quashed where the prosecutor’s conduct invades the province of the grand jury

or tends to induce action other than that which the jurors, in their uninfluenced judgment, would have reached. *Joao*, 491 P.2d at 1091.

The defendant generally bears the burden of proving prejudice. *State v. Melear*, 630 P.2d 619, 623 (1981). Dismissal of an indictment is presumed to be without prejudice. However, a court has the inherent power to dismiss an indictment with prejudice where the State's misconduct represents a serious threat to the integrity of the judicial process or there is a clear denial of due process. *State v. Alvey*, 678 P.2d 5, 10 (1984). This extraordinary remedy is warranted where the State's actions are taken in complete disregard of fundamental fairness and the prosecutor's duty to pursue justice. *Wong*, 40 P.3d at 929.

III. Argument

The State secured the Indictment in this case not through a fair and impartial presentation of the evidence, but by systematically omitting clearly exculpatory information and presenting misleading half-truths that distorted the factual record. This conduct invaded the province of the grand jury, prevented it from performing its constitutional screening function, and prejudiced Ms. Blas's fundamental due process rights. Dismissal is therefore required.

A. The State Violated HRPP 6(f) and Misled the Grand Jury by Withholding Clearly Exculpatory Psychiatric Records.

The State's most flagrant error was its failure to disclose G.B.'s extensive and severe psychiatric history, which was known to the prosecution before it sought the Indictment. HRPP Rule 6(f) is unambiguous: "[e]vidence of a clearly exculpatory nature known to the prosecution shall be disclosed to the grand jury." Evidence is "clearly exculpatory" when it "would have clearly negated the defendant's guilt." *State v. Bell*, 589 P.2d 517, 521 (1978). The psychiatric

records from Dr. Yamaki, which HPD received on February 7, 2024, fall squarely into this category.

The records documented the family's pleas for help with a child they feared would "hurt someone," and a history of G.B. "banging head on floors & walls, throwing herself down stairs, [and] bleeding her open cuts & fingertips." This evidence directly negates the *mens rea* elements of the most serious charges, which rely on a theory of knowing or intentional infliction of injury and cruel restraint. The records provide a powerful, alternative, non-criminal explanation for at least some of G.B.'s injuries (i.e., self-harm) and critical context for the family's restrictive actions (i.e., attempts to manage a child with severe, violent behaviors).

Instead of presenting this evidence, the State offered testimony that misleadingly characterized G.B.'s treatment as superficial and minimal. The grand jury heard only that sessions were via telehealth, averaging 15 minutes, and that G.B. was not always present. By presenting the skeletal form of the treatment, the State invited the grand jury to infer neglect or sham care. This is precisely the sort of prosecutorial conduct that "invades the province of the grand jury" and "tend[s] to induce action other than that which the jurors in their uninfluenced judgment deem warranted." *State v. Joao*, 491 P.2d 1089, 1091 (1971). As in *State v. Wong*, 40 P.3d 914 (2002), where the prosecutor prevented a witness from providing exculpatory testimony, the State here achieved the same result through a calculated omission, preventing the grand jury from "operating with fairness and impartiality." *Wong*, 40 P.3d at 929.

B. The State Presented a Prejudicial and Misleading Narrative by Omitting Key Context for Alleged Acts of Abuse.

The State compounded its failure to present the Yamaki records by presenting other

evidence in the most inflammatory light possible, stripped of crucial context. The prosecution highlighted a text message about G.B. needing to sleep in a “bucket” because “the idiot...broke” the prior one. This was presented as evidence of gratuitous cruelty. Yet the State knew, from documents recovered from the residence on February 2, 2024, that G.B. had a documented history of incontinence dating back to at least 2019, when a school paper noted her commitment to “not pee in my bed or on the floors.”

While this evidence does not excuse the alleged conduct, it provides essential context that directly relates to the defendants’ state of mind. Presenting only the inflammatory text without the known history of toileting issues is a misleading half-truth designed to provoke bias. It is a textbook example of a prosecutor “overreached or deceived in some significant way” the grand jury, warranting dismissal. *State v. Mendonca*, 711 P.2d 731, 734 (1985).

C. The State’s Use of Incomplete and Speculative Digital Forensic Testimony Was Fundamentally Misleading.

The State presented testimony regarding digital evidence that was framed as conclusive forensic fact but was, in reality, speculative inference drawn from incomplete data. Detective Wong testified that one surveillance photo was deleted “shortly after it was created” and another was deleted after police arrived at the scene. He also identified the male in a photo as closely resembling Thomas Blas and opined that duct tape was most likely binding G.B.’s arms. This testimony was based on screenshots. The State failed to inform the grand jury that numerous other devices—including phones, tablets, a hard drive, and the surveillance system’s own memory cards—had been seized but that analysis was either pending or incomplete. By presenting speculative inferences from derivative evidence as if they were confirmed facts, while failing to

disclose the incomplete status of the primary forensic investigation, the State infringed upon the jury's decision-making function. The grand jury was left with the false impression that the digital evidence was settled and damning, when in fact it was partial and unconfirmed. This constitutes the kind of "improper influence and usurpation of the grand jury's role" that requires judicial intervention. *State v. Pulawa*, 614 P.2d 373, 377 (1980) (quoting *United States v. Samango*, 607 F.2d 877, 882 (9th Cir. 1979)).

D. The Cumulative Effect of the State's Misconduct Denied Ms. Blas a Fair and Impartial Grand Jury Proceeding.

Even if any single omission or misrepresentation were deemed insufficient on its own, their cumulative effect was to deny Ms. Blas a fair grand jury proceeding. The State systematically presented a one-sided narrative, withholding or distorting evidence on every key issue: G.B.'s mental state (omitting psychiatric records), the family's response (omitting context for restraint and evidence of support), and the forensic proof (presenting inference as fact).

This pattern of conduct goes far beyond the reluctance to dismiss indictments for minor errors. *Pulawa*, 614 P.2d at 377. This was not a failure to present evidence that merely "tend[ed] to undermine the credibility of the witnesses presented." *Bell*, 589 P.2d at 525. Rather, the State's conduct, viewed in its totality, "clearly infringe[d] upon the jury's decision-making function" and represents an "extreme" case of overreach. *Pulawa*, 614 P.2d at 378. The grand jury was not permitted to act as an independent screen; it was led to a predetermined result by a fundamentally flawed presentation. Accordingly, the Indictment must be dismissed.

IV. Conclusion and Requested Relief

For the foregoing reasons, Defendant Brandy Blas respectfully requests that this Court

grant her motion and enter an order granting relief in the alternative as follows, or such other and further relief as the Court deems just and proper.

A. Dismissal of Counts 1, 3, 5, 8, 10, 13 and 18, With or Without Prejudice

At a minimum, the State's failure to present clearly exculpatory evidence and its use of misleading testimony directly prejudiced the grand jury's consideration of the counts that turn on Ms. Blas's state of mind and the nature of her conduct toward G.B. The omitted psychiatric records, the contextual history of toileting issues, and the evidence of parental engagement directly negate the inference of knowing, intentional, or reckless cruelty required for Murder in the Second Degree (Count 1), Kidnapping (Count 3), Conspiracy to Commit Kidnapping (Count 5), Unlawful Imprisonment in the First Degree (Count 8), Conspiracy to Commit Unlawful Imprisonment in the First Degree (Count 10), Endangering the Welfare of a Minor in the First Degree (Count 13), and Persistent Nonsupport (Count 18). Accordingly, Ms. Blas requests that the Court dismiss Counts 1, 3, 5, 8, 10, 13 and 18 of the Indictment with or without prejudice.

B. Dismissal of the Entire Indictment Without Prejudice

In the alternative, Ms. Blas requests that the Court dismiss the entire Indictment without prejudice. The State's misconduct was not limited to isolated errors but constituted a pervasive pattern of omission and distortion that tainted the entire proceeding. The cumulative effect of withholding G.B.'s severe psychiatric history, presenting evidence of restraint out of context, and framing speculative forensic analysis as conclusive fact created a fundamentally biased presentation. This cascade of errors prevented the grand jury from performing its constitutional function as an independent screening body for any of the charges. Because the entire proceeding was infected, dismissal of the whole Indictment is the appropriate remedy.

C. Dismissal With Prejudice

Finally, should the Court find that the prosecution's conduct constituted a serious threat to the integrity of the judicial process, Ms. Blas requests that the Indictment be dismissed with prejudice. The State received Dr. Yamaki's records on February 7, 2024, a full week before the grand jury convened, yet chose to present a contrary narrative. A finding that the State knew the significance of this clearly exculpatory evidence and deliberately withheld it to secure an indictment would warrant the extraordinary remedy of dismissal with prejudice to vindicate the public's interest in the fairness of its judicial system and deter future misconduct.

DATED: Honolulu, Hawaii, April 22, 2026.

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

PROPOSED WITNESSES AND EXHIBITS

WITNESSES

1. HPD Detective Blake Davidson
2. HPD Detective Justin Higa

EXHIBITS

1. Police Reports
2. Transcript of Proceedings of The Oahu Grand Jury – Panel B Wednesday, February 14, 2024

EXHIBIT A

Transcript of Proceeding of the Oahu Grand Jury – Panel B, Wednesday, February 14, 2024.

(FILED UNDER SEAL)