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FIRST CIRCUIT COURT  
STATE OF HAWAII  
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*Attorneys for Nonparty Objector*  
*Public First Law Center*

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,

vs.

BRANDY BLAS, et al.,

Defendants.

NO 1CPC-24-0000150

NONPARTY PUBLIC FIRST LAW  
CENTER'S OBJECTION TO  
DEFENDANT BRANDY BLAS'  
SEALED MOTION TO SUPPRESS  
EXHIBITS [DKT. 438-462, 464] AND  
REQUEST TO UNSEAL; CERTIFICATE  
OF SERVICE

HEARING

JUDGE: Hon. Paul K. Wong

DATE: August 28, 2026

TIME: 9:00 a.m.

TRIAL DATE: January 25, 2027

NOTICE OF ELECTRONIC FILING  
GENERATED BY JEFS

**NONPARTY PUBLIC FIRST LAW CENTER’S OBJECTION TO DEFENDANT  
BRANDY BLAS’ SEALED MOTION TO SUPPRESS EXHIBITS  
[DKT. 438-462, 464] AND REQUEST TO UNSEAL**

Nonparty Public First Law Center (Public First) respectfully objects to the nonjudicial sealing of the search warrant materials submitted in support of the motions to suppress filed December 31, 2025, by Defendant Brandy Blas (Defendant), and asks the Court to unseal Dkt. 438 - 462, and 464 (collectively, sealed exhibits) pursuant to the constitutional right of access provided by the First Amendment to the U.S. Constitution; article I, section 4 of the Hawai`i Constitution; the common law right of access; and Hawai`i Court Records Rule (HCRR) 10.10.<sup>1</sup>

Notwithstanding her reliance on HCRR 2.20 and 9 and the Order Granting Motion to Unseal Search Warrants entered January 23, 2026, Dkt. 314 (Order), Defendant did not meet the procedural or substantive standards for sealing by filing the exhibits under seal without prior notice.

None of the cited authorities support Defendant’s blanket sealing of court records. HCRR 2.20 merely defines the term “protected”, and HCRR 9 only applies to narrowly-defined “personal information.” The Order, meanwhile, concerns discovery among the parties outside the context of a proceeding protected by the public rights of access. The Order does not satisfy applicable procedural and substantive standards. And search warrant secrecy is no longer required where, as here, the subject has been indicted, obtained a copy of the search warrant materials, and moved to suppress based on those records.

In the end, a Defendant cannot move to suppress potentially critical evidence based on secret evidence, absent a compelling reason. Under these circumstances, search warrant secrecy is not a compelling reason for sealing.

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<sup>1</sup> Public First has conventionally filed this motion because, if added as an electronic filer to the case, it would have electronic access to the sealed documents. HCRR 10.4.

## I. Legal Standards

### a. Constitutional Right of Access

The U.S. Supreme Court, Ninth Circuit, and Hawai'i Supreme Court have unequivocally recognized that the public has the broad right to access judicial proceedings and records, including evidentiary-related criminal proceedings. *E.g.*, *United States v. Brooklier*, 685 F.2d 1162, 1170 (9th Cir. 1982) ("it is clear that the considerations supporting the public's qualified right of access to the criminal trial itself apply as well to hearings on motions to suppress evidence"); *Civil Beat Law Ctr. for the Pub. Int., Inc. v. Maile*, 117 F.4th 1200, 1208 (9th Cir. 2024) ("As both we and the Supreme Court have recognized, the First Amendment grants the public a presumptive right to access nearly every stage of post-indictment criminal proceedings, including pretrial proceedings, preliminary hearings, voir dire, trials, and post-conviction proceedings, as well as records filed in those criminal proceedings."); *Grube v. Trader*, 142 Hawai'i 412, 422, 420 P.3d 343, 353 (2018); *Oahu Publ'ns, Inc. v. Ahn*, 133 Hawai'i 482, 507, 331 P.3d 460, 485 (2014).

There is a "strong presumption that court proceedings and the records thereof shall be open to the public." *Grube*, 142 Hawai'i at 428, 420 P.3d at 359; *accord Oregonian Publ'g Co. v. U.S. Dist. Court*, 920 F.2d 1462, 1467 (9th Cir. 1990) (proponent of sealing has the burden to overcome the presumption of access).

To safeguard the public's right of access, there are "procedural prerequisites" to closure that must be met in order to preserve the presumption of openness. *Ahn*, 133 Hawai'i at 497-98, 331 P.3d at 475-76; *accord Grube*, 142 Hawai'i at 423, 420 P.3d at 354.

First, the public must be provided notice and an opportunity to be heard before closure occurs. *Grube*, 142 Hawai'i at 423, 420 P.3d at 354 ("motions requesting closure must be docketed a reasonable time before they are acted upon."). Courts must provide the public "a meaningful opportunity to object or offer alternatives to the closure." *Id.* at 424, 420 P.3d at 355.

Second, the court must enter an order and "the reasons supporting closure must be articulated in findings." *Ahn*, 133 Hawai'i at 497-98, 331 P.3d at 475-76. "Requiring specific findings on the record enables the trial court to address each element necessary

for closure and allows an appellate court to review the reasoning of the trial judge to ensure that protection of the public right was adequately considered.” *Id.* at 498, 331 P.3d at 476.

Substantively, the court must enter “findings that ‘the closure is essential to preserve higher values’ and that the closure is ‘narrowly tailored’ to serve that interest.” *Grube*, 142 Hawai‘i at 424, 420 P.3d at 355; *Ahn*, 133 Hawai‘i at 507, 331 P.3d at 485. The court must specifically find: “(1) the closure serves a compelling interest; (2) there is a substantial probability that, in the absence of closure, this compelling interest would be harmed; and (3) there are no alternatives to closure that would adequately protect the compelling interest.” *Grube*, 142 Hawai‘i at 424, 420 P.3d at 355; *accord Phoenix Newspapers, Inc. v. U.S. Dist. Ct.*, 156 F.3d 940, 949 (9th Cir. 1998).

“To qualify as compelling, the interest must be of such gravity as to overcome the strong presumption in favor of openness. . . .[and] outweigh both the right of access of individual members of the public and the general benefits to public administration afforded by open trials.” *Grube*, 142 Hawai‘i at 425-26, 420 P.3d at 356-57. If a compelling interest exists, “a court must find that disclosure is sufficiently likely to result in irreparable damage to the identified compelling interest.” *Ahn*, 133 Hawai‘i at 507, 331 P.3d at 485. “It is not enough that damage could possibly result from disclosure, nor even that there is a ‘reasonable likelihood’ that the compelling interest will be impeded; there must be a ‘substantial probability’ that disclosure will harm the asserted interest.” *Grube*, 142 Hawai‘i at 426, 420 P.3d at 357. And if the harm is “fleeting or readily curable through other remedial measures,” it is not irreparable harm. *Id.*

Where there is a compelling interest and substantial probability of irreparable harm to that interest by disclosure, the court must rule out less restrictive alternatives to sealing. *Ahn*, 133 Hawai‘i at 507-08, 331 P.3d at 485-86; *accord Oregonian Publ’g Co.*, 920 F.2d at 1467 (party seeking closure bears the burden to “present facts supporting closure and to demonstrate that available alternatives will not protect his [or her] rights”). The court must “make findings regarding specific alternatives and set forth its reasons for rejecting each.” *Grube*, 142 Hawai‘i at 427, 420 P.3d at 358.

In rejecting a trial court's bare reference to generic concerns without "specific findings," the Hawai'i Supreme Court has emphasized the need for facts and evidence:

The trial court may not rely on generalized concerns, but must indicate facts demonstrating compelling interest justifying the continued sealing of the documents. Additionally, the court must specifically explain the necessary connection between unsealing the transcript and the infliction of irreparable damage resulting to the compelling interest.

*Id.* at 424-26, 420 P.3d at 355-57. "In the absence of such details, there is nothing by which the court could have determined that the asserted interest was of sufficient gravity to displace the strong presumption in favor of openness." *Id.*

#### **b. Common Law Right of Access**

The public also has a common law right of access to *post-investigation* search warrant materials. Other than documents that have been "traditionally kept secret," there is a "strong presumption in favor of access" to all other court records. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Those categorically exempt records include grand jury transcripts and search warrant materials during a pre-indictment investigation.<sup>2</sup> *United States v. Bus. of Custer Battlefield Museum [Custer Battlefield]*, 658 F.3d 1188, 1192 (9th Cir. 2011).

Under the common law analysis, the party seeking to seal a judicial record bears the burden of overcoming "this strong presumption" by articulating compelling reasons "that outweigh the general history of access and the public policies favoring disclosure." *Custer Battlefield*, 658 F.3d at 1194-95. A court presented with a motion to seal must balance the competing interests and "base its decision on a compelling reason and articulate the factual basis for its ruling, without relying on hypothesis or conjecture." *Id.* at 1195. "[T]he court may not restrict access to the documents without articulating both a compelling reason and a factual basis for its ruling." *Id.* at 1196.

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<sup>2</sup> Other circuits hold to the contrary that a common law right of public access still must be considered pre-indictment. *United States v. Sealed Search Warrants*, 868 F.3d 385, 390 (5th Cir. 2017); *In re EyeCare Physicians*, 100 F.3d 514, 517 (7th Cir. 1996); *Baltimore Sun Co. v. Goetz*, 886 F.2d 60, 62 (4th Cir. 1989); see also *Gunn*, 855 F.2d 569, 575 (8th Cir. 1988)

## II. Factual Background

The State charged Defendant with attempted murder in the second degree and other felonies by indictment filed February 14, 2024. Dkt. 1.

On December 31, 2025, Defendant filed two motions to suppress. Dkt. 289, 291.

Prosecutors moved *ex parte* to unseal search warrants and related material for disclosure to Defendant, and the Court entered the Order granting it on January 23, 2026.<sup>3</sup> Dkt. 314.

On June 5, Defendant's counsel filed a supplemental declaration and memorandum in support of one of the motions to suppress. Dkt. 417. On July 3, Defendant submitted an additional declaration in support, together with seven search warrants filed under seal as Exhibits "A" - "G". Dkt. 437, 438 - 462, and 464.

Defendant's motions to suppress are set for hearing on August 28.

## III. HCRR 9 does not authorize blanket sealing of evidence.

HCRR prohibits the public filing of "personal information." HCRR 9.1(a). That term is expressly limited to "social security numbers, dates of birth (except for traffic citations), names of minor children, bank or investment account numbers, and social service reports." HCRR 2.19. Public First has no objection to sealing this information—through *redaction*.

HCRR 2.19 contemplates *some* public disclosure of personal information:

To the extent a social security or account number is required in an accessible document, the last 4 digits may be displayed, provided that no more than half of the social security or account digits are disclosed. To the extent a birthdate is required in an accessible document, the birth year may be displayed. Except as provided in Rule 9.1, to the extent the name

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(recognizing First Amendment right of access to pre-indictment search warrant materials).

<sup>3</sup> The supporting declaration for the motion stated: "The State is further requesting that other than for the purpose of discovery, the Search Warrants, affidavits, and attached exhibits should remain sealed to the public in accordance with HCRR Rule 9, as there is personal confidential information in the [search warrant materials]. Specifically, minor names, birthdates, photos of minors, and medical information related to minors." *Id.* at pdf 7-8. The Order, however, does not reflect any such limitation. *Id.* at pdf 11.

of a minor is required in an accessible document, the initials of the minor may be displayed.

*Id.* Only when “a complete social security number, account number, birthdate, or name of a minor child is required for adjudication of a case” is a sealed filing under HCRR 9.1 cover appropriate. *Id.*

Defendant obviously exceeded the scope of automatic sealing contemplated by HCRR 9.1. It is not possible that *everything* in the sealed exhibits is “personal information.” Defendant does not assert the sealed exhibits consist *only* of social security numbers, dates of birth, names of minor children, bank or investment account numbers, and social service reports – nor could she credibly do so.

#### **IV. The public has a constitutional and a common law right of access to suppression proceedings.**

Even if search warrant proceedings may be secret while an investigation is underway pre-indictment, this is not a search warrant proceeding.

The proceeding determines whether the constitutional right of access applies, *not* the type of document filed in the proceeding. *E.g., Forbes Media LLC v. United States*, 61 F.4th 1072, 1083 (9th Cir. 2023) (“We have never held that in making the threshold right of public access determination, courts should consider the categories of documents sought abstracted from the proceedings in which they were generated.”). The constitutional right of access extends to “nearly every stage of post-indictment criminal proceedings,” including motions to suppress, and the “records filed in those criminal proceedings.” *Maile*, 117 F.4th at 1208; *Brooklier*, 685 F.2d at 1170 (motion to suppress).

Even if this were a search warrant proceeding – it is not – the Ninth Circuit explicitly recognized the common law right of access to search warrant proceedings *post-investigation*. *Custer Battlefield*, 658 F.3d at 1193. The Ninth Circuit recognized that search warrant applications “generally are unsealed at later stages of criminal proceedings, such as upon the return of the execution of the warrant or in connection with post-indictment discovery.” *Id.* at 1193-94. In light of the government’s decision not to prosecute, the court held that the pre-indictment investigatory concerns did not apply. *Id.* at 1194; *see Times Mirror Co. v. United States*, 873 F.2d 1210, 1221 (9th Cir. 1989)

(identifying investigatory harms to include a suspect's potential destruction of evidence, fabricated testimony, or flight from prosecution)

Here, the investigation is closed, and the subject has been charged and has access to the material. Under these circumstances, there can be no harm from public disclosure of the sealed exhibits.

**V. Defendant did not meet her burden to seal judicial records.**

Defendant's reliance on the Order does not justify the blanket sealing of evidence supporting a substantive criminal pretrial motion, for several reasons.

First, the law plainly requires a motion and judicial findings *before* a judicial record may be sealed. *E.g.*, *Ahn*, 133 Hawai'i at 507, 331 P.3d at 485; *Grube*, 142 Hawai'i at 424-25, 420 P.3d at 355-56. Without a complete motion, the public must guess at the justifications for sealing and lacks a full "meaningful opportunity to address sealing the [documents] on the merits, or to discuss with the court viable alter[n]atives." *Phoenix Newspapers*, 156 F.3d at 949.

Second, generic concerns and conclusory statements are not sufficient to seal judicial records. *E.g.*, *Phoenix Newspapers*, 156 F.3d at 949 (findings may not be based on "conclusory assertions"); *Grube*, 142 Hawai'i at 424-25, 420 P.3d at 355-56; *Ahn*, 133 Hawai'i at 505, 331 P.3d at 483 ("While these reasons are indisputable in the generic sense, they do not as stated provide sufficient justification for a closure of a court proceeding."); *Roy v. GEICO*, 152 Hawai'i 225, 342, 524 P.3d 1249, 1267 (App. 2023) (rejecting "[c]onclusory claims" as a basis for sealing). But that is all Defendant offered. Dkt. 381, 398.

Third, the proponent of sealing must provide evidence of a "substantial probability" that a compelling interest—assuming one exists—would be "irreparably harmed" in the absence of closure. *Grube*, 142 Hawai'i at 424, 420 P.3d at 355. Defendant provided no such evidence. Dkt. 381, 398.

Fourth, the proponent of sealing must establish that there are *no* alternatives to closure that would adequately protect the compelling interest. *E.g.*, *Ahn*, 133 Hawai'i at 505, 331 P.3d at 483 (requiring specific facts demonstrating reasonable alternatives to

closure cannot adequately protect the defendant's fair trial rights). Defendant did not do that. Dkt. 381, 398.

Fifth, the general reasons for sealing search warrant materials do not apply in this instance. *See Forbes*, 61 F.4th at 1079-80 (secrecy of search warrant proceedings intended to avoid suspect's potential destruction of evidence, fabricated testimony, or flight from prosecution). None of these purposes are served by continued secrecy where the subject of the investigation has been charged and has access to the material.

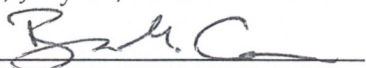
Last, access to the sealed exhibits allows the public to understand this Court's ultimate decision on whether Defendant's assertions about the criminal investigation warrant dismissal of the grave charges leveled against her. *E.g.*, *State v. Rogan*, 156 Hawai'i 233, 241, 573 P.3d 616, 624 (2025) ("The judicial system gains from public access. Because court proceedings are open for all to see, and court records are available for all to read, a transparent approach instills confidence in, and respect for, the judiciary's work."); *accord Press-Enter. Co. v. Superior Ct.*, 478 U.S. 1, 12-13 (1986) ("[T]he absence of a jury, long recognized as 'an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge,' makes the importance of public access to a preliminary hearing [where criminal complaint is subject to dismissal] even more significant.").

To the extent the State's declaration in the motion to unseal expresses concern about disclosing the identity of minors or detailed medical information not already stated in other pleadings, the solution (as outlined in HCRR 2.19) is redaction.

## **VI. Conclusion**

Public First respectfully requests that this Court preserve the public's right of access to court records and unseal the sealed exhibits.

DATED: Honolulu, Hawai'i, July 10, 2026

  
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

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vs.

BRANDY BLAS et al.,

Defendant.

NO 1CPC-24-0000150

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

I certify that on the date set forth below, I will serve the foregoing objection on the following by electronic mail, at the addresses listed below:

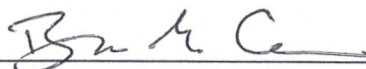
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