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FIRST CIRCUIT
1CPC-24-0000150
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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: 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
	)	MEMORANDUM IN OPPOSITION TO
	)	NONPARTY PUBLIC FIRST LAW
	)	CENTER'S OBJECTION TO
	)	DEFENDANT BRANDY BLAS' SEALED
	)	MOTION TO DISMISS EXHIBITS [DKT.
	)	379, 380, 383, 395, 397] AND REQUEST
	)	TO UNSEAL FILED JULY 8, 2026 (DKT.
	)	467); CERTIFICATE OF SERVICE

[SERVICE BY NOTICE OF ELECTRONIC FILING GENERATED BY JEFS]



) HONORABLE PAUL B.K. WONG
)
)
) HEARING DATE: 08/28/2026
) HEARING TIME: 9:00 a.m.
)
)
)

DEFENDANT BRANDY BLAS’S MEMORANDUM IN OPPOSITION TO
NONPARTY PUBLIC FIRST LAW CENTER’S OBJECTION TO DEFENDANT BRANDY
BLAS’ SEALED MOTION TO DISMISS EXHIBITS [DKT. 379, 380, 383, 395, 397]
AND REQUEST TO UNSEAL FILED JULY 8, 2026 (DKT. 467)

I. Introduction

Public First Law Center (“Law Center”) seeks to unseal Dkt. 379, 380, 383, 395, and 397, and argues that the defense used nonjudicial sealing, that Hawaii Court Records Rule (“HCRR”) Rule 9 and Hawaii Rules of Penal Procedure (“HRPP”) Rule 6 do not justify sealing, and that grand-jury secrecy is no longer needed because Defendant Brandy Blas (“Blas”) has been indicted, has the transcripts, and has moved to dismiss based on the grand-jury proceedings.

Law Center’s request should be denied. At a minimum, if the Court concludes some public access is warranted, any release should be temporarily deferred until trial or further order for so long as fair-trial concerns remain, with any later disclosure limited to what is narrowly necessary. The Court should conduct a record-specific review and determine whether any access should occur through redaction, partial unsealing, temporary postponement, or other narrower alternative. See, *Honolulu Advertiser, Inc. v. Takao*, 580 P.2d 58 (Haw. 1978); *Oahu Publ’ns Inc. v. Ahn*, 331 P.3d 460 (Haw. 2014); *Grube v. Trader*, 420 P.3d 343 (Haw. 2018).

II. Relevant Background

On April 11, 2026, Blas filed Defendant Brandy Blas’s Motion to Dismiss Indictment for Grand Jury Irregularities (Dkt. 377). That motion alleges that, before testimony began, a sitting grand

juror disclosed a relationship with the State’s first prospective witness, the deputy prosecuting attorney was told to leave, an “Unidentified Female” questioned the juror, and that same unidentified person stated there was “no conflict of interest” and the juror could proceed. Exhibit A to that motion was filed as the official court-record copy of a partial transcript from a grand jury proceeding. This exhibit was designated confidential pursuant to HRPP Rule 6 and HCRR Rules 2.20 and 9.

On April 22, 2026, Blas filed Defendant Brandy Blas’s Motion to Dismiss Indictment for Failure to Present Clearly Exculpatory Evidence (Dkt. 393). That motion alleges that the State omitted G.B.’s psychiatric history, omitted context relating to toileting and restraint evidence, and presented incomplete or speculative digital-forensic evidence. Exhibit A to that motion was filed as information that includes a transcript from a grand jury proceeding. This exhibit was designated confidential pursuant to HRPP Rule 6 and HCRR Rules 2.20 and 9.

III. Argument

A. Law Center’s procedural objection does not justify immediate wholesale unsealing.

Law Center argues that the public was entitled to notice and an opportunity to be heard before closure, and that judicial findings were required before sealing could stand. Even accepting that framework, the remedy is not automatic full unsealing. The objection is now before the Court on notice, the issue is set for hearing, and the Court can make whatever record-specific findings it determines are necessary on a developed record.

B. Law Center wrongly treats HCRR Rule 9 as the only possible basis for protection.

Law Center argues that HCRR Rule 9 applies only to narrowly defined “personal information” and that Blas identified no such protected information. Blas did not rely on HCRR Rule 9 alone. It expressly identified the sealed exhibit as a grand-jury transcript and cited HRPP Rule 6 as

well HCRR Rules 2.20 and 9. The motions also show that the sealed transcripts are being used to litigate matters involving G.B.'s psychiatric records, school-related toileting evidence, and other sensitive subject matter tied to a minor decedent.

This is not a situation where the only question is whether a few identifiers can be clipped from an otherwise ordinary filing. The exhibits concern grand-jury testimony itself and sensitive underlying subject matter.

C. Law Center's own quotation of HRPP Rule 6 shows that court supervision over grand-jury disclosure continues.

Law Center argues that by its plain terms, HRPP Rule 6 "does not apply to Defendant" because the rule's list of persons subject to secrecy does not include Blas. But Law Center quotes HRPP Rule 6 stating that matters occurring before the grand jury may be disclosed "only when so directed by the court preliminarily to or in connection with a judicial proceeding or when permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury[.]"

That quoted language undermines Law Center's absolutist reading. Even if HRPP Rule 6 does not impose a direct secrecy obligation on Blas, it confirms that disclosure of matters occurring before the grand jury remains subject to court control. Blas's litigation use of the transcripts does not automatically convert grand-jury material into unrestricted public material.

D. Blas's possession and use of the transcripts for motions practice does not equal unrestricted public dissemination.

Law Center argues that grand-jury secrecy is no longer required because Blas has been indicted, obtained the transcripts, and filed motions to dismiss based on those proceedings.

That argument collapses two different questions: access for litigation and public dissemination. The

fact that the defense may use the transcripts to litigate pending pretrial issues does not require contemporaneous public release of the full exhibits.

Hawaii law also permits temporary postponement of public access, rather than immediate wholesale release, when contemporaneous disclosure threatens fair-trial interests. In *Honolulu Advertiser, Inc. v. Takao*, 580 P.2d 58 (Haw. 1978), the Hawaii Supreme Court upheld temporary sealing of a preliminary-hearing transcript until after trial and found no irreparable harm because the transcript would be made available once the trial concluded. *Takao* at 63. In *Oahu Publ'ns Inc. v. Ahn*, 331 P.3d 460 (Haw. 2014), the Hawaii Supreme Court held that, when a defendant's fair-trial rights are invoked, access may be denied upon specific findings showing a substantial probability of prejudice that closure would prevent and that reasonable alternatives cannot adequately protect the defendant's fair-trial rights. *Ahn* at 485-86.

Under that framework, if the Court concludes some public access is ultimately required, a temporary deferral pending in camera review, with redaction or limited partial unsealing can adequately protect the competing interests.

E. Law Center overstates the need for full unsealing to let the public understand the dismissal motions.

Law Center argues that the public needs access to the sealed exhibits to understand the Court's eventual ruling on whether the indictment should be dismissed. But the defense theories are already disclosed in the public record. Blas publicly describes the juror-witness conflict colloquy and the "Unidentified Female" issue. Blas publicly describes the asserted omission of psychiatric records, the omitted restraint and toileting context, and the claim that the State presented speculative digital evidence as if it were settled fact.

The public already has access to the core allegations and requested relief. What Law Center seeks is not basic comprehension of the dispute, but full access to the underlying grand-jury transcripts themselves.

F. Law Center’s claim that Blas offered only generic concerns ignores the actual record.

Law Center argues that the defense offered only a “bare citation” to HRPP Rule 6, made conclusory assertions, provided no evidence of a substantial probability of harm, and failed to address alternatives. That characterization is incomplete. The public filings themselves identify the specific categories of material at issue: grand-jury transcripts, alleged psychiatric-record omissions, school and toileting-related evidence, digital-evidence issues, and the in-room handling of a juror’s relationship with a witness.

And narrower alternatives plainly exist. If the Court determines that some public access is warranted, it can order in camera review, require proposed redactions, unseal specific transcript excerpts actually necessary to resolve the motions, or release a redacted version of any exhibit, appendix or order.

IV. Requested Relief

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

1. Deny Law Center’s request for immediate wholesale unsealing;
2. Alternatively, maintain the seal pending the Court’s in camera review and record-specific ruling;
3. If the Court determines that some public access may be appropriate, temporarily postpone any public release until trial or further order of the Court;
4. Alternatively, direct the parties to submit proposed redactions or narrowed excerpts for any

material the Court believes should be made public;

5. Limit disclosure to redacted portions;
6. Alternatively, grant such other and further relief as the Court deems just and proper.

DATED: Honolulu, Hawaii, August 23, 2026.

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

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	)	CASE NO. 1CPC-24-0000150
	)	
Plaintiff,	)	
	)	CERTIFICATE OF SERVICE
vs.	)	
	)	
BRANDY BLAS,	)	
THOMAS BLAS SR.,	)	
DEBRA GERON,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

I hereby certify that upon the date of filing, the foregoing memorandum in opposition will be served on the following by electronic mail and USPS postage prepaid. JEFS users will be served by electronic filing generated by JEFS.

BENJAMIN M. CREPS
Public First Law Center
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Email: ben@publicfirstlaw.org

DATED: Honolulu, Hawaii, August 23, 2026.

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