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United States Supreme Court

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August 13th, 2026

Mr. Scott S. Harris  
Clerk of the Supreme Court of the United States  
Supreme Court of the United States  
One First Street, N.E.  
Washington, D.C. 20543-0001

**RE: Request for Consideration under Supreme Court Rule 8**  
***Granillo v. State*, No. SCWC-22-0000740 (Haw. July 15, 2026)**

Dear Mr. Harris,

We the undersigned are attorneys with the America First Policy Institute and members of the Bar of the Supreme Court of the United States. We ask you to place this letter before the Court for consideration consistent with Supreme Court Rule 8.

The conduct at issue directly concerns this Court, its members, and the obligations of attorneys admitted to its Bar. Rule 8 gives the Court authority to require a member to show cause and to impose appropriate discipline for conduct unbecoming a member of the Bar of this Court.<sup>1</sup> This letter asks the Court to exercise that authority.

Upon information and belief, Hawaii Supreme Court Chief Justice Vladimir P. Devens, Justice Todd W. Eddins, and Justice Sabrina S. McKenna are members of the Bar of this Court. Provided their membership is confirmed, the Court should consider an order requiring each member to show cause why disciplinary action should not be taken under Rule 8.

**I. The Challenged Opinion**

On July 15, 2026, the Supreme Court of Hawai'i issued a 91-page opinion in *Granillo v. State*.<sup>2</sup> Justice Eddins authored the opinion of the court, which Chief Justice Devens and Justice McKenna joined.

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<sup>1</sup> Sup. Ct. R. 8.2.

<sup>2</sup> *Granillo v. State*, --- P.3d ---, 2026 WL 2085397, No. SCWC-22-0000740, slip op. at 1 (Haw. July 15, 2026).



The case concerned the standard governing postconviction relief when subsequent scientific developments establish that forensic evidence presented at trial was false. The court held that, under article I, section 5 of the Hawai‘i Constitution, the false-evidence standard applies regardless of the prosecution’s knowledge.<sup>3</sup>

*Granillo*’s reasoning rested on the Hawai‘i Constitution. But the Hawaii court’s state-law analysis is not the subject of the Rule 8 issue here. Rather, the issue for the Court’s consideration arises from the eight pages that followed *Granillo*’s state-law analysis.

In those approximately eight pages, the Hawaii justices wrote what reads as a sweeping attack on the integrity of the United States Supreme Court and its justices over multiple opinions of the Court bearing no relation to the subject of postconviction relief or false evidence under Hawaii law. The Hawaii justices used these eight pages to denounce various opinions issued by this Court including those concerning abortion,<sup>4</sup> voting rights,<sup>5</sup> campaign finance,<sup>6</sup> partisan gerrymandering,<sup>7</sup> presidential immunity,<sup>8</sup> religious liberty,<sup>9</sup> firearms regulation,<sup>10</sup> administrative law,<sup>11</sup> agency

<sup>3</sup> *Id.* at 80.

<sup>4</sup> *Id.* at 73 (citing *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022)) (“We take no guidance on the meaning of due process from a court that gutted due process protections”).

<sup>5</sup> *Id.* at 74 (citing *Brnovich v. Democratic National Committee*, 594 U.S. 647 (2021) and *Louisiana v. Callais*, 608 U.S. \_\_\_, 146 S. Ct. 1131 (2026)) (alleging that this Court “fabricated ‘guideposts’ nowhere in Section 2 to greenlight racial discrimination in voting.”).

<sup>6</sup> *Id.* at 76 (citing *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310 (2010)) (alleging that this Court “hand[ed] corporations the same speech rights as flesh-and blood Americans and let[ ] dollars talk louder than voters.”); *see also, id.* at 77 (citing *Nat’l Republican Senatorial Comm. v. Fed. Election Comm’n*, 609 U.S. \_\_\_, 146 S. Ct. 2404 (2026) (claiming this Court “ensur[ed] that those who bankroll elections drown out the ordinary person.”).

<sup>7</sup> *Id.* at 76 (citing *Rucho v. Common Cause*, 588 U.S. 684 (2019)) (criticizing this Court for “abandon[ing] partisan gerrymandering to the gerrymanderers.”); *see also, id.* at 74 (citing *Louisiana v. Callais*, 608 U.S. \_\_\_, 146 S. Ct. 1131 (2026)) (complaining that this Court “buried what remained of the crown jewel of the civil rights movement.”).

<sup>8</sup> *Id.* at 76-77 (citing *Trump v. United States*, 603 U.S. 593 (2024)) (claiming that this Court “placed a president above the law.”).

<sup>9</sup> *Id.* at 78 (citing *Fulton v. City of Philadelphia*, 593 U.S. 522 (2021); *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023)) (accusing this Court of “[b]lessing discrimination in the name of the Constitution.”).

<sup>10</sup> *Id.* at 78 (citing *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022)) (accusing this Court of “[m]aking the country more dangerous”).

<sup>11</sup> *Id.* at 79 (citing *West Virginia v. Env’t Prot. Agency*, 597 U.S. 697, 779 (2022)) (accusing the Court of giving “‘get-out-of-text-free cards’ to block agencies from doing what Congress told them to do.”); *see also, id.* at 79 (citing *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024)) (claiming that this Court “commandeer[ed] the interpretive authority Congress gave federal agencies,” because “to this particular Court, precedent is advisory.”).



removal,<sup>12</sup> federal spending programs,<sup>13</sup> and birthright citizenship.<sup>14</sup>

In their diatribe against the Court, the Hawaii justices attribute racial, partisan, and institutionally corrupt motives to the Court's majority writing or joining those opinions. Among other things, the Hawaii court declared:

"The Court that now defines federal due process does not honor the work of 1954. It revives the work of 1857. The work of 1896."<sup>15</sup>

"The Roberts Court sees only white."<sup>16</sup>

"That is not blindness. That is white sight, by design."<sup>17</sup>

The Court uses constitutional interpretation as "[a] way to advance its partisan project."<sup>18</sup>

"When six justices walk away from those they are supposed to protect, state constitutions hold the line."<sup>19</sup>

This Court's jurisprudence may be treated as "white noise."<sup>20</sup>

"That's not all life tenure and zero accountability have produced lately. But it's enough."<sup>21</sup>

The Hawaii court also accuses "six Justices" of this Court of "engineering the dilution of Black votes," "shredding" democratically enacted laws, "crown[ing] a president," "blessing discrimination," "looking at naked racism and seeing none of it," and sacrificing "competent governance" to a "partisan cause." It asserted that this Court "overrides what Congress passed" and "what the people chose" in order "[a]ll to serve its own ends."<sup>22</sup>

<sup>12</sup> *Id.* at 79 (citing *Trump v. Slaughter*, 609 U.S. \_\_\_, 146 S.Ct. 2283 (2026)) (criticizing this Court for "cherry-pick[ing]" history, such that "competent governance [was] sacrificed to the partisan cause.").

<sup>13</sup> *Id.* at 79 (citing *Landor v. Louisiana Dep't of Corr. & Pub. Safety*, 609 U.S. \_\_\_, 146 S. Ct. 1931 (2026) (accusing this Court of "transmuting federal spending programs into private contracts").

<sup>14</sup> *Id.* at 79 (citing *Trump v. Barbara*, 609 U.S. \_\_\_, 146 S.Ct. 2438 (2026)) (accusing "fair-weather textualists" on this Court of "desert[ing] the text and our nation's history the moment it promised citizenship").

<sup>15</sup> *Id.* at 73.

<sup>16</sup> *Id.* at 75.

<sup>17</sup> *Id.* at 76.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 78.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 80.

<sup>22</sup> *Id.* at 73, 75–79.



The message conveyed by the Hawaii justices is wholly transparent: this Court's rulings are illegitimate and should not be followed, and the justices who wrote them acted out of corrupt or bigoted motives.

## II. Defiance of This Court's Decisions Is Harmful to the Rule of Law

State courts may interpret their own constitutions independently. On federal law, however, they must follow the rulings of this Court. As this Court unanimously explained in *James v. City of Boise*, “[t]he Idaho Supreme Court, like any other state or federal court, is bound by this Court’s interpretation of federal law.”<sup>23</sup>

That obligation is fundamental to our constitutional structure. In *Cooper v. Aaron*, the Court explained that its interpretation of the Fourteenth Amendment was binding on the States and that state judicial officers are bound by their constitutional oaths.<sup>24</sup> The principle preserves the uniform meaning and force of federal law in every State.

Controlling precedent binds lower courts even when they consider it misguided, illegitimate, or inconsistent with later developments. In *Mallory v. Norfolk Southern Railway Co.*, this Court vacated a state supreme court judgment that treated an applicable United States Supreme Court precedent as implicitly overruled. As this Court ruled, when one of its precedents directly controls, a lower court must follow it and leave to this Court the prerogative of overruling its own decisions.<sup>25</sup>

Justice Gorsuch recently expressed this principle in direct terms:

“Lower court judges may sometimes disagree with this Court’s decisions, but they are never free to defy them.”<sup>26</sup>

Justice Kavanaugh joined that opinion. Justice Gorsuch further explained that a decision of this Court constitutes precedent commanding respect in lower courts. A lower-court judge’s disagreement—as opposed to defiance—leaves intact the duty to respect the hierarchy established by the Constitution and Congress.<sup>27</sup>

Chief Justice Roberts has identified defiance of judicial decisions as a direct threat to judicial independence and the rule of law. In his 2024 Year-End Report on the Federal Judiciary, the Chief Justice identified “defiance of judgments lawfully entered by courts of competent jurisdiction” as one of the principal threats facing the judiciary. Judicial independence, he explained, depends on

<sup>23</sup> *James v. City of Boise*, 577 U.S. 306, 307 (2016) (*per curiam*).

<sup>24</sup> *Cooper v. Aaron*, 358 U.S. 1, 17–18 (1958); *see also Martin v. Hunter’s Lessee*, 14 U.S. (1 Wheat.) 304, 347–48 (1816).

<sup>25</sup> *Mallory v. Norfolk S. Ry. Co.*, 600 U.S. 122, 136 (2023) (quoting *Rodriguez de Quijas v. Shearson/Am. Express, Inc.*, 490 U.S. 477, 484 (1989)).

<sup>26</sup> *National Institutes of Health v. American Public Health Ass’n*, 606 U.S. \_\_\_, 145 S. Ct. 2658 (Mem) (2025) (Gorsuch, J., concurring in part and dissenting in part).

<sup>27</sup> *Id.* at 2663 (citing *Hutto v. Davis*, 454 U.S. 370, 375 (1982) (*per curiam*)).



the political branches remaining firm in their responsibility to enforce judicial decrees.<sup>28</sup>

These concerns apply with special force here. Members of this Court's Bar used a published opinion of a State's highest court to portray this Court's decisions as products of racism, partisan manipulation, and illegitimate power. The *Granillo* court tells readers that this Court fails to "honor the work of 1954," "revives" *Dred Scott* and *Plessy*, "sees only white," and manipulates law to advance a "partisan project." It then presents state constitutionalism as the necessary response when six Justices allegedly "walk away from those they are supposed to protect." By repeatedly identifying "six Justices," the opinion directs those accusations at certain justices who tend to be in a 6–3 majority of the Court's decisions. The charge reaches a specific and readily identifiable group.

Corrosive rhetoric like this collapses the line between disagreement and defiance. Once this Court's decisions are branded deliberate instruments of racism and partisan corruption, political approval displaces constitutional duty as the measure of compliance. Hawaii justices authoring or joining the *Granillo* majority essentially invite litigants, officials, and other judges to defy this Court whenever they deem one of its rulings similarly illegitimate.

The result is institutional delegitimization backed by the prestige of a state supreme court. The Chief Justice has warned that baseless claims of judicial bias can produce dangerous consequences and that suggestions of open disregard for federal rulings must be firmly rejected. *Granillo* supplies both the accusation and the rationale for disregard.

Our constitutional system depends on adherence to judicial decisions. Judicial authority rests on public confidence that judgments will be respected even by those who believe them profoundly mistaken. Vigorous legal criticism strengthens that system. But accusations of deliberate racism and partisan manipulation, untethered to adjudicative facts, corrode it. When members of this Court's Bar make those accusations through judicial office, Rule 8 is directly implicated.

### III. Rule 8 and the Obligations of Members of This Court's Bar

While any court—indeed, any jurist or attorney—are free in this Country to criticize and even condemn the opinions of this Court as is their First Amendment right to do, a line is crossed when members of the Bar of this Court—particularly those who are responsible for the administration of justice as jurists—denounce this Court's motives as racist and partisan and dismiss this Court's jurisprudence as mere "white noise."

Rule 8 authorizes this Court to investigate and, where it deems appropriate, take disciplinary action against an attorney admitted to practice before it for "conduct unbecoming a member of the Bar."<sup>29</sup> As the Court explained in *In re Snyder*, this standard encompasses conduct contrary to professional obligations that demonstrates unfitness to discharge continuing obligations to courts or conduct

<sup>28</sup> John G. Roberts, Jr., *2024 Year-End Report on the Federal Judiciary* 7–8 (2024).

<sup>29</sup> Sup. Ct. R. 8.2.



“inimical to the administration of justice.”<sup>30</sup>

The oath required for admission to this Court’s Bar likewise provides that each member will “conduct [himself or herself] uprightly and according to law” and “support the Constitution of the United States.”<sup>31</sup> Admission therefore carries continuing obligations to the Court and to the system of justice of which it is the final judicial authority on questions of federal law.

Rule 8 reaches conduct unbecoming a member of this Court’s Bar, including the sitting Hawaii justices who authored or joined *Granillo*. These members of the Court’s Bar spoke through a precedential majority opinion of a state supreme court, which carried the authority of judicial office and the institutional force of published law. They accused this Court and its members of deliberate racism and partisan corruption on matters wholly outside the subject matter of that court’s judgment.

There is precedent for taking disciplinary action against sitting judges who have wrongfully attacked the integrity of this Court, “impair[ing] the ability of the entire judicial system to serve the public and to engender the public’s confidence in judicial decisions.” *Resolution of Judicial Misconduct Complaints about District Judge Lynn Adelman*, 965 F.3d 603 (7th Cir. Jud. Council 2020) (Law review article penned by federal district judge accused the Court of actively participating in “undermining American democracy” by allying with corporate interests on voting rights and campaign finance to deter minorities from voting. *See* Lynn Adelman, *The Roberts Court’s Assault on Democracy*, 14 Harv. L. & Pol’y Rev. 131 (2020)). The United States Court of Appeals for the Seventh Circuit Judicial Council issued a public admonition requiring the district judge to make a public statement in which he promised to take voluntary corrective action. *Id.*<sup>32</sup>

The gratuitous nature of the *Granillo* court’s accusations, their lack of relevance to that court’s judgment, and the institutional consequences of these accusations bring them within Rule 8’s concern for conduct unbecoming and *Snyder*’s concern for conduct inimical to the administration of justice.

Enforcement authority rests solely with the Court. This letter places that conduct before the Court so it can assess whether to exercise that authority.

#### IV. Requested Consideration

As members of the Bar of this Court, we, the undersigned, respectfully request that the Court consider the following:

1. Confirm whether Justice Todd W. Eddins, Chief Justice Vladimir P. Devens, and Justice Sabrina S. McKenna are, in fact, members of the Bar of this Court;

<sup>30</sup> 472 U.S. 634, 645 (1985).

<sup>31</sup> Sup. Ct. R. 5.4.

<sup>32</sup> *See also In re Charges of Judicial Misconduct*, 404 F.3d 688 (2d Cir. Jud. Council 2005) (in public remarks, federal district judge compared the Court’s decision in *Bush v. Gore* with the King of Italy putting Mussolini in power, warranting disciplinary action against the judge).



2. Determine whether the statements and accusations made about this Court in *Granillo* warrant further inquiry or an order requiring the relevant Bar members to show cause why disciplinary action should not be taken under Rule 8; and
3. Take any other action the Court deems appropriate.

Rule 8 demands an answer when members of this Court's Bar use judicial office to publish unsupported, scurrilous accusations of racial and partisan corruption against the Court and invite readers to treat its jurisprudence as mere "white noise." The justices of the Hawaii Supreme Court who authored or joined *Granillo* should be held to account for any harm they have caused to the administration of justice as members of the Bar of this Court.

Respectfully submitted this 13th day of August, 2026.

*s/ Gina D'Andrea*

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*Encl.*

*Granillo v. State*, No. SCWC-22-0000740 (Haw. July 15, 2026)

