

*FAX Distribution to:*

- Prosecutor 808 241-1758
- Defense Attorney
  - Public Defender 808 274-3422
  - Private Attorney \_\_\_\_\_
- Adult Probation 808 482-2652
- State Designate 808 832-1855
- 2<sup>nd</sup> Examiner Dr. \_\_\_\_\_
- 3<sup>rd</sup> Examiner Dr. \_\_\_\_\_
- KCMHC Forensics 808 241-3133
- AMHD Forensics 808 777-6169
- Sheriff Division 808 482-2389
- KPD Cellblock 808 241-1645
- KCCC 808 241-3059
- OCCC 808 832-1412
- HSH Forensics 808 236-8716
- Kahi Mohala 808 677-2810
- Other \_\_\_\_\_
- Other \_\_\_\_\_

**IN THE \_\_\_\_\_ COURT OF THE FIFTH CIRCUIT  
STATE OF HAWAII**

STATE OF HAWAII,

) **CR. No.** \_\_\_\_\_

) **FC-CR.** \_\_\_\_\_

) **REP. NO(S):** \_\_\_\_\_

) **[List offenses or attach complaint,**

) **information or indictment]**

vs.

\_\_\_\_\_ ,

Defendant.

) **ORDER FOR EXAMINATION OF**

) **DEFENDANT SEEKING**

) **MODIFICATION OF ORDER**

) **GRANTING CONDITIONAL RELEASE**

) **[\$704-413(2), HRS]**

)

) **Hearing Date:** \_\_\_\_\_

) **Judge:** \_\_\_\_\_

**ORDER FOR EXAMINATION OF DEFENDANT SEEKING  
MODIFICATION OF ORDER GRANTING CONDITIONAL RELEASE**

Defendant's Application for Modification of the Order Granting Conditional Release under Section 704-413(2), Hawaii Revised Statutes, came on for hearing in the above-entitled Court on \_\_\_\_\_. Defendant, Defendant's counsel, \_\_\_\_\_, and the State of Hawaii, represented by the Deputy Prosecuting Attorney, \_\_\_\_\_, were present.

Finding good cause, IT IS HEREBY ORDERED that:

**A. APPOINTMENT OF EXAMINER(S), HRS §704-414**

Defendant shall be examined by:

State Designate  
Adult Mental Health Division  
Court Evaluation Branch  
1700 Lanakila Street  
Honolulu, Hawaii 96817

Psychiatrist's name

\_\_\_\_\_  
\_\_\_\_\_

Psychiatrist's, Psychologists's or Physician's name

\_\_\_\_\_  
\_\_\_\_\_

**B. DATABASE, HRS §704-404(8)**

The Adult Client Probation Services Branch of the Fifth Judicial Circuit shall obtain and timely make available for inspection by examiner(s), all existing medical, social, police and juvenile records, including those expunged, and other pertinent records in the custody of public agencies, notwithstanding any other statutes and Rule 16 of the Hawaii Rules of Penal Procedure.

**C. PLACE OF DETENTION AND/OR EXAMINATION**

Defendant shall be examined at:

A hospital or other suitable facility as deemed appropriate by the Director of Health to which the Defendant is ordered committed until \_\_\_\_\_ (a period not exceeding 30 days), or until further order of this Court.

Counsel for the parties have stipulated that more than 30 days is necessary and the Court so orders.

Other (please specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**D. CONTENTS OF REPORT, HRS §704-404(3), (4)(a), (4)(b), (6), (7)**

The examiner(s) report shall include the following:

1. A description of the nature of the examination.
2. A diagnosis of the present physical or mental condition of Defendant.
3. An opinion as to whether the present conditions of release contained in the Order Granting Conditional Release previously filed herein can be modified without danger to the Defendant or to the person or property of others. If your answer is yes, state the modifications.
4. A statement that the diagnosis or opinion rendered was arrived at independently of other examiners, unless there is a showing of a clear need for communication between or among the examiners for clarification. A description of the communication shall be included in the report.
5. Any examiner shall be permitted to make a separate explanation reasonably serving to clarify the examiner's diagnosis or opinion.

**E. OTHER**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**F. DUE DATE OF EXAMINER'S REPORT**

The examiner(s) shall file a written report with the Court no later than \_\_\_\_\_. An original plus three copies of the report of the examination, including any supporting documents, shall be filed with the clerk of the court for distribution to the prosecuting attorney, Defendant's counsel and the probation office.

**G. NEXT COURT DATE**

1. Representatives of the Sheriff's Division or Public Safety designate shall transport the Defendant from the \_\_\_\_\_ to the

above-entitled Court for a further hearing on \_\_\_\_\_ at \_\_\_\_\_ .m. and shall remain with the Defendant until the conclusion of the hearing, at which time Defendant may or may not be transported back to the facility deemed appropriate by the Director of Health.

2. In the event that Defendant's treating physician determines that transport to the hearing set on \_\_\_\_\_ would present a risk of danger to Defendant or to others, or if the Defendant chooses to waive his/her physical presence at the hearing, Defendant's presence at the hearing may be by way of Video-Conferencing or waived.
3. The representatives of the Sheriff's Division or Public Safety designate shall effect the transport of Defendant from the facility deemed appropriate by the Director of Health to this Court, and back to said facility, for any further hearings as ordered by this Court.
4. Defendant is ordered to appear before this Court on \_\_\_\_\_ at \_\_\_\_\_ .m., or sooner, if the examiner(s) has/have completed his/her/their examination, and defense counsel can set an earlier court hearing.

DATED: \_\_\_\_\_, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
Judge

APPROVED AS TO FORM on \_\_\_\_\_:

\_\_\_\_\_  
Deputy Prosecuting Attorney

\_\_\_\_\_  
Defense Counsel