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**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 REVOKING CONDITIONAL
RELEASE, COMMITTING
DEFENDANT TO THE CUSTODY OF
THE DIRECTOR OF HEALTH
[704-413(3), HRS]**

)

) **Hearing Date:** _____

) **Judge:** _____

_____)

**ORDER REVOKING CONDITIONAL RELEASE, COMMITTING DEFENDANT
TO THE CUSTODY OF THE DIRECTOR OF HEALTH**

The State of Hawaii's Motion for Revocation of Conditional Release under Section 704-413(3), Hawaii Revised Statutes, came on for hearing on _____ . Defendant, Defendant's counsel, _____, and Deputy Prosecuting Attorney _____, representing the State of Hawaii, were present.

This Court, having considered the evidence and having been fully advised in the premises, finds as follows:

- The conditions of release have not been fulfilled;
- For the safety of
 - Defendant
 - other persons, Defendant's conditional release should be revoked;
- Defendant is not a proper subject for conditional release and should be committed to the custody of the Director of Health to be placed in an appropriate institution for detention, care and treatment;

Therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant's conditional release is hereby **revoked**.

2. Pursuant to Section 704-413(4), Hawaii Revised Statutes, Defendant is committed forthwith to the custody of the Director of Health for placement at an appropriate institution for custody, care, and treatment ["DOH Facility"] subject only to discharge or release in accordance with the procedure prescribed in Section 704-412, Hawaii Revised Statutes.

3. From the date and time of the issuance of this Court's Oral Ruling (being made on _____ at _____ .m.) until Defendant's transfer to a DOH Facility for custody, care and treatment, Defendant shall remain in the custody of the Department of Public Safety at the Kauai Community Correctional Center; provided, that the persons having custody of Defendant and the Director of Health shall ensure that physical custody of Defendant is transferred to the Director of Health **no later than 48 (forty eight) hours after the date and time of the Court's oral ruling.**

4. The Adult Client Probation Services Branch of the Fifth Judicial Circuit shall provide the report(s) prepared by the examiner(s) appointed pursuant to HRS Section 704-404 to the Hawaii State Hospital only for the purposes of detention, care and treatment of the Defendant. The report(s) shall be kept confidential pursuant to Hawaii State Hospital Policy and Procedure no. 04.0556 concerning the maintenance, transmission and interchange of written, verbal and/or electronically recorded protected health information.

5. The Defendant's treating physician shall provide a release placement plan to the Court prior to the Court discharging Defendant, or if Defendant's condition has not stabilized, a report describing the same and Defendant's prognosis, prior to the next scheduled review hearing, with copies of said report being provided to this Court, Defendant's attorney and the Prosecuting Attorney.

6. A review hearing in this matter shall be held in the above-entitled Court on _____, at _____, _____.m.

7. In the event that Defendant's treating physician determines that transport to the hearing set on _____ would present an unreasonable 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.

8. The representatives of the Sheriff's Division or Public Safety designate shall effect the transport of Defendant from the DOH Facility to this Court and back to the DOH Facility, for the review hearing specified in paragraph 6, above, and for all further hearings scheduled by this Court.

DATED: Lihue, Hawaii, _____.

Judge

APPROVED AS TO FORM on _____:

Deputy Prosecuting Attorney

Defense Counsel