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- 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
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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 RELEASE ON  
) CONDITIONS AFTER TEMPORARY  
) HOSPITALIZATION HEARING,  
) COMMITTING DEFENDANT TO THE  
) CUSTODY OF THE DIRECTOR OF  
) HEALTH

)

)

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

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

\_\_\_\_\_ )

**ORDER REVOKING RELEASE ON CONDITIONS AFTER TEMPORARY  
HOSPITALIZATION HEARING, COMMITTING DEFENDANT TO THE  
CUSTODY OF THE DIRECTOR OF HEALTH**

A hearing was held on \_\_\_\_\_, as a result of the temporary hospitalization of Defendant at \_\_\_\_\_, commencing on \_\_\_\_\_, under Order of Temporary Hospitalization, filed herein on \_\_\_\_\_. Defendant, Defendant's counsel, \_\_\_\_\_, and the State of Hawaii, represented by the Deputy Prosecuting Attorney \_\_\_\_\_, were present at the hearing.

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

- The terms and conditions of Defendant's Release on Conditions have not been fulfilled;
- For the safety of:
  - Defendant
  - other persons,Defendant's Release on Conditions should be revoked;
- Defendant is not a proper subject for Release on Conditions 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 Release on Conditions is hereby **revoked**.
2. 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"]
3. From the date and time of the issuance of this Court's Oral Ruling ( \_\_\_\_\_, at \_\_\_\_\_ .m.) until Defendant's transfer to a DOH Facility, 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 treating physician for Defendant at the DOH Facility with all of Defendant's medical records in the possession of the Probation Office to assist in the treatment of Defendant.

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. 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.

7. 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.

8. 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.

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

\_\_\_\_\_  
Judge

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

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

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