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**IN THE _____ COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

STATE OF HAWAII,

vs.

_____,

Defendant.

) **CR. No.** _____

) **FC-CR.** _____

) **REP. NO(S):** _____

) [List offenses or attach complaint, information or indictment]

)

)

)

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

) **[704-413(4), HRS]**

)

) **Hearing Date:** _____

) **Judge:** _____

)

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

A hearing was held pursuant to Section 704-413(4), Hawaii Revised Statutes 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 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 (_____, 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