

**FAX Distribution to:**

- ☒ Prosecutor 808 241-1758  
☒ Defense Attorney  
    ☐ Public Defender 808 274-3422  
    ☐ Private Attorney \_\_\_\_\_  
☐ 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,

vs.

\_\_\_\_\_,

Defendant.

\_\_\_\_\_

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

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

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

)

)

) ORDER OF DISMISSAL AND  
) COMMITMENT TO THE CUSTODY OF  
) THE DIRECTOR OF HEALTH FOR  
) COMMITTED DEFENDANT SUBJECT TO  
) PROSECUTION FOR OTHER CHARGES  
) AND/OR INVOLUNTARY  
) HOSPITALIZATION  
) **[704-406(1)(b); 704-406(7), HRS]**  
) **[Non-violent Misdemeanor –**  
) **120 Day Time Limit]**

)

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

) JUDGE: \_\_\_\_\_

)

)

**ORDER OF DISMISSAL AND COMMITMENT TO THE CUSTODY OF THE  
DIRECTOR OF HEALTH FOR DEFENDANT SUBJECT TO PROSECUTION FOR  
OTHER CHARGES AND/OR INVOLUNTARY HOSPITALIZATION**

The matter of Defendant's review for dismissal and discharge from release from the custody of the Director of Health pursuant to Sections 704-406(1)(b) and (7), Hawaii Revised Statutes, came on for hearing on \_\_\_\_\_ at \_\_\_\_\_ .m. Defendant's counsel, \_\_\_\_\_, and Deputy Prosecuting Attorney, \_\_\_\_\_, were present. Defendant [ ] was physically present [ ] appeared via video-conferencing.

This Court, having reviewed the record and file in this case, finds as follows:

1. The Defendant was previously found unfit to proceed in this case and remains unfit to proceed at the present time.
2. The Defendant is charged with misdemeanor(s) not involving violence or attempted violence.
3. Pursuant to HRS Section 704-406(1)(b), when the defendant is charged with a misdemeanor not involving violence or attempted violence, the commitment shall be limited to no longer than one hundred twenty (120) days from the date the Court determines the defendant lacks fitness to proceed.
4. The Defendant was committed to the custody of the Director of Health by order of this Court \_\_\_\_\_, and the 120-day period expires on \_\_\_\_\_.
5. The Defendant is:  
**[Choose ONE of the following]**

☐ Subject to prosecution for other charges.

OR

☐ Subject to HRS Section 334-60.2 regarding involuntary hospitalization criteria.

Therefore, IT IS HEREBY ORDERED as follows:

1. The misdemeanor charge(s) herein for which the Defendant has been Committed to the custody of the Director of Health in the above-captioned matter are hereby DISMISSED.
2. The defendant shall be committed to the custody of the Director of Health forthwith to be placed in an appropriate institution for detention, care, and treatment pursuant to Section 704-406(7), Hawaii Revised Statutes.

Dated: \_\_\_\_\_ Hawaii, \_\_\_\_\_.

\_\_\_\_\_  
Judge

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

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

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