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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):** _____
)
) ORDER OF DISMISSAL AND RELEASE
) OF COMMITTED DEFENDANT FROM THE
) CUSTODY OF THE DIRECTOR OF
) HEALTH
)
) **[§704-406(1)(b) and (7), HRS]**
)
) **[Non-Violent Misdemeanor –**
) **120 Day Time Limit]**
)
) Hearing Date: _____
) JUDGE: _____
)
)
)

**ORDER OF DISMISSAL AND RELEASE OF COMMITTED DEFENDANT
FROM THE CUSTODY OF THE DIRECTOR OF HEALTH**

The matter of Defendant's review for dismissal and 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

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

1. Defendant was previously found unfit to proceed in this case and remains unfit to proceed at the present time.
2. 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. Defendant was committed to the custody of the Director of Health by order of this Court dated _____, and the 120-day period will expire on _____.
5. Defendant is NOT subject to prosecution for other charges.
6. Defendant is NOT subject to HRS Section 334-60.2 regarding involuntary hospitalization criteria.

IT IS THEREFORE ORDERED that:

1. The misdemeanor charge(s) 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 RELEASED from the custody of the Director of Health forthwith.

Dated: _____ Hawaii, _____.

Judge

APPROVED AS TO FORM on _____:

Deputy Prosecuting Attorney

Defense Counsel