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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 UNLIKELY**
) **TO REGAIN FITNESS**
)
) **[§704-406(7)(a), HRS]**
)
) **Hearing Date:** _____
) **JUDGE:** _____
)
)
)

**ORDER OF DISMISSAL AND RELEASE OF COMMITTED
DEFENDANT UNLIKELY TO REGAIN FITNESS**

The matter of Defendant's review for fitness pursuant to Sections 704-404(1) and 704-406(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 has been committed to the care and custody of the Director of Health pursuant to HRS Section 704-406(1).
3. Defendant is unlikely to be restored to fitness in the future.

IT IS THEREFORE ORDERED that:

1. The 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