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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 COMMITTING DEFENDANT TO
) THE CUSTODY OF THE DIRECTOR OF
) HEALTH FOR EXAMINATION, AMENDING
) PLACE OF EXAMINATION, AND ORDER
) FOR TRANSPORT
) **)[§ 704-404(2), HRS]**
) _____
) Hearing Date: _____
) Time: _____
) Judge: _____
) _____

**ORDER COMMITTING DEFENDANT TO THE CUSTODY OF THE DIRECTOR OF
HEALTH FOR EXAMINATION, AMENDING PLACE OF EXAMINATION,
AND ORDER FOR TRANSPORT**

A hearing to amend the place of examination of the Defendant as contained in Section "D" (PLACE OF EXAMINATION) of the Order Suspending Proceedings and For Examination of Defendant Under HRS Chapter 704, filed in this matter on or about _____ (hereinafter "Examination Order"), came before the above-entitled Court on _____. Defendant's counsel, _____, and the State of Hawaii, represented by Deputy Prosecuting Attorney, _____, were present.

Defendant was ☐ physically present ☐ present via video-conferencing.

The Court, finding good cause to commit the Defendant to a hospital or other suitable facility for the purpose of examination pursuant to HRS §704-404(2), IT IS HEREBY ORDERED that Section "D" of the Examination Order be amended AS FOLLOWS:

1. The Defendant shall be committed to a hospital or other suitable facility designated by the Director of Health ("DOH Facility") to which the Defendant will remain committed until _____ (a period not to exceed thirty (30) days, unless the Court determines that a longer period is necessary to complete the examination of Defendant).
2. Upon confirmation of bed space availability at the DOH Facility, Defendant shall be released from the Kauai Community Correctional Center and transported to the DOH Facility in accordance with the Court's order for transport.
3. The examination of Defendant pursuant to HRS Sections 704-404 and/or 704-407.5 shall be conducted at the DOH Facility.
4. Defendant is ordered to appear before this Court on _____ at _____ .m., or sooner, if the examiner(s) has/have completed the examination(s), and Defendant's counsel can set an earlier court hearing.

ORDER FOR TRANSPORT TO DEPARTMENT OF HEALTH FACILITY

IT IS FURTHER ORDERED that:

Representatives of the Department of Law Enforcement, Sheriff's Division shall transport the Defendant from _____ to _____ (name of DOH Facility). The Transportation of Defendant shall occur within the following time period:

- ☐ If Defendant is IN CUSTODY: Within seventy-two (72) hours following the Court's oral order on _____ at _____ .m., committing Defendant to the care and custody of the Director of Health pursuant to HRS Section 704-404(2).

☐ If Defendant is OUT OF CUSTODY: Defendant shall be taken into custody forthwith by representatives of the Department of Law Enforcement Sheriff's Division, and transport of Defendant shall occur within seventy-two (72) hours following the Court's oral order on _____ at _____ .m., committing Defendant to the care and custody of the Director of Health pursuant to HRS Section 704-404(2).

☐ If Defendant is OUT OF CUSTODY: Other _____

ORDER FOR TRANSPORT TO COURT

IT IS FURTHER ORDERED that:

Representatives of the Department of Law Enforcement, Sheriff's Division shall transport the Defendant from _____ To this 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 ("DOH Facility").

In the event that the Defendant's treating physician determines that Transport to the next hearing would present a risk of danger to Defendant or to others, or if Defendant chooses to waive their physical presence at the hearing, Defendant's presence at the hearing may be by way of video-conferencing.

Representatives of the Department of Law Enforcement, Sheriff's Division shall transport the Defendant from the DOH Facility, 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