

*FAX Distribution to:*

- Prosecutor 808 241-1758
- Defense Attorney
  - Public Defender 808 274-3422
  - Private Attorney \_\_\_\_\_
- Adult Probation 808 482-2652
- 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 HAWAI'I**

STATE OF HAWAI'I	)	CASE NO. _____
	)	REPORT NO. _____
	)	
vs	)	MOTION FOR REVOCATION OF
	)	RELEASE ON CONDITIONS, AND
	)	APPLICATION FOR BENCH
	)	WARRANT; ORDER; DECLARATION
	)	OF COUNSEL; EXHIBITS "A & B",
,	)	NOTICE OF MOTION; CERTIFICATE
Defendant	)	OF SERVICE
	)	Judge
	)	Hearing date/time to be set upon
	)	Defendant's arrest

**MOTION FOR REVOCATION OF RELEASE ON CONDITIONS  
AND APPLICATION FOR BENCH WARRANT**

Comes now the STATE OF HAWAI'I, by and through \_\_\_\_\_,

Deputy Prosecuting Attorney for the County and State of Hawai'i, and respectfully

moves that this Honorable Court revoke the Release on Conditions granted to the above-named Defendant.

In furtherance of the motion set forth above, the STATE OF HAWAI'I makes application to this Court for the immediate issuance of a Bench Warrant directing that the Defendant be taken into physical custody and be brought forthwith before this Court to answer the allegations stated herein.

This motion is based upon all records and files herein and upon the report and declaration hereto, Sections 704-406, et. seq., Hawai'i Revised Statutes, as amended, and any evidence to be presented at the hearing of this matter.

Dated: Lihue, Hawai'i, \_\_\_\_\_.  
STATE OF HAWAI'I

By \_\_\_\_\_

Deputy Prosecuting Attorney

IN THE \_\_\_\_\_ COURT OF THE FIFTH CIRCUIT  
STATE OF HAWAI'I

STATE OF HAWAI'I	)	CASE NO.
	)	REPORT NO.
vs.	)	
	)	DECLARATION OF COUNSEL
	)	
,	)	
	)	
Defendant.	)	

DECLARATION OF COUNSEL

I, \_\_\_\_\_, declare:

1. I am the Deputy Prosecuting Attorney for the County of Kauai, State of Hawai'i, presently assigned to prosecute the Defendant.

2. I have reviewed the file for the above case and find that the Defendant was found unfit to proceed and Released on Conditions by the Honorable \_\_\_\_\_ pursuant to an Order filed on \_\_\_\_\_ (See Exhibit "A," attached hereto).

3. Based upon credible information received from the Department of Health Adult Mental Health Division ("DOH AMHD"), I have a reasonable belief that Defendant is currently in violation of one or more conditions of his/her release. (See Exhibit "B", Affidavit or Report from DOH AMHD, attached hereto.

4. Based upon credible information received from DOH AMHD, I have reasonable belief that Defendant is not appropriate for continued release on conditions without danger to the Defendant or to the person or property of others.

5. I believe that Defendant's actions, as described herein, constitute a material violation of the terms and conditions of Defendant's Release Conditions.

WHEREFORE, I respectfully request that Defendant's Release on Conditions be revoked.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT.

Dated: Lihue, Hawai`i, \_\_\_\_\_.

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

IN THE \_\_\_\_\_ COURT OF THE FIFTH CIRCUIT  
STATE OF HAWAI'I

STATE OF HAWAI'I	)	CASE NO.
	)	REPORT NO.
vs.	)	
	)	NOTICE OF MOTION
	)	
	)	
	)	
	)	
Defendant.	)	

NOTICE OF MOTION

TO:  Deputy Public Defender  \_\_\_\_\_  
3060 Eiwa Street, Room 206 \_\_\_\_\_  
Lihue, Hawai'i 96766 \_\_\_\_\_

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing before the Honorable Presiding Judge of the above-entitled Court at the Kauai Judiciary Complex, 3970 Kaana Street, Lihue, Hawai'i, on a date to be set upon the arrest of the Defendant, or as soon thereafter as counsel can be heard.

Dated: Lihue, Hawai'i, \_\_\_\_\_.

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

CERTIFICATE OF SERVICE

I hereby certify that an unfiled copy of the foregoing document has been served on the above-named attorney for Defendant, by mailing same on \_\_\_\_\_.

\_\_\_\_\_

IN THE \_\_\_\_\_ COURT OF THE FIFTH CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAI'I	)	CASE NO.
	)	REPORT NO.
vs.	)	
	)	ORDER GRANTING APPLICATION
	)	FOR BENCH WARRANT
,	)	
	)	
Defendant.	)	

ORDER GRANTING APPLICATION FOR BENCH WARRANT

The State of Hawai'i's Motion for Revocation of Release On Conditions and Application for Bench Warrant, having been filed in the above-captioned case on \_\_\_\_\_, 20\_\_\_\_, and good cause appearing,

IT IS HEREBY ALLOWED AND ORDERED that the Bench Warrant issue forthwith.

Dated: Lihue, Hawai'i, \_\_\_\_\_.

\_\_\_\_\_  
Judge

IN THE \_\_\_\_\_ COURT OF THE FIFTH CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAI'I	)	CASE NO.
	)	REPORT NO.
vs.	)	
	)	
	)	OFFICER'S RETURN
,	)	
	)	
Defendant.	)	

OFFICER'S RETURN

Executed the within Bench Warrant by taking Defendant above-named into physical custody at \_\_\_\_\_ o'clock \_\_\_\_\_.m., this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, at \_\_\_\_\_, Hawai'i. A copy of the Motion for Revocation of Release on Conditions filed in the above-entitled case was also served upon the Defendant at this time.

\_\_\_\_\_  
Arresting Officer

Date \_\_\_\_\_



TO THE SERVING OFFICER:

State vs.

DOB:

Last 4 digits of SSN:

Last Known Address:

Last Known Telephone:

IN THE \_\_\_\_\_ COURT OF THE FIFTH CIRCUIT  
STATE OF HAWAI'I

STATE OF HAWAI'I	)	CASE NO.
vs.	)	REPORT NO.
,	)	BENCH WARRANT
Defendant.	)	(Non-compliance HRS § 704-406)

BENCH WARRANT (HRS § 704-406)

THE STATE OF HAWAI'I:

TO THE CHIEF OF POLICE OF THE COUNTY OF KAUAI, HIS/HER ASSISTANT, OR ANY POLICE OFFICER IN THE STATE OF HAWAI'I, OR ANY OTHER OFFICER AUTHORIZED BY LAW TO SERVE THIS BENCH WARRANT:

YOU ARE HEREBY COMMANDED to take physical custody of Defendant above-named, forthwith, pursuant to Section 704-406, Hawai'i Revised Statutes, as amended, and have him/her brought before this Court in Lihue, Hawai'i, located at the Kauai Judiciary Complex, 3970 Kaana Street, Lihue, Hawaii.

YOU ARE FURTHER COMMANDED, upon securing the physical custody of the Defendant, to notify this Court or its Clerk by telephone or in person so that the Court may schedule an immediate hearing concerning the revocation of Defendant's Release on Conditions.

YOU ARE FURTHER COMMANDED to segregate Defendant from the general prison or jail population and to the extent practical provide Defendant with appropriate mental health evaluations while Defendant is being held in custody by the Department of Public Safety or any county police department or any law enforcement agency during the period of time prior to Defendant's transfer to the custody of the Director of Health of the State of Hawai'i, as required by Clark, et al. V. State of Hawai'i, et al., Civil No. CV 99-0085 DAE/BMK (U.S. DCt – District of Hawai'i) filed Nov. 16, 2000.

YOU ARE FURTHER COMMANDED not to hold Defendant in a facility controlled by the Hawai'i Department of Public Safety ("DPS Facility") for a period of time longer than the time needed to identify the person, determine his/her legal status, and determine whether the person will be charged with a crime, and in no case for a period that exceeds forty-eight (48) hours, except that transfer of custody from facilities on

islands other than Oahu may exceed the forty-eight (48) hour period, so long as transport is made by the first available flight.” Clark, et al. V. State of Hawai`i, et al.

YOU ARE FURTHER COMMANDED, upon taking physical custody of the Defendant, to immediately contact the Department of Health’s Crisis Line of Hawaii (telephone 1-800-753-6879) and provide transport of Defendant to the facility designated by the Department of Health for his/her custody and/or care following his physical detention.

Dated: Lihue, Hawai`i, \_\_\_\_\_.

\_\_\_\_\_  
Judge