

**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 HAWAII**

STATE OF HAWAII, ) **CR. No.** \_\_\_\_\_  
 ) **FC-CR.** \_\_\_\_\_  
 ) **REP. NO(S):** \_\_\_\_\_  
 ) \_\_\_\_\_  
 ) \_\_\_\_\_  
 vs. ) \_\_\_\_\_  
 ) \_\_\_\_\_  
 \_\_\_\_\_, ) **ORDER FINDING DEFENDANT FIT TO**  
 ) **PROCEED AND RESUMING**  
 ) **PROCEEDINGS AFTER FITNESS**  
 Defendant. ) **EXAMINATION UNDER HRS**  
 ) **CHAPTER 704**  
 ) **[HRS §704-405]**  
 ) \_\_\_\_\_  
 ) **Hearing Date:** \_\_\_\_\_  
 ) **Time:** \_\_\_\_\_  
 \_\_\_\_\_ ) **JUDGE:** \_\_\_\_\_

**ORDER FINDING DEFENDANT FIT TO PROCEED AND RESUMING  
PROCEEDINGS AFTER FITNESS EXAMINATION UNDER HRS CHAPTER 704**

The matter of Defendant's fitness examination pursuant to HRS § 704-404 came on for hearing on \_\_\_\_\_. Defendant's counsel, \_\_\_\_\_, and Deputy Prosecuting

Attorney \_\_\_\_\_, representing the State of  
Hawaii, were present. Defendant [ ] was physically present  
[ ] appeared via video-conferencing

**[Check ONE box below]**

☐ The Court having reviewed the report(s) of Defendant's appointed examiner(s), and noting that neither the State nor Defendant's counsel contests the findings of the report(s), finds by a preponderance of the evidence that Defendant is fit to proceed.

OR

☐ The Court, having reviewed the report(s) and having held a hearing pursuant to HRS Section 704-405, considered the evidence presented, adjudged the credibility of the witness(es) testifying at the hearing, and having considered the arguments of counsel, finds by a preponderance of the evidence that Defendant is fit to proceed.

IT IS THEREFORE HEREBY ORDERED that the proceedings in this case are resumed, and Defendant is ordered to appear in this Court on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ m. for \_\_\_\_\_ (type of proceeding).

DATED: Lihue, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
Judge

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

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

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