

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
- 2nd Examiner Dr. _____
- 3rd 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):** _____

) [List offenses or attach complaint, information or indictment]

vs.

)
)
)

_____ ,

Defendant.

) ORDER FOR EXAMINATION OF

) COMMITTED DEFENDANT SEEKING

) CONDITIONAL RELEASE OR

) DISCHARGE FROM THE CUSTODY OF

) THE DIRECTOR OF HEALTH AND FOR

) TRANSPORT [§704-412/704-414, HRS]

)

) Hearing Date: _____

) Judge: _____

**ORDER FOR EXAMINATION OF COMMITTED DEFENDANT
SEEKING CONDITIONAL RELEASE OR DISCHARGE
FROM THE CUSTODY OF THE DIRECTOR OF HEALTH AND FOR TRANSPORT**

Defendant's Application for Conditional Release or Discharge from the Custody of the Director of Health under Sections 704-412 and 707-414, Hawaii Revised Statutes, came on for hearing on _____. Defendant, Defendant's counsel, _____ and the State of Hawaii, represented by the Deputy Prosecuting Attorney, _____, were present.

Finding good cause, IT IS HEREBY ORDERED that:

A. APPOINTMENT OF EXAMINER(S), HRS §704-414

Defendant shall be examined by:

State Designate
Adult Mental Health Division
Court Evaluation Branch
1700 Lanakila Street
Honolulu, Hawaii 96817

Psychiatrist's name

Psychiatrist's, Psychologist's or Physician's name

B. DATABASE, HRS §704-404(8)

The Adult Client Probation Services Branch of the Fifth Judicial Circuit shall obtain and timely make available for inspection by examiner(s), all existing medical, social, police and juvenile records, including those expunged, and other pertinent records in the custody of public agencies, notwithstanding any other statutes and Rule 16 of the Hawaii Rules of Penal Procedure.

C. PLACE OF DETENTION AND/OR EXAMINATION

Defendant shall be examined at:

A hospital or other suitable facility as deemed appropriate by the Director of Health to which the Defendant is ordered committed until _____ (a period not exceeding 30 days), or until further Order of this Court.

Counsel for the parties have stipulated that a period in excess of thirty (30) days is necessary and the Court so orders.

Other (please specify): _____

D. CONTENTS OF REPORT, HRS §§704-404(3), (4)(a), (4)(b), (6), (7), & (8)

The examiner(s) report shall include the following:

1. A description of the nature of the examination;
2. A diagnosis of the physical or mental condition of Defendant at the present time;
3. An opinion as to whether Defendant can be discharged from the custody of the Director of Health without danger to self, or the person or property of others;
4. An opinion as to whether Defendant can be released on conditions without danger to self, or the person or property of others; if your answer is that Defendant can be placed on conditional release, state the conditions.
5. A statement that the diagnosis or opinion rendered were arrived at independently of other examiners, unless there is a showing of a clear need for communication between or among the examiners for clarification. A description of the communication shall be included in the report.
6. Any examiner shall be permitted to make a separate explanation reasonably serving to clarify the examiner's diagnosis or opinion.

E. OTHER _____

F. DUE DATE OF EXAMINER'S REPORT

Pursuant to HRS § 704-412(3), the Court shall complete the hearing process and render a decision within sixty (60) days of the application unless the court finds that good cause exists for extension of the sixty-day time frame.

The Court finds that good cause exists for extension of the sixty-day time frame in that: _____

The examiner(s) shall file a written report with the Court no later than _____. An original plus three copies of the report of the examination, including any supporting documents, shall be filed with the clerk of the court for distribution to the prosecuting attorney, defendant's counsel and the probation office.

G. NEXT COURT DATE AND ORDER FOR TRANSPORT

1. Representatives of the Sheriff's Division or Public Safety designate shall transport the Defendant from the _____ to the above-entitled 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.
2. In the event that Defendant's treating physician determines that transport to the hearing set on _____ would present a risk of danger to Defendant or to others, or if the Defendant chooses to waive his/her physical presence at the hearing, Defendant's presence at the hearing may be by way of Video-Conferencing or waived.

The representatives of the Sheriff's Division or public safety designate shall effect the transport of Defendant from the facility deemed appropriate by the Director of Health to this Court, and back to said facility, for any further hearings as ordered by this Court.

Defendant is ordered to appear before this Court on _____ at _____ .m., or sooner, if the examiner(s) has/have completed his/her/their examination, and defense counsel can set an earlier court hearing.

DATED, Hawaii, _____

Judge

APPROVED AS TO FORM on: _____.

Deputy Prosecuting Attorney

Defense Counsel