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Fiscal

IN THE \_\_\_\_\_ COURT OF THE THIRD CIRCUIT  
\_\_\_\_\_ DIVISION  
STATE OF HAWAII

STATE OF HAWAII

vs.

\_\_\_\_\_,  
Defendant.

CASE NO. \_\_\_\_\_

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

**[\$704-404(2)]**

Hearing Date

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Next Hearing

Date: \_\_\_\_\_

Time: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**ORDER COMMITTING DEFENDANT TO THE CUSTODY OF THE DIRECTOR OF  
HEALTH FOR THE PURPOSE OF 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" of the *Order Suspending Proceedings for Examination of Defendant Pursuant to HRS Chapter 704* (hereinafter "*Order Suspending Proceedings*"), filed in this matter on \_\_\_\_\_, came before this Court on

\_\_\_\_\_ at \_\_\_\_\_ .m. with Defendant  physically present  present by video. Defendant's counsel, \_\_\_\_\_, and the State of Hawai'i, represented by Deputy Prosecuting Attorney, \_\_\_\_\_, were also present.

The Court, finding good cause to commit the Defendant to a hospital or other suitable facility for the purpose of examination pursuant to Section 707-404(2), Hawai'i Revised Statutes ("HRS"),

IT IS HEREBY ORDERED that Section "D" of the *Order Suspending Proceedings* shall be amended as follows:

1. 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 this Court determines that a longer period is necessary to complete the examination of the Defendant);
2. Upon confirmation of bed-space availability at the DOH Facility, Defendant shall be released from the Hawai'i Community Correctional Center and transported to the DOH Facility in accordance with the Order for Transport contained herein;
3. The examination of Defendant pursuant to HRS Section(s) 704-404 and/or 704-407.5 shall be conducted at the DOH Facility; and
4. Defendant is ordered to appear before this Court on \_\_\_\_\_ at \_\_\_\_\_ .m., or sooner, if the examiner(s) has/have completed the examination, 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 Sheriff's Division or the Department of Public Safety shall transport the Defendant from the \_\_\_\_\_ Court of the Third Circuit, State of Hawai'i, to \_\_\_\_\_ (name of DOH Facility). The transportation of Defendant shall occur within the following time period:

(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).

(Out-of-Custody): Defendant shall be taken into custody forthwith by representatives of the Sheriff's Division or Department of Public Safety, 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).

(Out-of-Custody): Other \_\_\_\_\_  
\_\_\_\_\_

### **ORDER FOR TRANSPORT TO COURT**

IT IS FURTHER ORDERED that:

Representatives of the Sheriff's Division or the Department of Public Safety shall transport the Defendant from \_\_\_\_\_ to the \_\_\_\_\_ Court of the Third Circuit, State of Hawai'i, 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 Defendant's treating physician determines that transport to the next hearing would present a risk of danger to Defendant or to others, or if the 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 Sheriff's Division or the Department of Public Safety shall transport the Defendant from the DOH Facility, and back to said facility, for any further hearings, as ordered by this Court.

DATED: \_\_\_\_\_, Hawai'i, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

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

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

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

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

Hilo Office  
(808) 961-0466

Public Defender Hilo Office  
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Private Attorney Tel. No.:  
\_\_\_\_\_

Defendant's Tel. No: \_\_\_\_\_

Defendant's Email Address: \_\_\_\_\_



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation. Call the ADA Coordinator at 808-961-7629, Fax 808-961-7577 or send an e-mail to [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov). The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.