

Prosecutor
Defense Counsel
AMHD/Courts & Corrections [fax: (808) 832-1855]
Sheriff Div. [Hilo fax: (808) 933-8836; Kona fax: (808) 322-8788]
Probation [Hilo fax: (808) 961-7676; Kona fax: (808) 443-2188]
HISC [Hilo fax: (808) 933-8826; Kona fax: (808) 323-4571]
HCCC [fax: (808) 933-0447]
AMHD, UM [fax: (808) 453-6995]
Fiscal

IN THE _____ COURT OF THE THIRD CIRCUIT
_____ DIVISION
STATE OF HAWAII

STATE OF HAWAII

vs.

Defendant.

CASE NO. _____

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

[\$704-405]

Hearing Date

Date: _____

Time: _____

Next Hearing

Date: _____

Time: _____

JUDGE: _____

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

The matter of Defendant's fitness examination pursuant to Section 704-404, Hawaii Revised Statutes ("HRS"), came on for hearing on _____ at _____ .m. with Defendant physically present present by video. Defendant's counsel, _____, and the State of Hawaii, represented by Deputy Prosecuting Attorney, _____, were also present.

[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 and contents 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) of Defendant's appointed examiner(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 _____ at _____ .m. for _____ (type of proceeding).

DATED: _____, Hawai'i, _____.

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM on _____:

Deputy Prosecuting Attorney

Defense Counsel

Print Name

Print Name



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. The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.