

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 OF DISMISSAL AND RELEASE
 OF COMMITTED DEFENDANT FROM THE
 CUSTODY OF THE DIRECTOR OF
 HEALTH**

[§§704-406(1)(b); 704-406(7)]

**[Non-Violent Misdemeanor –
 120 Day Timeout]**

Hearing Date

Date: _____

Time: _____

JUDGE: _____

**ORDER OF DISMISSAL AND RELEASE OF COMMITTED DEFENDANT FROM THE
 CUSTODY OF THE DIRECTOR OF HEALTH**

The matter of Defendant’s review for dismissal and release from the custody of the Director of Health pursuant to Sections 704-406(1)(b) and (7), 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.

The Court, having reviewed the record and file in this case, finds as follows:

1. The Defendant was previously found unfit to proceed in this case and remains unfit to proceed at the present time;
2. The Defendant is charged with misdemeanor(s) not involving violence or attempted violence;
3. The Defendant has remained committed to the custody of the Director of Health for a period of 120 days;
4. The Defendant is not subject to prosecution for other charges; and
5. The Defendant is not subject to HRS Section 334-60.2 regarding involuntary hospitalization criteria.

IT IS THEREFORE HEREBY ORDERED that:

1. The misdemeanor charge(s) for which the Defendant has been committed to the custody of the Director of Health in the above-captioned matter are hereby DISMISSED; and
2. The Defendant shall be release from the custody of the Director of Health forthwith.

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.