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Fiscal

IN THE \_\_\_\_\_ COURT OF THE THIRD CIRCUIT  
\_\_\_\_\_ DIVISION  
STATE OF HAWAI'I

STATE OF HAWAI'I

vs.

\_\_\_\_\_ ,

Defendant.

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

**ORDER OF DISMISSAL AND  
COMMITMENT TO THE CUSTODY OF  
THE DIRECTOR OF HEALTH OF  
DEFENDANT RELEASED ON  
CONDITIONS AND SUBJECT TO  
PROSECUTION FOR OTHER CHARGES  
AND/OR INVOLUNTARY  
HOSPITALIZATION AND ORDER FOR  
TRANSPORT**

**[§§704-406(1)(b); 704-406(8)]**

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

Hearing Date

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

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

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

**ORDER OF DISMISSAL AND COMMITMENT TO THE CUSTODY OF THE  
DIRECTOR OF HEALTH OF DEFENDANT RELEASED ON CONDITIONS AND  
SUBJECT TO PROSECUTION FOR OTHER CHARGES AND/OR INVOLUNTARY  
HOSPITALIZATION AND ORDER FOR TRANSPORT**

The matter of Defendant's review for dismissal and discharge from release on conditions pursuant to Sections 704-406(1)(b) and (8), Hawai'i Revised Statutes

("HRS"), came on for hearing 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, 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 released on conditions for a period of 120 days;
4. The Defendant is:  
**[Choose ONE of the following]**  
 Subject to prosecution for other charges.  
  
OR  
 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 released on conditions in the above-captioned matter are hereby DISMISSED; and
2. The Defendant shall be committed to the custody of the Director of Health forthwith to be placed in an appropriate institution for detention, care, and treatment pursuant to HRS Section 704-406(8).

#### **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 704-406(8).

(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 704-406(8).

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

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](mailto:adarequest@courts.hawaii.gov). The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.