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 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 UNLIKELY
 TO REGAIN FITNESS**

[§704-406(7)(a)]

Hearing Date

Date: _____

Time: _____

JUDGE: _____

**ORDER OF DISMISSAL AND RELEASE OF COMMITTED DEFENDANT UNLIKELY
 TO REGAIN FITNESS**

The matter of Defendant's review for fitness pursuant to Sections 704-404(1) and 704-406(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 has been committed to the care and custody of the Director of Health pursuant to HRS Section 704-406(1); and

3. The Defendant is unlikely to be restored to fitness in the future.

IT IS THEREFORE HEREBY ORDERED that:

1. The 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 released 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.