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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 DEFENDANT FROM THE CUSTODY  
OF THE DIRECTOR OF HEALTH  
PURSUANT TO HRS SECTION 704-421  
(ACT 26)**

**[§§704-404(2)(a); 704-421]**

**[Non-Violent Petty Misdemeanor]**

Hearing Date

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

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

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

**ORDER OF DISMISSAL AND RELEASE OF DEFENDANT FROM THE CUSTODY OF  
THE DIRECTOR OF HEALTH PURSUANT TO HRS SECTION 704-421 (ACT 26)**

The matter of Defendant's fitness and review for release from the custody of the Director of Health pursuant to Sections 704-404(2)(a) and 704-421, 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 finds, after a hearing held to determine Defendant's fitness to proceed pursuant to HRS Section 704-404(1) and (2)(a) (Act 26 of the 2020 Legislative Session), that Defendant remains unfit to proceed on the above-mentioned petty misdemeanor charge(s) not involving violence or attempted violence, and the charge(s) shall be dismissed pursuant to and HRS Section 704-421(2) (Act 26 of the 2020 Legislative Session).

IT IS THEREFORE HEREBY ORDERED that the charge(s) in this case are dismissed  with prejudice  without prejudice in the interests of justice, and 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](mailto:adarequest@courts.hawaii.gov). The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.