

FAX Distribution to:

- ☒ Prosecutor 808 241-1758
☒ Defense Attorney
 ☐ Public Defender 808 274-3422
 ☐ Private Attorney _____
☐ State Designate 808 832-1855
☐ 2nd Examiner Dr. _____
☐ 3rd Examiner Dr. _____
☒ KCMHC Forensics 808 241-3133
☒ AMHD Forensics 808 777-6169
☒ Sheriff Division 808 482-2389
☐ KPD Cellblock 808 241-1645
☐ KCCC 808 241-3059
☐ OCCC 808 832-1412
☒ HSH Forensics 808 236-8716
☐ Kahi Mohala 808 677-2810
☐ Other _____
☐ Other _____

**IN THE _____ COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

STATE OF HAWAII,

vs.

_____,
Defendant.

) **CR. No.** _____
) **FC-CR.** _____
) **REP. NO(S):** _____
)
) 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), HRS]**
) **[Non-violent Misdemeanor –**
) **120 Day Time Limit]**
)
) Hearing Date: _____
) 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**

The matter of Defendant's review for dismissal and discharge from release on conditions pursuant to Sections 704-406(1)(b) and (8), Hawaii Revised Statutes, came on for hearing on _____ at _____ .m. Defendant's counsel, _____, and Deputy Prosecuting Attorney, _____, were present.
Defendant [] was physically present [] appeared via video-conferencing.

This 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. Pursuant to HRS Section 704-406(1)(b), the period of release on conditions of a defendant charged with a misdemeanor not involving violence or attempted violence shall continue for no longer than one hundred twenty (120) days.
4. Defendant was released on conditions by order of this Court dated _____, and the 120-day period will expire on _____.
5. 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.

Therefore, IT IS HEREBY ORDERED as follows:

1. The misdemeanor charge(s) herein for which the Defendant has been Committed to the custody of the Director of Health in the above-captioned matter are hereby DISMISSED.
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 Section 704-406(7), Hawaii Revised Statutes.

ORDER FOR TRANSPORT TO DEPARTMENT OF HEALTH FACILITY

IT IS FURTHER ORDERED that:

Representatives of the Department of Law Enforcement, Sheriff's Division shall transport the Defendant from this Court 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 Department of Law Enforcement, Sheriff's Division 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: _____ Hawaii, _____.

Judge

APPROVED AS TO FORM on _____:

Deputy Prosecuting Attorney

Defense Counsel