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**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 RELEASE**
) **OF DEFENDANT FROM THE CUSTODY**
) **OF THE DIRECTOR OF HEALTH**
)
) **[§§704-404(2)(a; 704-421), HRS]**
)
) **[Non-Violent PETTY MISDEMEANOR]**
)
) **Hearing Date:** _____
) **JUDGE:** _____
)
)
)

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

The matter of Defendant's review for fitness pursuant to Sections 704-404(2)(a) and 704-421, 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

The Court finds, after a hearing held to determine Defendant's fitness to proceed pursuant to HRS Section 704-404(1) and (2)(a), that Defendant remains unfit to proceed on the above-mentioned petty misdemeanor charge(s) not involving violence or attempted violence, and the charge(s) should be dismissed pursuant to HRS Section 704-421(2).

Therefore, IT IS 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: _____ Hawaii, _____.

Judge

APPROVED AS TO FORM on _____:

Deputy Prosecuting Attorney

Defense Counsel