

STATE OF HAWAI'I
DISTRICT COURT OF THE
THIRD CIRCUIT

EX-PARTE MOTION TO DISMISS; EX. A; NOTICE OF MOTION;
CERTIFICATE OF SERVICE; ORDER

STATE OF HAWAII vs. (DEFENDANT)

CITATION NO.: _____

DEFENDANT'S NAME:
MAILING ADDRESS:

TEL. NO.:

DEFENSE COUNSEL:
MAILING ADDRESS

TEL. NO.:

CHARGE(S):[] HRS §431:10C-104, Conditions of Operation and Registration of Motor Vehicles
[] HRS §286-102, Licensing

- DEFENDANT hereby moves this court for an order dismissing the above charge of HRS §431:10C-104 on the grounds that the motor vehicle was insured in compliance with HRS §431:10C-301 on the date of violation, as evidenced by the attached Exhibit, Certificate of Hawai'i No-Fault Insurance;
- DEFENDANT hereby moves this court for an order dismissing the above charge of HRS §286-102 on the grounds that the defendant was properly licensed in the State of Hawai'i pursuant to HRS §286-102, as evidenced by the attached Exhibit, Verification of License Status.

NOTICE OF MOTION

TO: The Office of the Prosecuting Attorney:

Notice is given that the undersigned has filed this Motion. Any response to this Motion must be filed with the Court no later than fourteen (14) days prior to the next scheduled hearing in the above entitled case. If no response is received by the Court, this Motion may be granted.

CERTIFICATE OF SERVICE

I certify that this Motion was served to the Office of the Prosecuting Attorney by Hand-delivery or Mail, Postage Prepaid, at the following address(es):

Date:

Defendant (Print):

Signature:

ORDER GRANTING / DENYING EX-PARTE MOTION TO DISMISS

This Court has considered Defendant's Ex-Parte Motion to Dismiss and has reviewed the exhibit(s) attached to said motion. IT IS ORDERED that the Defendant's Ex-Parte Motion to Dismiss is hereby

- GRANTED, and the charge is DISMISSED with prejudice.
- DENIED.

DATED: _____, Hawai'i, _____

Judge of the Above-Entitled Court

NOTE: This information sheet is provided to give you general information about using the referenced form. This information sheet is not intended to give legal advice to any party. Anyone requiring such services should consult an attorney licensed to practice law in Hawai'i.

**INSTRUCTION SHEET FOR
EX-PARTE MOTION TO DISMISS (Eff. 24 June 2008)
Citation Issued Pursuant to HRS §§431:10C-104 and/or 286-102**

WHEN SHOULD THIS FORM BE USED?

You may file an Ex-Parte Motion to Dismiss in order to request a dismissal of a citation issued for No Fault Insurance, HRS §431:10C-104, or a citation issued for Driving Without License, HRS §286-102, if you are able to produce a **Proof of Insurance Affidavit** for the vehicle that was driven on the date that you were cited, or, a **Verification of License Status** from the County of Hawai'i Vehicle Registration and License Section.

HOW DO I MAKE SURE THAT MY MOTION IS COMPLETE?

1. The form should be typed or printed clearly in black or blue ink.
2. Fill in your name, mailing address, city, state, zip code, and telephone number(s).
(The court's response will be mailed back to you at your mailing address.)
3. Fill in the number of the Citation that charged you with the offense of No Fault Insurance, HRS §431:10C-104, and/or a citation issued for Driving Without License, HRS §286-102.
4. Place a check mark next to the charge(s) in question.
5. Place a check mark next to the reason for your request.
6. Attach the **Proof of Insurance Affidavit**, and/or a **Verification of License Status** from the County of Hawai'i Vehicle Registration and License Section, as exhibit(s) to the Ex-Parte Motion to Dismiss.
7. Complete the Certificate of Service by indicating how the Motion was served and the address to which the motion was sent .
8. Print and Sign your name.
9. Make a minimum of three (3) copies for each motion that you submit for filing. Submit the original and copies for filing **more than fourteen (14) days** prior to your court appearance. Keep a copy for yourself.
10. When you receive the filed copies back from the clerk, send or deliver a notice of your motion to the Office of the Prosecuting Attorney **more than fourteen (14) days** before your initial court appearance.

WHAT HAPPENS NEXT?

After reviewing your motion, the court will issue an Order Granting or Denying your motion, which will be mailed to the address you provided on the Ex-Parte Motion to Dismiss.

1. If the court **grants** your motion, you are **not** required to appear in court.
2. If the court **denies** your motion, you are required to appear at the location, date, and time previously indicated.
3. If you do not receive the court's Order before your next court date, you are required to appear at the location, date, and time previously indicated.