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NO. CAAP-25-0000731

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

NICOLE ROBINSON-WELLS, Petitioner-Appellee,
v.
SARITA KNULL, Respondent-Appellant.

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(CASE NO. 3FDA-25-0000785)

SUMMARY DISPOSITION ORDER

(By: McCullen, Presiding Judge, Guidry and Gluck, JJ.)

Respondent-Appellant Sarita Knull appeals the October 16, 2025 Order For Protection (**OFP**) entered by the Family Court of the Third Circuit (**Family Court**).¹ Knull's single point of error is that the OFP was a "mistake" because "the court was clearly erroneous and abused its discretion in finding the testimonies of Petitioner-Appellee [Nicole Robinson-Wells] and [eyewitness] Joy Modisett credible" (formatting altered). Upon careful review of the record and the briefs submitted by Knull, and having given due consideration to the matters presented therein, we affirm.

¹ The Honorable Judge David R. Harada-Stone presided.

Following an evidentiary hearing at which both Robinson-Wells and Modisett testified (but Knull did not), the Family Court stated:

[A]fter full consideration of the credible and reliable evidence in this case, the Court first notes that basically there are two witnesses giving eyewitness testimony, that being the Petitioner and Ms. Modisett. The Court finds that their -- their testimony, though differing in certain aspects, is essentially consistent, and the Court finds Ms. Modisett's testimony credible.

In her Opening Brief, Knull points to alleged inconsistencies between Modisett's and Robinson-Wells' testimonies; she argues that "[t]hese two versions are so markedly different" that the Family Court could not have found their testimony to be "essentially consistent" or found Modisett's testimony to be credible. Knull also argues that the Family Court erred in failing to consider the testimony of another witness, Perrietta Edwards-Turner (the parties' aunt), who testified as a rebuttal witness that Robinson-Wells "said that she was going after [Knull] because . . . [Knull] had a lot of money."

At the October 16, 2025 evidentiary hearing, Modisett testified as follows:

[Knull] suddenly charged at [Robinson-Wells] and began pushing and kicking and punching her in rapid succession. [Robinson-Wells] -- at that point, [Robinson-Wells] was still holding the dog secure in her arms, but when [Knulls] found out that she couldn't wrestle him away from her, she body -- body-slammed [Robinson-Wells], causing her to stumble backwards.

The Family Court found Modisett's testimony to be credible. "It is well-settled that an appellate court will not pass upon issues dependent upon the credibility of witnesses and the weight of the evidence; this is the province of the trier of fact." In re Doe, 95 Hawai'i 183, 190, 20 P.3d 616, 623 (2001) (cleaned up). This court will not disturb the Family Court's determination that Modisett was credible.

Further, Knull's assertion that the Family Court failed to consider the testimony of Edwards-Turner is without merit. Before making its credibility findings, the Family Court expressly stated that it has "considered the testimony of the parties and -- well, the testimony of the Petitioner and other witnesses as well as Respondent's rebuttal witness," referring to Edwards-Turner.

Knull does not explain how the Family Court's issuance of the OFP was an abuse of discretion given Modisett's credible testimony. The record contains substantial evidence -- specifically, Modisett's credible testimony -- to support the Family Court's determination that Robinson-Wells proved the material allegations of abuse, by a preponderance of the evidence, underlying her request for an OFP. Knull has not provided a cognizable argument that the Family Court abused its discretion in issuing the OFP.

Knull argues that the Family Court's credibility findings were clearly erroneous and constituted an abuse of discretion, and that the Family Court made a "mistake" in issuing the OFP. As the Hawai'i Supreme Court has explained:

The family court's [findings of fact] are reviewed on appeal under the "clearly erroneous" standard. A [finding of fact] is clearly erroneous when (1) the record lacks substantial evidence to support the finding, or (2) despite substantial evidence in support of the finding, the appellate court is nonetheless left with a definite and firm conviction that a mistake has been made. "Substantial evidence" is credible evidence which is of sufficient quality and probative value to enable a person of reasonable caution to support a conclusion.

Id. (cleaned up). Here, we are not "left with a definite and firm conviction that a mistake has been made." Id.

Accordingly, we affirm the Family Court's October 16, 2025 Order For Protection.

Dated: Honolulu, Hawai'i, October 16, 2026.

On the brief:

Rosa Flores,
For Respondent-Appellant.

/s/ Sonja M.P. McCullen
Presiding Judge

/s/ Kimberly T. Guidry
Associate Judge

/s/ Daniel M. Gluck
Associate Judge