

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2022-001242-001 DT

06/05/2025

HONORABLE JENNIFER E. GREEN

CLERK OF THE COURT
B. Navarro
Deputy

STATE OF ARIZONA

TREENA JEANELLE KAY

v.

LORI N DAYBELL (001)

PAMELA C HICKS
ROBERT A ABERNETHY

INMATE LEGAL SERVICES
JUDGE GREEN

MINUTE ENTRY

Lori N. Daybell G062213

The Court has reviewed the Motion for Change of Judge for Cause, filed June 5, 2025, pursuant to Rule 10.1 of the Arizona Rules of Criminal Procedure.

Defendant requested the Court remove Judge Beresky from her case because, as she alleges, he is prejudiced against her, and she cannot receive a fair and impartial trial. (Motion at 1.) Specifically, she alleged that he denied her a hearing to which she is entitled. (*Id.*)

Rule 10.1 of the Arizona Rules of Criminal Procedure permits a party from seeking a change of judge for cause “no later than 10 days after discovering that grounds exist, but may not file a motion after a hearing or trial begins.” The jury trial in this case has begun, therefore the motion is not permitted pursuant to Rule 10.1.

The Court also notes that motions filed under this rule must demonstrate “the assigned judge’s interest or prejudice would prevent a fair and impartial hearing or trial.” In this case, Defendant maintained that Judge Beresky’s legal ruling was in error. As the Court addressed at the previous hearing on Defendant’s Rule 10.1 motion, a Rule 10.1 motion does not provide parties an opportunity to challenge legal rulings. The allegation that the trial judge did not

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appropriately grant a hearing, even if true, does not provide appropriate grounds for a Rule 10.1 motion.

Finding that Rule 10.1 motions are not legally allowable “after a hearing or trial begins,”

IT IS ORDERED summarily denying the Motion for Change of Judge for Cause, filed June 5, 2025.