

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2022-001242-001 DT

06/11/2025

HONORABLE JUSTIN BERESKY

CLERK OF THE COURT
Y. Zych
Deputy

STATE OF ARIZONA

TREENA JEANELLE KAY

v.

LORI N DAYBELL (001)

ROBERT A ABERNETHY
PAMELA C HICKS

INMATE LEGAL SERVICES
JUDGE BERESKY

MINUTE ENTRY

Lori N Daybell (#G062213)

The Court has received and reviewed the Defendant's "*Motion to Dismiss Abuse of Discretion*" filed with the Clerk of the Court on June 9, 2025.

The Defendant requests the "Maricopa County Supreme Court or Court of appeals" dismiss her case. There is no such thing as the Maricopa County Supreme Court nor the Maricopa County Court of Appeals. Perhaps the Defendant intended her *Motion* to be submitted to the Arizona Court of Appeals, Division 1, but it was not; it was filed with this Court and therefore the Court must rule.

The Defendant's *Motion* urges a number of narratives that are verifiably false upon review of both the written record and the For the Record (FTR) recording of the trial. Given the Defendant continues to argue she was physically unable to proceed to trial, the Court will supplement the existing record to note the following:

In order to further assess whether the Defendant's purported illnesses were impacting her ability to proceed, the Court continued to observe the Defendant throughout the trial. The Court observed that while the jury was present in the courtroom, nothing in the Defendant's mannerisms, voice, as well as her interaction with the court or witnesses, would cause this Court to suspect her health was in any way negatively impacting her ability to proceed.

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On Monday June 9, 2025, after the filing of this *Motion*, the Defendant again argued she was not able to proceed with trial when she reported a new medical issue. Later that same day upon finishing her cross of witness Marianne Robb and the State was re-directing this witness, the Defendant was even observed to be laughing, smiling and conversing with her advisory counsel, appearing to be in very good spirits, exhibiting no impairment whatsoever.

The Court continued its observation through the remainder of trial including closing arguments. The Court observed no outward appearance of the Defendant experiencing any distress or difficulty in acting and advocating as her attorney.

The record supports the decision to move forward with trial over the Defendant's objection.

IT IS ORDERED DENYING the Defendant's request for oral argument on this issue.

IT IS FURTHER ORDERED DENYING the Defendant's *Motion to Dismiss*.