

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2022-001242-001 DT

07/21/2025

HONORABLE JUSTIN BERESKY

CLERK OF THE COURT  
J. Matlack  
Deputy

STATE OF ARIZONA

TREENA JEANELLE KAY

v.

LORI N DAYBELL (001)

PAMELA C HICKS  
ROBERT A ABERNETHY

INMATE LEGAL SERVICES  
JUDGE BERESKY

MINUTE ENTRY

Lori N. Daybell (G062213)

The Court has received and reviewed the following:

- Defendant's *Motion for New Trial* (with attached exhibits) filed June 23, 2025;
- State's *Response to Motion for New Trial* filed June 30, 2025;
- Defendant's *Reply to State's Response to Defendant's Motion for New Trial* filed July 10, 2025.

The Defendant's Motion argues three separate areas she believes warrant a new trial.

First, the Defendant argues she suffered a due process violation by being made to proceed to trial when she was too sick to do so, and the Court further violated her rights by seeking an objective determination of the extent of her illness. The Defendant's *Motion for New Trial* raises new allegations regarding the extent of her illness that were not part of the record during the course of the trial. This issue was resolved during trial and the Court has not been presented with any new reliable evidence indicating the Defendant's illness negatively impacted her ability to proceed with the trial. The record and observations of the Defendant's physical appearance,

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questioning of witnesses, and arguments to the Court and jury all evidence the opposite, that she was able to proceed to trial.

The second point raised by the Defendant is an allegation that the Court lacked impartiality because of the Court's evidentiary rulings.

The Defendant first argues that evidence of impartiality exists because the Court sustained two hearsay objections from the State when the Defendant attempted to cross examine police officers about statements made by neighbors. The Defendant's own *Motion* establishes these are the very definition of hearsay statements. When ruling on evidentiary issues there is no rule or caselaw that requires the Court to allow a response from the opposing side. The Defendant argues in her *Motion* that one of the statements was not offered for the truth of the matter asserted (different description of vehicle) but for the effect on listener. The Defendant never articulates what effect on the listener the statement would have had. The Defendant also never articulates how, if that statement came into evidence *and* it was not actually offered for the truth of the matter asserted (which appears to be the only reason the Defendant wanted the statement entered into evidence), it would have changed the outcome of the trial.

The Defendant then argues she was unable to admit several exhibits and she could not effectively cross-examine witnesses regarding Melanie Boudreaux. These are again basic evidentiary issues which were ruled on during trial. Just because the Defendant does not agree with the Court's rulings does not mean she is entitled to a new trial. The Defendant never articulates how or why the Court's rulings were wrong or how the rulings constitute a due process violation.

The third area of argument is titled "Abuse of Discretion." She argues (1) she was entitled to a Rule 13.5 hearing on aggravators, (2) the Court did not release the jury from the admonition on the record, (3) the Court erred when allowing scientific evidence regarding GSR and DNA to be presented to the jury, and (4) she was denied a right to confront witness Lachcik. The first two points in no way have anything to do with how the jury viewed the evidence or deliberated, therefore would not be the basis for a new trial. The Court ruled on the 13.5 request which is essentially moot given the fact the Defendant chose to stipulate to the aggravators rather than have that evidence to be determined by the jury. The Defendant is correct that the jury was not released from the admonition on the record but there is no rule or caselaw requiring the jury to be released from the admonition on the record. The Court did go back to the jury room and release the jurors immediately following the Defendant's admission to the aggravating factors. Again, the Defendant never articulates a reason why this would entitle her to a new trial.

The Defendant's argument about DNA and GSR evidence seems to be more of a chain of custody or foundation argument rather than the substantive argument about the reliability of the

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evidence. The Defendant's *Reply* for the first time mentions the evidence being "junk science" but she never presents any actual evidence or authority to establish the evidence was not reliable. Moreover, if there were questions as to its reliability, a competent and thorough cross-examination could have revealed those issues for the jury to consider. Although the State chose not to call the person who actually collected the evidence (Lachcik), the State satisfied the foundation requirements to admit the evidence through Detective Pillar, who was present during the collection of the evidence. The *Reply* also alleges hearsay statements from Lachcik were allowed into evidence but does not state what those hearsay statements were. It is the Court's recollection that no statements of Lachcik were offered or admitted. Finally, the Court in no way precluded the Defense from investigating this witness as the Defendant alleges and in fact, the Defendant could have subpoenaed and called this witness if she wanted to question this witness.

The Defendant fails to establish any due process violation which would warrant a new trial in this matter.

IT IS ORDERED DENYING the *Motion for New Trial*.