

Colorado federal appeals court allows secret court proceeding to continue based on precrime

Nearly 90% of court records hidden from public by federal judge Christine Arguello amid allegations of religious bias against her

DENVER, COLORADO, USA, January 11, 2023 /EINPresswire.com/ -- According to the U.S. Supreme Court public access to court proceedings is one of the numerous checks and balances of our system, because "contemporaneous review in the forum of public opinion is an effective restraint on possible abuse of judicial power." "Unfortunately, the 10th panel of judges Baldock, McHugh and Briscoe either did not get this memo from the high court or chose to protect federal judge Christine M. Arguello from public scrutiny for sealing nearly 90% of a court proceeding, including the petitioners opening brief and government's response," says Lamont Banks, Executive Director of A Just Cause and board member of the Colorado Springs Fellowship Church.

The Internet shows that on January 6, 2023, coloradopolitics.com reporter Michael Karlik published an article on a 10th Circuit case (no. 21-1410) titled "Court upholds sealing of records in response to Colorado Springs church's harassment."

https://www.coloradopolitics.com/courts/10th-circuit-upholds-sealing-of-records-in-response-to-colorado-springs-churchs-harassment/article_0a07616c-8d86-11ed-bb8d-d3cbc9c9fa.html.

Not too long thereafter, the Gazette Telegraph newspaper published the article online.

Karlik outlines how Gary Walker, a criminal defendant who is a former member of the Colorado Springs Fellowship Church (CSFC) and son-in-law to the church's founder (Pastor Rose Banks), filed for review of his sentence, arguing he had ineffective assistance of counsel. But neither Karlik or the Gazette Telegraph can tell you what Walker's petition says because Judge Arguello sealed it along with the testimony of every single witness. New organizations routinely report on lawsuits and criminal cases and provide details to the public about allegations in the motion or opening brief, but in Walker's case the media is foreclosed from doing so because Judge Arguello blacked out virtually all the records from public view even though she conducted a PUBLIC hearing.

A Just Cause questions why the 10th Circuit disregarded its own well-settled precedent from the case of Mann v. Boatright, where they denied a request to seal the opening brief based on details of a bitter family feud being discussed in the complaint. The Mann panel also said complainant's request for sealing the opening brief was further undermined by the fact that

much of the information had already been disclosed in public hearings. The 10th Circuit oral argument audio transcript (<https://bit.ly/3WU4klH>) shows Judge McHugh is the only member of the panel questioning Judge Arguello's sealing of records from a public hearing. "It appears Judges Baldock and Briscoe care more about protecting Judge Arguello than the Constitution and public's right of access to court documents," says Banks.

According to the Karlik and the Gazette, the 10th Circuit said that Judge Arguello's sealing justification is based on alleged past conduct of Pastor Banks and CSFC harassing and intimidating witnesses and jurors but A Just Cause found no such complaints, indictments or convictions in public records against CSFC, Pastor Banks or its members. "Certainly, the 10th Circuit and Judge Arguello would have referred the CSFC members to the FBI or local authorities for these crimes but there is no record that occurred as no CSFC member has ever been contacted by authorities," says Banks. "But because sealing of the records was based on precrime, real evidence doesn't matter," adds Banks.

The 10th Circuit opinion states that Judge Arguello sealed records based on anticipating that witnesses "might" be harassed or threatened. "Or in other words, Judge Arguello's basis for sealing records was based on the same type of precrime analysis seen in the movie 'Minority Report' where police apprehended citizens based on psychics anticipating they would commit crimes," says Banks. "Here is just one of the unhinged comments from psychic judge Christine Arguello:" adds Banks.

"CSFC lashes out — unrelentingly — towards those whom Pastor Banks perceives to have wronged her or her church," Arguello wrote. "CSFC wants transcripts of the testimony so that its members, even those who were not present at the hearing, can threaten and harass witnesses who were critical of CSFC."

"This broad, crazy, unfounded claim by Judge Arguello that every single member of CSFC, none of whom she has met, are simply waiting on transcripts to launch a campaign of threats and harassment against the witnesses indicates an irascible, unfit federal judge," says Banks. "It is clear from this statement that Judge Arguello is practically choking on deep-rooted bias against Pastor Banks and CSFC and may actually be experiencing some type of psychosis," quips Banks. "Judge Arguello obviously needs to recuse herself from this case which was repeatedly requested in motions and oral arguments," adds Banks.

Secret court proceedings in the U.S. are illegal except for cases involving minor-age rape victims, trade secrets, confidential informants and matters of national security. "Judges are required under the law to seal the minimal amount needed to protect the public's strong right of access to court documents," says Banks. "The 10th Circuit's obsequious attitude towards deference to Arguello's discretion instead of well-settled law sets a dangerous precedent and leads to the conclusion they are hiding something," adds Banks.

Arguello claims defendants in the case acknowledged that jurors were harassed and accused

and that Gwendolyn Lawson (attorney for four of the Walker's codefendants), absconded with court documents. Defendants say they never acknowledged juror harassment and Lawson says the Attorney Regulation Counsel of the Colorado Supreme Court dismissed Judge Arguello's complaint due to "insufficient evidence." See <https://bit.ly/3X8BkHa>. Arguello also claimed she's trying to protect the church, to that Banks replies "Arguello can't protect CSFC while stabbing it in the back."

"There appears to be an insidious alliance between the 10th Circuit, Judge Arguello and the Colorado U.S. Attorney's Office to coverup judicial abuse and misconduct by Judge Arguello," says Banks. Unfortunately, much of today's media conduct little to no research on behalf of the public and simply regurgitate government findings and talking points," adds Banks. "A Just Cause will continue its fight against prosecutorial and judicial abuses of power," concludes Banks.

A Just Cause also issued a press release that details Judge Arguello's alleged religious bias against CSFC and Pastor Banks which can be viewed at <http://www.releasewire.com/press-releases/release-1065400.htm>

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