

Don't Forget: The Key witness for the Government Recanted in the False Case against Dr. Malachi York

On **April 23, 2004 A.D.**, an innocent man, Dr. Malachi Z. York was sentenced to 135 years in prison by Judge C. Ashley Royal United States District Judge for the Middle District of Georgia. He received this lengthy sentence despite the fact that the legal maximum sentence for the crimes he was charged with is 50 years. At the time of his sentencing, Dr. York was a 58 years old man, suffering from a life-threatening illness, hereditary angioedema, and was sentenced to life and beyond for crimes he did not commit. This sentencing occurred despite the fact that new evidence that had come forth in the form of a videotaped statement of the key witness for the government, **Habiba "Abigail" Washington** in which she states that she was coerced and threatened by the law enforcement officials to testify against Dr. Malachi Z. York.

Habiba "Abigail" Washington was threatened with jail and the loss of her children and felt she had no way out so she had to continue to propagate the lies. Now, with the weight of the knowledge on her soul that she played a part in sending an innocent man to jail, Washington came forward to set the record straight. Not to mention her conscience was also troubled because she was responsible for sending Dr. Malachi York's wife, Kathy Johnson to jail for a crime she did not commit, knowing she is afflicted with Multiple Sclerosis. As a condition of a plea agreement she made with the State of Georgia, Johnson had to agree she would not seek medical relief should she become ill.

With her confession that she was coerced and lied in interviews with the FBI and on the stand, Habiba "Abigail" Washington's taped statement absolutely hits at the core of the government's case. She was the first and key witness for the United States Government. Washington, along with Malachi York's estranged son, Jake York were the first two people to go to the Federal Bureau of Investigation with false allegations of molestation against Malachi York. Jake York and Abigail Washington were the main perpetrators of the conspiracy to destroy Malachi York. Habiba "Abigail" Washington testified against Malachi York in exchange for immunity and "favorable concessions" from the Government. In fact, she did not want to testify, however she felt she had no choice as she was threatened by the government. She had to substantiate all of the false allegations made by the other witnesses for the government who even incriminated themselves to appear more convincing to the judge and jury. Her testimony contained information that revealed the many lies that were extremely detrimental to Malachi York's case. **There are also 8 alleged victims who also state that nothing happened to them.**

With the video taped confession that she was coerced, the government's case against Malachi York has been totally destroyed. Two additional people were not allowed to testify that corroborate Ms. Washington's statement and can confirm the existence of this plot by Jake York. Since Ms. Washington recanted, the government is trying to threaten people who tell the truth now, telling them they will put them in jail. An anonymous source has stated that Stephanie Thacker, Assistant U.S. attorney who worked on the case

under U.S. Attorney Maxwell Wood, has personally spoken to each of the remaining alleged victims who testified for the government and made this statement.

At the hearing regarding the **New Trial motion on August 13, 2004**, Habiba “Abigail” Washington stated that the recantment was a lie and she only made the recantment in response to Dr. York being sentenced to 135 years. However, she made her videotaped recantment on **April 18, 2004** and Dr. York was not sentenced until **April 24, 2004 A.D. which was six days after she recanted.**

Judge C. Ashley Royal would not deny the motion for a New Trial in open court, instead he waited and ruled on it on the sly. Why? Because he knows it is totally ridiculous. Habiba “Abigail” Washington lied a total of three times: 1. On the stand during her testimony during the trial for 5:02-CR-27-CAR; 2. When she testified in court on **August 13, 2004** that her recantment was a lie; 3. And when she testified that she only made the recantment in response to Dr. York being sentenced to 135 years in prison when in fact she made her video recantment 4 days before Dr. York was sentenced.

Sources have stated that Putnam County Sheriff: Howard Richard Sills traveled to New York City to threaten, intimidate and harass Habiba “Abigail” Washington forcing her to perjure herself and retract her previous recantment. This is in violation of 18 United States Code Sec. 1622. - Subornation of perjury *“Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both”*

This is three times lying under oath. Perjury, Perjury, Perjury. Under Title 18 of the United States Code Section 1621. - Perjury generally, *“Whoever - (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section [1746](#) of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States”*

Specifically she told a lie while under oath in a court of law which violates Title 18 United States Code Section 1623. - False declarations before grand jury or court *“(a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section [1746](#) of title [28](#), United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not*

more than five years, or both. (b) This section is applicable whether the conduct occurred within or without the United States. (c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if - (1) each declaration was material to the point in question, and (2) each declaration was made within the period of the statute of limitations for the offense charged under this section. In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true. (d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed. (e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence”

How can a judge sit there let her sit there on the stand and know she lied? Judges are not God, they are bound by the letter of the law, and it is unconstitutional to allow the testimony of a witness who is known to have perjured themselves. Ms. Washington perjured herself because she feared for her life and the life of her children; but the court was responsible for not allowing this forced testimony to be allowed into evidence.

No one seems to see from **Friday the 13th 2004** when Habiybah “Abigail” Washington was on the stand for the New Trial Hearing she made a mistake or outright lied when she said she recanted because of the amount of time that Dr. Malachi Z. York got. When in fact the recantments, all of them, an audiotape and letter in Georgia, a videotape and affidavit in a lawyer’s office in New York City, plus four letters, were done before he was sentenced. And she did live radio also, by phone, restating that she was recanting her previous statements.

The transcript to her video affidavit is as follows:

April 18, 2004
12:12 pm

Hello, My name is Habiybah Washington and today I’m here to put on record, the truth behind all of the lies brought up in the case against Malachi York. I’m going to start off by saying that I’m not being forced, threatened, coerced or pressured to do this tape. I am also going to state that, as you can tell, I’m not under any kind of influence to alcohol

or drugs. I want to begin with all of the events that led up to the final verdict in the case against Malachi. I want to start off with how it started, where it started, when and the reason why.

I left the community in February of 2001. I moved from Georgia and I went to New York and moved with my family. In about March of 2001, I was contacted by Jacob. Jacob is the son of Malachi York; he's also an ex-member. Jacob contacted me and our conversation was basically about the good times that we had in the community, what we went through, how we grew up, just making up for old times. Two months after that, Jacob called me. This was in May. Jacob called me about a trip to Florida, a trip where some of the girls and boys, ex members that were going to go down to Florida, just to hang out, have fun, whatever. I agreed to go on the trip. I told Jake I'll come on the trip. I left from New York, went to Georgia, we all met up at Jacob's house. It was me, Jacob, Nicole Lopez, Nuh Rashid, 'Aiys, Istiyir, probably some other girls and boys, I don't remember.

Before we actually went down to Florida I had a conversation with Jacob outside of his house and Jacob brought up some feelings that he had about his father. Jacob was really upset with his father. He stated that he hated his father, that he felt that his father doesn't need to be alive, that he shouldn't even be given life. He felt that his father needs to just rot in jail. Jacob wanted all of us to, all of us meaning me, Nicole, Karima, he was talking to a couple of people, different people that left the community. He wanted us to bring a case against his father. Jacob told me that some of the girls and boys that left the community had went to the government about different things that was going on in the community, meaning child molestation. Before I left the community, I was the main person in charge of the finances, as well as in charge of anything that went on in the community. The living, eating, anything financial, anything that happened regarding any of the members in the community, I dealt with that, so I was basically in charge.

Jacob told me that the FBI knew who I was and that they were told about certain things that I've done in the community and some of those things I could be incriminated for. Jacob told me that if I don't go to the FBI first then they would come after me, they would incarcerate me, they would take my children away from me because there are things that they were told about me that could incriminate me.

When Jacob first talked to me about that, I was not interested in bringing out any charges against his father. I didn't see any reason. I didn't believe that anything was going on, I didn't believe that anything was wrong, we wasn't doing any criminal acts. Jacob brought up the fact that I had a son by his father at 17 years old. I told Jacob that my son with his father never came about because I was forced to have sex with his father. Yes I was seventeen years old and yes I did agree to have a child with his father at that age. I understood my age, I understood his age, I didn't see anything wrong with it, I consented to it, so I told Jacob that that's the way that I felt. I didn't feel that anything wrong happened. That we both agreed to it. I felt that I was an adult, it was my decision and I went with it. But Jacob proceeded to say that there were some things that some of the other ex members had went to the government with and that I should really talk to them and see what's up and see how I can clear my name so that I'm not prosecuted for any of those things.

We all went to Florida after that conversation and during our trip to Florida we had several conversations in the car with Jacob. It was some other boys that were there and

Jacob started talking about going on the land and taking some of the kids, just kidnapping some of the children off the land. He was talking about my sister, my sister was still there, my younger sister Islah was still there and he wanted us to just go up there and just take her and take some of the other little girls and boys off the land because he didn't feel that they should be living on the land with his father. But we had all agreed that that was not going to happen. None of us was interested in going up on the land and kidnapping anybody, so Jacob said, "well then, we can just do it the legal way". He started bringing up different things in the community like how we grew up, how we lived. He brought up the fact that he was in love with Nicole and he felt that because Nicole liked his father that it was a betrayal and that his father was the one responsible for it. Jacob thought that his dad was responsible for his mother's death and his brother's death and he really, really felt that he needed to take revenge on his father and he was not able to do it, but we were able to do it because we were there longer and we were closer to his dad than he was. So Jacob had a conversation with me and Karima and Nicole Lopez. Nicole Lopez had a lot of disgruntled issues with Jacob's dad, because for one, she was kicked out and she felt that it was wrong that she was kicked out because she didn't have anywhere to go. She didn't know anybody and after all the years that she lived in the community, Malachi kicked her out, and she had nowhere to go. So she was kind of mad about that. Everybody started venting in the car about different things that we didn't like. It didn't have nothing to do with child molestation, it had nothing to do with any criminal acts, it was just different things, normal things that you don't like about growing up or, you know, we might have had a argument with Malachi here and there and we brought up the situation. Jacob kind of fed off of that anger and he convinced all of us that we should take that anger and we should go to the government with a story about his father. We all went down to Florida and we had fun, we did our thing, on the trip back from Florida, we were driving in Jacob's car again. It was myself, Karima, Nicole, Farah, Nuh Rashid and some other driver I don't remember his name, and Jacob brought up the conversation again, how he thinks that we should really go to the government with a story about his father. Anything that we didn't like in the community we should go because his father needed to be in jail. His father did not do good things, he was not happy with his father and he really felt that a case should be brought up against his father. He really felt that his father should be put away for life. He did not deserve to live. That conversation subsided and we finally made it back to Georgia from Florida and Jacob had a conversation with me again and he told me that there were certain children that did go to the FBI about different things with myself and that it was no way I would be able to prove that it didn't happen. The only way I can make any good of it is to go to the FBI with a story, seek immunity and just go from there. I still told Jacob that I was not interested in doing that and there was nothing that I'd witnessed or nothing that I'd known that was going on, but Jacob believed that because the FBI knew who I was and because they were told things about me that it was best that I go to them and talk to them and see what's up.

At that point I was afraid, I mean nobody really messes with the FBI. So I went to the FBI the following day. They called Jacob up first. I sat in the car. Jacob talked with them, I don't know what the conversation was about because I wasn't in the room and I wasn't told what the conversation was about, but Jacob went up there and he talked to them, and then about an hour later they called me up. I stated my name, I stated who I was, they

asked me about different children and they called out different names like Amala and Krystal, and I told them I know those children. Whatever name they called if I knew the person I told them I knew the person. They asked me to state my life, the reasons why I left and the reason why I was there. I told them about life in the community, growing up, why we left. I was questioned about the money situation because I did deal with the financial situation, I told them how we ran our finances, I ran off different people that I knew that was there, different people that I knew that had left and why they left. They asked me about certain children, they asked me about certain stories that they were told and I told them that yeah, I went along the story, I told them that, 'yes, I did do these things'. I felt that I had to tell them yes because I was told that they already knew and there no way for me to deny anything that didn't happen or anything that did happen, I had to tell them what I felt that they know because I felt that, like Jacob told me, they already knew the story and there was no way that I could say that didn't happen, I would have to prosecute myself, to make whatever was said against his father, make it more real, make it sound more believable, if we all prosecuted ourselves then whatever we say about Malachi would be believable. That interview ended by them asking me about different people that I knew that would want to talk, different members that I knew that would want to assist them in the case. The only names that I knew were other members that I knew that were disgruntled. Like Nicole had her own issues with Malachi, Karima had her own issues with Malachi, Sakina also, Amala, Krystal different people that I knew that had issues against him, I gave them those names.

So after that, they started calling different people. Everybody kind of got involved. Everybody called everybody and that's how the case kind of started.

The question next would be, why did I go ahead with the story? Why did I never take it back? Why didn't I ever just tell the truth at that time?

I felt really pressured to go along with the story. I felt that I had to go along with the story. We all kind of called each other. And was backing up each other's story. If Nicole did an interview with the FBI then she would call us and we would back up her story. If Nicole spoke to them then she would call us so in case they called me, then I could back up whatever Nicole was saying and that's kind of how we did it, we all just called each other and said "yeah, I did this, I said this" and then we can back each other up and that would make the story sound more real, make it sound more believable. If we all back each other up, it can sound more believable.

I was afraid that my initial interview that I had given, a statement, I was afraid that if I was to take that back, I did not know if I was going to be prosecuted, it's not like I had an attorney to represent me, I did not have my personal attorney to explain to me what the steps were, what the charges were, what immunity really meant. What I believed immunity to mean was that I would be protected, anything that I would state on the witness stand that could be used against me, anything that I would say that could be used against me, I would be protected from that, that's what I understood my immunity to mean. It was never explained in detail what the agreement was about, what the immunity was about, that was the jest of what I understood it was about. So at the time, I went thought with the story because I was afraid for my life, I was afraid that they could take me to jail, that I could be incarcerated, that my children would be taken away from me, and it was different times during the two year process that I spoke to different FBI agents. I spoke to Joan, I spoke to Jalaine, I spoke to Tracy from the sheriff's department

and there was a couple occasions where they did remind me that “you know Habibah you could be incriminated for certain things you are about to say as well”. So being reminded of that, I felt compelled to just go ahead with the story, I didn’t want to change my story at the time, I didn’t want to break the agreement because I was told that by breaking the agreement meant that I would be incarcerated and I would be prosecuted because I had given statements already. And like I said, I wasn’t represented by a personal attorney. The prosecution had an attorney that represented all the witnesses and all of the victims. I was not represented by a personal attorney. So, I really didn’t know my rights, I really didn’t know the laws, I didn’t know what I could do, what I can’t do, so I felt compelled to just go ahead with the story that everybody else was telling. Why I want to come out with the truth now?

*It’s really, really important for me to come out with the truth now because I don’t sleep at night knowing that two people are spending their lives in jail as I speak because of statements that a bunch of ex disgruntled members came out with. **The whole trial against Malachi was personal. It was on personal anger reasons.** We all had our own issues why we were angry with him and Jacob told us that we could come out with a story, we could eventually file for a class action lawsuit, we could all sue him for millions of dollars and get money from it and we could even go to making movies and we could even go to making books and stuff like that. So everybody fed off of that idea.*

Prior to Jacob telling us about the civil suit, he showed us video documentary on Charles Manson, on the Heaven’s Gate dude, different leaders that kind of ran cults and Jacob showed us this documentary. He showed it to me, showed it to Nicole, he basically showed it to everybody that left the community-the girls. And he wanted us to look at this documentary and compare it to his father. The way that we lived, the fact that, ‘yes we did live with the children with the children, the parents with the parents, the brothers together, the mothers together’. He wanted us to compare everything that they’ve been through with us so that we can put in our minds that “no we didn’t live a normal life, yes we were a cult” so he showed all of us that documentary so that we can sort of compare the two so that before we even start testifying, we could understand that yes we were a cult. He wanted that to be in our minds. So that we could go with that type of mind frame as opposed to “we were normal, we just all have our own issues, we’re mad, but it’s all good”. No, he wanted us to believe that, ‘listen, this is the documentary on this cult and this is what we lived’, and he wanted us to compare that so that we could have that type of mind frame. In other words, it added on to the anger that ‘wow, this how we grew up or this is what it is’.

*Anyways, like I was saying, I feel totally guilty for bringing this case against Malachi. I don’t feel that it’s right that he is in jail right now because all of us were angry and we all got together and agreed to this case. And we went ahead with it and now he’s facing life in jail for it. It’s not right, it’s not fair for anybody to be prosecuted because of somebody else’s personal reasons. I don’t think that he should be incarcerated because of that. If we all did have issues against him then that’s human nature but nobody should be sent to jail because of a bunch of lies. **And what was said on that stand was a bunch of lies.** Like I said, we all called each other up we all backed each other’s story up. We all kind of, ‘okay you said this to this person and I said that to that person, okay that’s fine’. Jacob went to each and every one of us and tried to make it personal between each and every one of us. With me it was like “you was in charge, you had control of a lot of*

things and so anybody could say this about you and it would be believable because you was in charge". There was no denying that I was in charge, I was in charge. So I felt that I had to go along with the story because I couldn't prove anything that anybody would say against me, I couldn't prove it, he told me that once they told the FBI something, that the FBI is looking into you, they start looking into me. There was no way that I could prove that what anybody said about me was wasn't the truth or wasn't a lie, there was no way, so I felt compelled to just go ahead with the story. As far as Nicole is concerned, Jacob appealed to her because Nicole was in love with one of the younger boys. And so Jacob knew that if they found out that about Nicole Nicole would be so afraid that she could be prosecuted with that, she would also be compelled to tell a story about his father because she didn't want to be incriminated for whatever feeling she had. So different people had different reasons. Jacob made everything personal between all of us. So we all had personal reasons for being pressured, or feeling that we had to go through with the story.

Like I was saying, like Nicole Harden, the whole situation with the RICO charges. I know that I previously stated that Malachi York never told us not to structure any money and he also never told us not to sign or not to report when we made over \$10,000 dollars. He never told us not to ever file that report. In court, I was told Nicole Harden told the FBI that he did tell us not to sign that document, I would have known if he would have said that because I was in charge of the money, I was the person that was in charge of the financial office. If anything was told about finances it would have definitely have come through me. But I do believe that Nicole felt compelled to go ahead with that story because, for one, Nicole Harden is the one who did refuse to sign those documents and she's also the one who always gave the tellers a problem and a hard time whenever it came to those type of transactions. So I believe that's the reason why Nicole did say that "yes , he said that". But he's never said that to me, he's never said that to anybody else that I've known, and like I said, I was the one in charge of the finances. And I would have known anything that he would've said as far as the finances goes.

Back to the reason why I feel that it is important to tell the truth now, like I said, I could have told the truth before, but I was afraid. I felt that I was pressured to just go ahead with the story. I was being reminded how I was doing the right thing, that this is a good thing that I'm doing. I was doing the right thing and as well, I did have to remind myself that I could be incriminated. So, I felt that, 'okay, if you tell me a hundred times that it's the right thing to do, if that's what all of the agents are telling me, then it is the right thing to do.' I didn't feel that it was the right thing to do, but I was being told it was the right thing to do. I felt really, really pressured. I know you can say that why don't I feel pressured now; It's not that I don't feel pressured now, I just feel that the truth has to come out. There's no way that any person in their right mind can go ahead and live the rest of their life knowing that they sent somebody to jail for life on lies. There is just no way. And there is no way I can live the rest of my life knowing that Malachi is going to spend the rest of his life in jail, knowing that Kathy is in jail now because of charges that we brought up against her. Every time I look at my children, I think about her children. I think about the fact that her children doesn't have her and it's not right, it's just not right.

I'm also going to talk about the money situation. Yes, I was in charge of the finances, and a lot of the financial decisions that were made, were by me, at the time that I was in

charge. When I wasn't in charge, when it was Kathy that was in charge, the financial decisions were made by her. Malachi did not make financial decisions. We collected the money, we separated the money. When I was in charge, I was in charge of where the money went, how the money was handled, how it was separated. He never sat us down and told us to avoid the FBI or avoid the IRS or do anything illegal with his money. As a matter of fact, he was very, very serious about handling his finances in a legal way. So anything that happened with the finances when I was in charge, it was my decision to decide what happened with the finances, where it went and how it was handled. And the same goes for anybody else who was in charge prior to me or after me. That's how it was done.

I didn't really understand the structure charges and I believe that I expressed that to the U.S. attorney and I also expressed that to FBI Jalaine that I really didn't understand the structure charges and they explained to me that anytime you try to avoid filing that report then that's a serious charge and, like I stated previously and I believe I stated this on my testimony on the stand, that Malachi never told us not to file those reports. He never told us to deny any of the tellers any information. If we did deposit over \$10,000 dollars and if we were investigated, he never told us not to follow through. He never told us not to talk to anyone about it. So that's how I feel about the money structure charges.

I just want to repeat that the charges brought up against Malachi were all lies.

We did back each other's story up. I can't really speak for why other people did it. I know that a lot of them had their own personal anger issues with Malachi. I want to state that nobody that left the community left because they were molested. That was never a reason why anybody left because they were molested or because he was doing things to them that they did not agree to. Nobody left because he was doing any criminal acts. Nobody had any problem with that. That was never the reason for anyone to leave – child or adult. That was never the reason for anybody to leave. Everybody left because they wanted to leave. Because they got fed up. I left because I wanted a new life; it just wasn't for me anymore. Some people did get kicked out but it was never because of any child molestation issues. Nobody ever left because they felt that they were molested. There was no child that ever, ever made a statement that "I want to leave because Malachi's molesting me". That never took place. That never happened. Like I said, the charges were all personal charges, it was all because of personal reasons.

Jacob had at different points in time, questioned us about "well about this boy or what about this girl, what do you think he's going to say? What do you think she's going to say? Did you ever see anything happening with this girl?" And I would always tell Jacob "I've never seen anything happen with this boy or this girl" but Jacob forced us, he really, really wanted us to say, 'okay this happened with this boy, this happened with this girl', "well if you are going to say it then you might as well tell them". So he questioned all of us about different people, and like I said, everybody had their own personal reasons, everybody had their reason for feeling that they had to tell the story. For me, it was because I was in charge, and I felt pressured, I felt compelled that anything that anybody told the FBI about me, it would be so hard for me to try to prove that it was a lie or prove that it was not the truth and like I said, I was never represented by my own personal attorney, I didn't really know my rights, I don't really understand the law. I wasn't really told or I would say I was not really informed about everything that was going on. I know there was charges brought up against Malachi, I knew that we had to

testify, I knew what we had to say. That was it, I did not understand that I could just get another attorney and speak to another attorney about not going through. There was so many times where I wanted to pull back my statement, when I wanted to just not go through with it but I didn't have the support, I didn't have the backup, I didn't feel that I had the protection, you know, yes I was afraid of going to jail, I was afraid of having my children taken away from me, I know that it's not right to be afraid for myself and think that it was right "okay, I can protect myself and he still go to jail" I know that that is not right. I know that it was a selfish thought and that's why I'm here now, to tell the truth, to tell it how it was.

In conclusion, it's really, really time for the truth to come out. This is going on two years or, I think it actually has been two years. So many people have suffered. Malachi's suffering day by day because of this, and it's really, really not fair, I really, really believe that somebody had to come out with the truth and like I said, everyday I think about him suffering. Everyday, I think about how wrong it is. What we've all done, how wrong it is. Everyday I think about what happened to all of the lives of those children. So this is why I'm putting my statement on record because it's the right thing to do. And like I said, I want the truth to come out, I can't be afraid anymore. I can't feel pressured anymore. I can't say that, you know, I can't go on with the rest of my life knowing that I'm hiding the truth, I'm holding the truth. I think it's time for it to come out. It has to come out, you know, we have to bring out the truth behind all these lies that was put out. We have to do the right thing. And I'm here because I want to do the right thing. Because I really want to do the right thing. That's it.

12:44 p.m.

In addition to this videotaped recantment, Habiybah "Abigail" Washington filed two written affidavits in which she recants. The first was signed and sworn to on April 23, 2004 A.D. at the office of her then-attorney Dwight Johnson in Dekalb County, Georgia which was filed into the court. And a second affidavit was signed and sworn to on May 9, 2004 A.D. at a lawyer's office in New York which was also filed into the court.

Will someone see how important this is as new evidence for a new trial??? She made these statements **before** Dr. Malachi Z. York was sentenced. Just look at the transcripts for the **New Trial hearing held on August 13, 2004 A.D.** When asked by **Mr. Jonathan Marks**, then-attorney for Dr. Malachi York why she made the affidavits in which she recanted all of her allegations against Dr. York, Habiyba "Abigail" Washington states:

A. I couldn't handle his sentence. I mean, I don't know. I didn't think that I could live with myself with him being in jail. I didn't think that testifying against him in trial would have a big effect on me like it did. I didn't think that it was fair for me to judge him, you know, to – I think everybody deserves a second chance, even if they do something wrong, and I don't know. I thought that, you know, the only way that I can feel good is, you know, if I try to take it back. I didn't think he deserved it.

(Transcript from New Trial Hearing page 21- 22)

Judge C. Ashley Royal even stated this in his “Order on Defendant’s Motion For New Trial” filed August 16, 2004 A.D. *“Ms. Washington explained at the hearing that she made the affidavit voluntarily, and that she was not coerced, pressured, or promised any award for making it. She testified that she was motivated to make the false affidavit by her concern for **Defendant and the sentence he received**. She felt that he deserved a second chance and wanted to help him”*

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