

## **The Federal Trial: United States v. Dwight York**

After nearly two years in pretrial detention, January 5th 2004 A.D. marked the start of the Federal trial against Rev. Dr. Malachi Z. York. U.S. Federal District Court Judge C. Ashley Royal presided over the proceedings. The trial was held in Judge Royal's hometown of Brunswick, Georgia in the Southern Judicial District. The trial was moved out of the Middle District of Georgia due to negative pre-trial publicity, however the Brunswick jury pool was also tainted by negative pre-trial publicity.

On January 5<sup>th</sup> 2004 A.D., jury selection began at 9:00 AM. Over 150 potential jurors entered the courthouse after passing an excessive amount of heavily armed Federal and Local law enforcement agents. There were no demonstrations or protests by Nuwaubians outside of the courthouse through the duration of the entire trial.

Several of the prosecution's witnesses are on the payroll of the FBI and government agencies. Immunity agreements were given to the REAL pedophiles and child molesters. Other witnesses for the prosecution included child abusers, drug users/dealers and strippers. One of these witnesses, Jin Hee Bae a/k/a Ginger Chang a/k/a "Isis" Ms. Bae said while on stand she used to drive for Dr. Malachi York and she was around him most of the time, but she never saw him having sex with minors. She testified that she never saw Dr. Malachi Z. York molest her sons, she never saw him molest Amanda Noel a/k/a Amala, she never saw him molest Krystal Harden a/k/a Beluwra, she never saw Issa Johnson molested by Dr. Malachi York, she never saw Tatiyana Thomas a/k/a Atiyah with Dr. Malachi York. If Jin Hee Bae a/k/a Ginger Chang a/k/a "Isis" was with Dr. Malachi York from 1992 to 1995 when she left the community, which are the years that others said he had sex with them, how is it she did not see anything? Upon cross examination, where all of these inconsistencies were beginning to be exposed Jin Hee Bae stated, that her recollection of her time around Dr. Malachi Z. York "must all be a dream".

On numerous occasions during the case, Presiding Judge C. Ashley Royal helped in the prosecution's case by entering evidence sua sponte [Latin - of one's own accord, voluntarily] without prompting or suggestion. This is only one instance of Judge C. Ashley Royal demonstrating bias, favoring the prosecution. He also acknowledged that he monitored the United Nuwaubian Nation of Moors website during the trial. Even in a the pretrial hearing on December 16, 2004 A.D. he stated, "The reality of the situation is so much of what's out there has been put out there on the web site. So I've looked at the material from the web site. I'm familiar with all of that." (December 16, 2004 Transcript P.74, L. 11-13)

Judge C. Ashley Royal also would not allow Rev. Dr. Malachi Z. York to even get a pencil during the trial, which prohibited him from taking notes that would aid in his defense. Royal also rushed the trial, even holding court during the Dr. Martin Luther King Holiday, which stood in violation of the Federal Rules of Criminal Procedure and was a blatant disrespect of Dr. King's legacy. Judge Royal justified his actions by stating

that trials of this nature have to be pushed along, there were witnesses from out of town and that the trial had already lasted two weeks and he did not want to further tax the jury's memory by being out of court an additional day. The trial only began to be rushed once the defense began mounting its case. After the government was given nearly two weeks to mount their case, the Judge began stating his concern about the speed of the trial and the necessity of testimony once the Defense witnesses were on the stand.

The United States government claimed they had 200 witnesses but only called 47 and out of those 47, most were FBI agents, and there were only 7 alleged victims. Out of those 7 alleged victims, 3 changed their stories after being threatened and pressured by the government and their parents. The remaining 4 contradicted themselves on the stand and 1 even admitted to lying to the grand jury.

Witnesses for the government also lied about the raid that took place at 404 Shady Dale Road, Eatonton, Georgia on May 8, 2002 A.D., denying the use of tear gas, and excessive force. During this siege, there were guns pointed at women and children and even on babies. Body bags were seen during the raid being brought in bulk in anticipation of the bloodshed. Children were kidnapped and questioned without their parents' consent or knowledge.

Throughout the course of the trial, there were no videos or pictures of any molestation produced. The Federal Bureau of Investigation claimed to have investigated Rev. Dr. Malachi Z. York, yet nothing was produced in the trial showing any thorough investigation such as videotapes, audiotapes, or any evidence supporting the government's allegations against Rev. Dr. Malachi Z. York.

Because the Government knew its case was fake and based on false allegations, they did not even call or contact some of their own witnesses who they claimed to be alleged victims in the indictment. In fact, the defense called some of the alleged victims named in the indictment, who testified for the Defense, on behalf of Rev. Dr. Malachi Z. York, maintaining that NOTHING ever happened and that he is innocent.

From the beginning, there was a campaign by the U.S. Government and the F.B.I. to saturate the media with false allegations and exaggerations to taint any potential jury pool. There was also a concentrated effort in the media to defame, slander, and character assassinate Dr. Malachi Z. York. They wanted to find him guilty in the court of public opinion before any trial even took place. His presumption of innocence was lost from the beginning of this case.

It's a number game. The media reports that he is charged with 208 counts of child molestation in the case that the State of Georgia has against him to insinuate that there are 208 alleged victims. They say they have 200 witnesses to imply that 200 people saw the alleged molestation take place. **Don't be fooled**. There are no 208 alleged victims, there are 13 and out of those 13, 5 of them were **kidnapped** during the invasion and raid of the property at 404 Shady Dale Rd and taken into the custody of DFACS by former Detective and sidekick of Sheriff Sills, and now known drug user, Noel Lee Wilson.

Those 5 alleged victims stated they were **NEVER** molested and 4 of them have been released to their parents. 1 remains in DFACS custody and still maintains that nothing ever happened. Of the 8 remaining alleged victims, 3 have recanted their statements as well as told reasons for lying in the first place. They were forced to lie and promised money and other things. This leaves 5 alleged victims in which the prosecution said from their own mouths, which can be verified in the public transcripts, that they have no videotapes, pictures, or physical evidence that is consistent with the charges.

As for the 200 so-called witnesses, 175 of them are State and Federal Agents that participated in the invasion and raid of the property at 404 Shady Dale Rd. This leaves 25, and of that, 18 are people that resided or were visiting the property at 404 Shady Dale Rd. and Athens. This leaves 7 so-called Witnesses. These 7 so-called witnesses have so much dirty laundry. We have witnesses, sworn statements, diaries, letters, and pictures of the orgies and deviant sexual behavior of these 7 individuals. How they were into group sex exchanging partners, molesting minors and much more.

Defense had witnesses that attacked every aspect of the prosecutions allegations. These witnesses refuted all of their BOGUS claims including:

**Rev. Dr. Malachi Z. York is the undisputed leader and sole controller of everything and everybody in the organization – FALSE**

Horace Wright, the leader of the London community, testified to clear up this falsehood. Horace told the jury that he has video and audio tapes of himself teaching and leading his congregation in London. Horace also testified and told the jury what the word Imam really means "*one up front*" and that he himself is the Imam over in London. He also told the jury that there is no way that Malachi York could be Jesus or God or even 6000 years old, and be born June 26th 1945. Horace read the back cover of a video taped lecture of Rev. Dr. Malachi Z. York where Mr. York says "I am NOT Jesus or a Prophet". So much for those allegations!!!

**Rev. Dr. Malachi York sexually molested under aged boys and girls - FALSE**

Every witness for the defense adamantly denied any such allegation. They also denied seeing anyone else being molested. The Defense called 8 of the prosecution's very own alleged victims that they named in the indictment. All 8 denied any allegations of molestations. They all said NO! Some of these alleged victims were served subpoenas, but were never called by the prosecution. Why? Because they knew that they would say NO because its all FALSE. 2 of these alleged victims, Sakina Woods and Qiturah Lampkin weren't even served a subpoena, yet they were listed as victims in the indictment. The Government is well aware of the lies and plot to destroy Dr. Malachi Z. York.

**Rev. Dr. Malachi Z. York transported or cause minors to be transported for unlawful sex – FALSE**

Even the prosecution's own witnesses testified that Malachi York did NOT transport any alleged victims from New York to Georgia. They testified that they traveled with their parents or others, but not with Rev. Dr. Malachi York. The defense witnesses testified that Rev. Dr. Malachi Z. York did NOT order anyone to travel to Georgia from New York.

**Rev. Dr. Malachi Z. York taught his followers that he is God - FALSE**

Not even the prosecution's witnesses testified to that. This is something the media along with the FBI and Government wants the public to believe in order to say Dr. Malachi York had control over people. All of the defense witnesses laughed at the U.S. Attorney when this issue came up in court.

**Rev. Dr. Malachi Z. York claimed to be Jesus - FALSE**

The Government claims that Malachi York ordered his followers to refer to him as Imam Isa, which they say means "Father" and "Jesus" respectively. Firstly, no one testified that Rev. Dr. Malachi York ordered anyone to call him Imam Isa. Secondly, anyone can look up the Arabic word Imam and see that it means "one up front". The prosecution stuck their foot in their mouth when it comes to the word "Isa" meaning Jesus because Isa Johnson, an alleged victim called to the stand by the prosecution and said he was NEVER molested and NEVER saw anyone get molested. His name is also Isa, and thus would also make him "Jesus", which was never asserted by the prosecution although it is the same name.

**Rev. Dr. Malachi York structured cash to evade reporting requirements - FALSE**

Defense witness Neil Dukoff who is Malachi York's tax accountant and whose father was his accountant before that for over 30 years. Mr. Dukoff testified, from 1996 to 2001, Dr. Malachi Z. York reported well over 1 MILLION dollars in taxes for EACH year. He also testified that Malachi York paid MORE taxes that he should have for each of those years. Dr. Malachi Z. York was NEVER audited by the IRS and never received any notice from the IRS. The prosecution produced NO such documents. You be the judge. Why would Dr. Malachi Z. York even open a bank account if the point is to evade reporting requirements?

The prosecution closed and rested their case, and subsequently re-opened their case under the guise of putting up rebuttal witnesses to respond to the Defense' case, when actually they were new witnesses. Why? The prosecution realized they lost and were trying to save their case by calling new witnesses to the stand. Upon deciding a verdict, the jury was hung and in matter of one hour, the sole dissenting juror was persuaded to bring down a guilty verdict. This juror, number 62 maintained that Rev. Dr. Malachi Z. York was set up and that she had heard of another case where someone was found guilty that was actually innocent. Despite the devastating case presented by the defense, a Guilty verdict came down on 10 of the 11 counts against Dr. Malachi Z. York.

In an attempt to obscure the numerous errors made, Judge C. Ashley Royal sealed the transcripts to the trial. In fact, in their motion to the court, the prosecution only asked that the transcripts to be partially sealed to protect the identities of the witnesses who

testified who were under 18, but Judge Royal went beyond that extent to have the entire document sealed from the public.

Rev. Dr. Malachi Z. York has been unjustly accused, tried and persecuted by the United States Justice system without being under their jurisdiction as a Native American. He is nearly 60 years old and is an innocent man. During most of the duration of his imprisonment, Dr. York was battling a potentially fatal illness, Hereditary Angioedema, a condition triggered by stress, resulting in swelling and inflammation of the skin and the throat, which can result in asphyxiation. This illness has worsened due to his imprisonment. We wish to bring this case of gross injustice to the eyes of the public with the hope that they will come to his support, contacting public officials, organizations nationally and internationally to come to his aid.