

A Brief Synopsis of the Case against Rev. Dr. Malachi Z. York May 8, 2002 A.D. - December 2003 A.D.

Rev. Dr. Malachi Z. York moved from Sullivan County in Upstate New York to Putnam County, GA on **January 31, 1993 A.D.** At that time, he purchased 476 acres of land on Shady Dale Rd, which became the new site of the Holy Tabernacle Ministries (H.T.M), church. There were no minors or under aged passengers in his vehicle when he traveled to Georgia in **January of 1993 A.D.** Before he left, many other church members had already arrived in Georgia, and after his arrival, many members migrated there as well. Very few moved to our sacred tribal grounds. Since our church moved to this area in 1993 A.D., for 3 years there were no complaints or problems with the townspeople or local officials. In **1996 A.D., Sheriff: Howard Richard Sills, Badge 117**, was elected Sheriff of Putnam County, and from this point on, there was civil case after civil case regarding building and zoning violations mounted against the property owner(s) and **Holy Tabernacle Ministries (H.T.M.)**. These cases were designed to illegally extort money from members of H.T.M by fining them ridiculous amounts of money for minor violations. Sheriff: Howard Richard Sills has broken every law both federal and state. He has exceeded the limits of the law with the help of **Attorney Frank Ford, Attorney Dorothy Adams, County Clerk Sheila Layson, Sandra Adams, Building Inspector Robert Clay Howell, and the County Commissioners**. Sheriff: Howard Richard Sills has made a concentrated effort to try to destroy our Nation ever since he took office. Out of the 476 acres of land that the Nation owns, which is not owned by Rev. Dr. York and has not been owned by him since **February 19,1999 A.D.** and finally put in the legal court proceedings of The Holy Tabernacle Ministries have only developed 19 acres. This is due to the fact that we have been prejudicially blocked by illegal county zoning and building ordinances from 1997 A.D. - the present. For the last 7 years, the church has been in and out of civil court due to the discrimination against us to properly being able to get the buildings on our land permitted for occupancy.

Even through all the turmoil, church membership has grown. Dr. Malachi Z. York continued his work as a teacher and has authored more than 360 books on various topics dealing with world religions, self-improvement and cultural identity. His doctrine has reached all over the world. The Annual Family Gathering held at the H.T.M. property brought over 30,000 people from across the globe. This event was free and open to the public.

On **February 8, 2002 A.D. Judge Hugh V. Wingfield** exonerated rev. Dr. York from all charges and claims pertaining to case **99CV1-1** in the **Superior Court of Putnam County** involving alleged RICO charges arising from zoning violations on the land at 404 Shady Dale Road. Robert T. Prior, the attorney for Putnam County stated in court, "*....This morning the County received from the Defendant Dwight York a quitclaim deed releasing all his interest in the property....In exchange for that the County agreed to dismiss Dwight York from the lawsuit.*" The Judge responded "*I assume he quitclaimed it to these folks.*" Sheriff: Howard Richard Sills then made it his point to find a way to discredit and degrade our nation over the next seven years. Our current legal battle is

stemming from these civil cases and the fact that we were strong enough to endure. Now, this is their final attempt to once again try to drive the Holy Tabernacle Ministries off of the 404 Shady Dale Road property.

On **May 8, 2002 A.D.** Rev. Dr. Malachi Z. York was arrested illegally under the name "Dwight York" in a parking lot of a K-Mart Shopping Center in Milledgeville, GA, by FBI and over 100 law enforcement officers. While this was transpiring, law enforcement officers from **Putnam County, Baldwin County, Columbus County, and Jones County**, with agents from the **Department of Natural Resources, FBI and US Forestry**, invaded the 404 Shady Dale Rd. property in Eatonton, GA with 400 heavily armed foot soldiers. Sheriff: Howard Richard Sills again gave false information to the FBI that the church was stock piling weapons and were dangerous. He failed to mention to them that over the last 10 years the GBI, FBI, Putnam County Sheriff Department, have raided the property over 4 times, and found not weapons or evidence of criminal activity. Sheriff: Howard Richard Sills failed to mention that on two of these occasions, Dr. Malachi Z. York was taken to GBI and FBI headquarters to be questioned and was given a lie detector test to see if he was involved in any terroristic activities; and test results confirmed that he was not involved in any terroristic activities. These GBI Agents even came back to the land after seeing that Dr. Malachi Z. York was cooperative and courteous and willing to assist them in their investigation. These Agents returned on numerous occasions to fish from the lakes on the church property. He has even aided them in finding persons that were suspected to be affiliated with the church, by transferring any and all information that was filed on the suspects were given to the agents to further their investigation.

After his illegal arrest on May 8, 2002 A.D., Rev. Dr. York was held in Federal custody on 4 counts of transporting minors across state lines for indecent purposes. Five days later, on **May 13, 2002 A.D.**, there was a new indictment in the State with 120 counts of child molestation; and on **August 2, 2002 A.D.** the State of Georgia aided by **District Attorney Fred Bright and Asst. District Attorney Dawn Baskin** illegally held a grand jury hearing to re-indict Dr. Malachi Z. York. The plot to use an illegal grand jury was exposed and that indictment was quashed or dismissed on that same day. The State of Georgia later vindictively re-indicted once again for the third time on October 2, 2002 A.D. with 208 counts of child molestation. These charges are fabricated to establish a criminal case against Dr. Malachi Z. York as a final effort to take the land and get rid of the Church located at 404 Shady Dale Road, Holy Tabernacle Ministries. Dr. York has continually stated his innocence and has been ignored.

Rev. Dr. Malachi Z. York was seen before Magistrate Judge Claude Hicks of the Middle District of Macon, GA on May 9, 13, and 14 2002 A.D. to be arraigned for the federal charges. During this hearing, Dr. Malachi Z. York was denied bond by Judge Claude Hicks, merely a magistrate judge, who admitted he has not seen the factual evidence supporting the charges in the case. Judge Claude Hicks ruled that Dr. Malachi Z. York was a danger to the community when those who the prosecution claimed were alleged victims had already been taken into custody. Judge Claude Hicks stated in open

court that he felt in his opinion that if Dr. Malachi Z. York was set free, the acts for which he was being accused of would continue. Judge Hicks denied Dr. Malachi Z. York his right to be presumed innocent until proven guilty and placed himself in the position of Judge and Jury by declaring him guilty before allowing him a fair trial. Judge Claude Hicks, before gathering and balancing the facts in this case, compared Dr. Malachi Z. York to Jim Jones of the Jones Town Massacre and Jimmy Swaggart who was caught with a prostitute; and Jim Baker, who defrauded his own congregation.

The State of Georgia, headed by Sheriff: Howard Richard Sills also gathered the grand jury in Putnam County to bring down the first bogus indictment. Sills made himself: 1. a witness 2. a prosecutor for the state 3. and made a special presentment for the state. Dr. Malachi Z. York was indicted three separate times by the State trying to cover their previous mistakes, an outright violation of the law. These charges involve 13 teenagers, 5 of which said nothing ever happened to them and that none of these alleged acts ever occurred. In addition, Judge Spivey in Juvenile Court in Jones County of the Ocmulgee Circuit stated in court on July 17, 2002 A.D., that none of these particular children (Hasnaa Evans, 16; Husnaa Evans 16; Hanaan Meritt 16; Salha Eddington 14; and Isa Johnson, 13) that were kidnapped off the 404 Shady Dale property and placed into the custody of The Department of Family and Children Services (DFACS) had any signs of ever being molested. Out of the eight that remain, 3 have recanted their statements and the 5 that continue to accuse Dr. York were individuals left the church property after being reprimanded for indecent behavior that was exposed and would not be tolerated.

During pre-trial hearings in the State case on January 16th and 17th 2003 A.D., Judge William Prior denied every motion that could help Dr. Malachi Z. York properly defend his case. He was never officially arraigned in the state, because he was immediately transferred to state custody to the Clayton County Sheriff Department from federal custody at the Atlanta Federal Penitentiary, during the middle of preparing for his federal case 5:02-CR-271. This was done by the US Prosecutors, US Attorney Maxwell Wood; Asst. US Attorney Richard Moultrie of Macon, GA; District Attorney Fred Bright; Asst. District Attorney Dawn Baskin of Putnam County, GA, which is a violation of the Speedy Trial Act.

Rev. Dr. Malachi Z. York was forced, after being mentally and physically tortured, a violation of 42 U.S.C. 1983, to sign a plea agreement in Federal Court on January 23, 2002 A.D. and the State Court on January 24, 2002 A.D. Dr. York was illegally detained by the Federal Government for almost 2 years without a trial. He has been denied the right to a fair trial and the right to be innocent until proven guilty. He has been threatened with life in prison along with harm to his family and fellow church members if he persisted to taking his case to trial.

Former defense attorneys Edward T.M. Garland and Manny Arora attempted to have Dr. York committed to a federal mental institution for evaluation to see if he was mentally competent to stand trial. Dr. Malachi Z. York was held at the Metropolitan Correctional Center in Manhattan, New York, for this psychological evaluation for over 60 days, from August 14, 2003 - October 20, 2003 A.D. He was found to be competent and his Native

American status was no longer in question. Dr. William Ryan of the Bureau of Prisons asserted in his report that, "he is a Native American/African American and competent to stand trial". His heritage should no longer be on trial and a reason to perceive him to be incompetent.

After being tortured and forced to take a plea under duress, Dr. Malachi Z. York was incarcerated at the Jones County Sheriff Department in Gray, GA for an additional 6 months while awaiting sentencing, and the attorneys from the firm of Samuel, Garland and Loeb after being paid \$1.5 million by the tribe who hired them, did not visit him once.

Attorney Frank Rubino of Miami, FL, an international lawyer, was hired to aid Dr. Malachi Z. York argue the issue of his Native American status and putting it on the court record that he must to be tried amongst his peers as he is a Native American, and be recognized as Maku "Chief": Black Thunderbird "Eagle" of the Yamassee Native Americans of the Creek Nation Seminole, Creek, Shushuni, Washita Mound Builders. . Dr. Malachi Z. York is a descendant of Ben York through Old York, referred to as Yusef Ben Ali, a Malian Moor, as well as a Seminole from the Yamassee Native American Tribe of Mound Builders.

On October 24, 2003 the Macon Telegraph publicized plans for a second Federal indictment and the grand jury has already been tainted because of the negative pre-indictment publicity. The Middle District and Northern Districts of Georgia have already been spoiled, which is supported by the change of venue granted by Judge C. Ashley Royal. Judge C. Ashley Royal's order stated that the negative media that has been published by the Macon Telegraph and Atlanta Journal Constitution about Nuwaubians and Dr. Malachi Z. York has been monitored by the court over the years and these biased articles will adversely affect him being able to receive a fair trial. The trial was moved to Brunswick, GA, which is in the Southern District of Georgia and it was revealed that The Brunswick News was given information by Putnam County Sheriff: Howard Richard Sills, who in turn printed an article in their small town newspaper titled "Cult Leader to Stand Trial in Glynn". Sheriff: Sills is vindictively spoiled the venue, as he previously did when the State trial was moved 20 minutes down the road to Newton County, Covington, GA. Sheriff: Howard Richard Sills has purposely worked to keep Dr. Malachi Z. York from receiving a fair trial.

In a letter drafted by Asst. District Attorney Richard Moultrie and sent to Attorney Edward T.M. Garland, Attorney Manubir Arora and Attorney Frank A. Rubino, dated October 2, 2003 A.D., Federal Prosecutors US Attorney Max Wood and Asst. US Attorney Richard Moultrie stated their intentions to seek a second Federal indictment scheduled for November 15, 2003 A.D.

On November 20, 2003 A.D. the United States Government superseded the current indictment of 4 counts of Transporting Minors for the purpose of unlawful sexual activity and presented a new indictment to the grand jury in Macon, GA for violations of the

RICO statutes and the Mann Act. The new indictment now alleges that the Nuwaubian Nation was established for child molestation purposes. This second indictment was done because the government would not be able to try the case with out the RICO statute because the alleged actions were outside of the statute of limitations. The Grand Jury was drawn out of the Middle District of Georgia a location where Judge C. Ashley Royal had already ruled was tainted with negative pre-trial publicity. This second indictment was a re-indictment not a superceding indictment. In order for the indictment to be a superceding indictment, there would need to be new evidence presented which creates a manifest need for a superceding indictment

On December 16, 2003 A.D. Judge C. Ashley Royal stated in a public hearing that he would seek to have the court room closed to the public during the trial, yet he would allow only the media to be present in the court room, which is a violation of Dr. Malachi Z. York's 6th Amendment right granted by the Constitution of the United States of America and a violation of the drafted Declaration of Human Rights for the United Nations.