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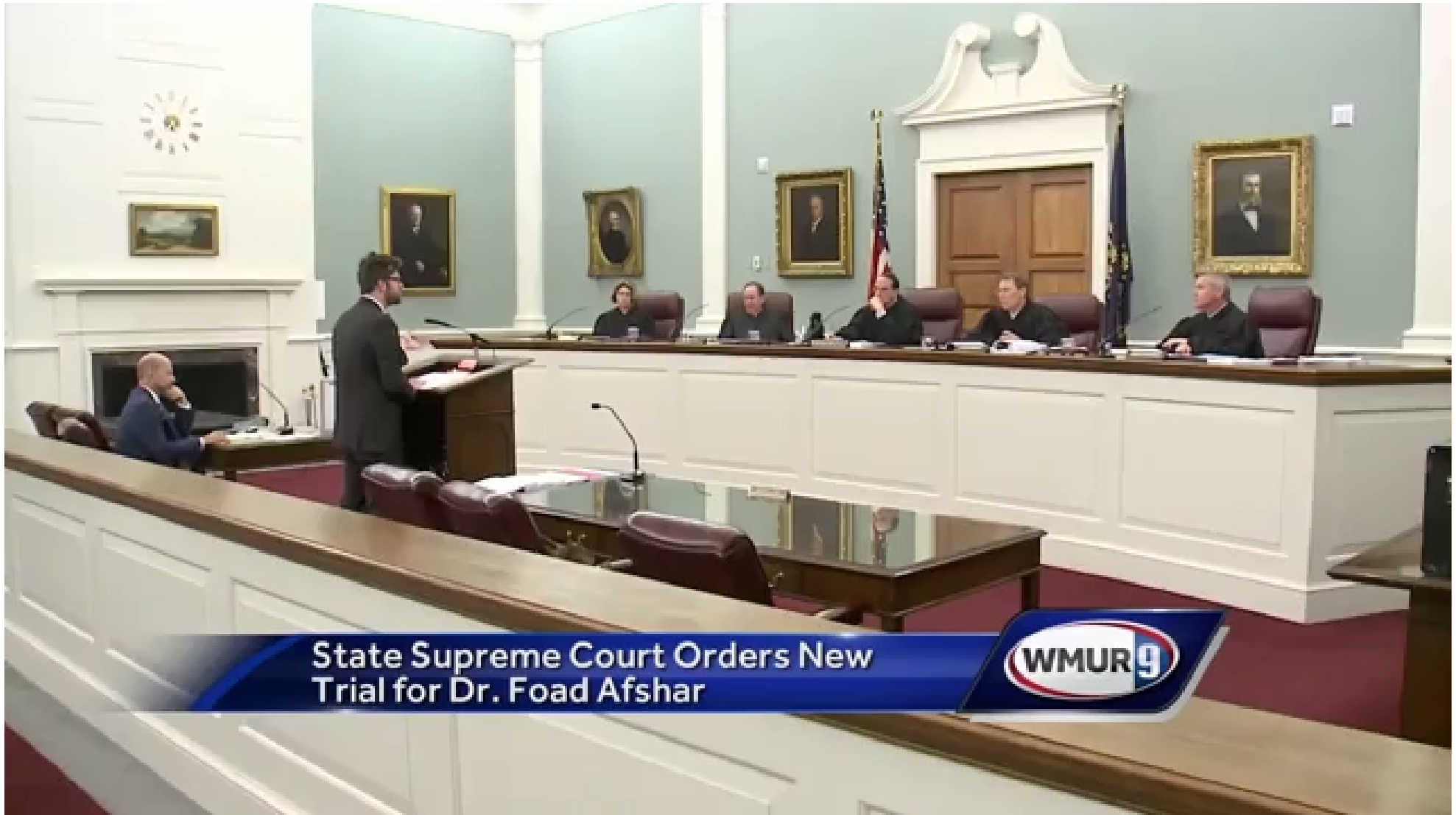
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State Supreme Court Orders New Trial for Dr. Foad Afshar



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State Supreme Court orders new trial for psychologist convicted of molesting boy

Justices say judge was correct in ordering new trial based on juror bias



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Ray Brewer   

News Reporter

CONCORD, N.H. — Citing issues with the jury, the New Hampshire Supreme Court has ordered a new trial for a former child psychologist convicted of molesting a 12-year-old boy.

Dr. Foad Afshar was convicted of sexually assaulting a boy during a therapy session and was sentenced to three to six years in prison.

It was learned later that two of the jurors never disclosed that they were victims of sexual assault. The trial judge ruled that was enough to set the verdict aside and grant a new trial.

In appealing to the state Supreme Court, the prosecution maintained that the verdict was just, arguing that being a victim of a crime shouldn't disqualify a person from serving as a juror. But in siding with the judge, the Supreme Court wrote, in part:

"It is a fundamental precept of our system of justice that a defendant has a right to be tried by a fair and impartial jury."

Before the trial started, both jurors said they had not been victims of a crime. After the trial, the judge questioned one of the jurors, and her response to questions caused the judge to doubt her neutrality.

The Supreme Court said that ordering a new trial on that basis was within the judge's discretion. In the case of the second juror, the Supreme Court went farther.

"Juror 6's dishonest answer at voir dire demonstrated a bias (that) warranted excusal for cause," the justices ruled.

Afshar's attorney said the decision helps ensure the fundamental fairness of jury trials. He said his client was relieved and gratified by the decision. The attorney also said Foad was grateful for the support of the Friends of Foad group and others.

The Merrimack County Attorney's Office said it hasn't had a chance to read the decision yet and had no comment about when or if a new trial will be scheduled. The defense said there will likely be a hearing on the next steps within the next 30 days.

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