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Psychologist 'trying to pull things together' after legal wrangling, dropped abuse charges

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CONCORD - In early 2015, psychologist Foad Afshar, then 55, was planning to wind down his child psychology practice and focus on research in the years leading up to retirement.

Instead, he became the defendant in a sexual assault trial that has served as a flashpoint in the debate over justice for the accuser and the accused when there is no corroborating evidence.

Afshar was convicted, sentenced and imprisoned for nine months. Behind bars he endured death threats and long days in isolation.

The judge in his case eventually ordered a new trial after learning that two jurors did not disclose they had been sexually abused as children when they were questioned on that topic during jury selection.

Prosecutors appealed to the state Supreme Court, but when the high court sided with the trial judge last week, they decided to drop all charges.

"It's been a long time coming, but we're glad it's finally here," Afshar said on Thursday, after learning of the decision by Assistant Merrimack County Attorney Joseph Cherniske. "We're trying to pull things together and make a quilt out of the broken pieces."



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Psychologist Foad Afshar, far left, with his wife and three children at a recent graduation ceremony. (COURTESY)

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In announcing his decision to drop all charges, Cherniske asked the media to respect the privacy of the accuser and his family in the case.

"The victim and his family are asking for privacy as they continue to heal from this process and are asking not to be contacted," he said.

After a nine-day jury trial in 2016, Afshar was convicted of simple assault and aggravated felonious sexual assault, based on charges that he touched the genitals of a 12-year-old patient during a therapy session.

He also was convicted on two counts of unlawful mental health practice based on charges that he had failed to renew his mental health counselor's license at the time he was treating the victim, and was sentenced to three to six years in prison.

Push for legislation

Afshar's conviction led his supporters last year to press for legislation that would require independent corroboration of sexual assault charges in certain cases, while victim advocates rallied in opposition to the bill, which ultimately was defeated.

Crowds of supporters turned out in defense of Afshar during his trial, while "believe the victim" advocates were equally well-represented, showing up at legislative hearings and court proceedings that pre-dated the #metoo movement and the confirmation process for Supreme Court Justice Brett Kavanaugh.

Now Afshar is trying to put his life back together after three years of legal wrangling. He was released from prison after the trial court ordered a new trial in March of 2017.

Even though all charges have been dropped (technically nol-prossed), Afshar is not sure whether he will ever return to clinical practice.

"It's way too early for me to even think about it," he said. "This has done a lot of damage in a lot of ways. Financially, I have to re-pursue my license. I can't do anything without a license. I don't know quite where I'm going with this. We'll have to have some time for conversation with family and time to decide."

Support of patients

Many of those who turned out to support Afshar during his trial were former or current patients.

"The damage is pretty significant," he said. "But it's not just the damage to me and my family, my children, my wife. The unspoken victims are all my patients who suddenly lost the person they had trusted for years and some of them could not find another person they could trust."

Ashfar fled Iran as a 17-year-old in 1977. "He began his life in America unable to speak English and having no family or friends in the states to support him," according to fellow psychologist Michael Kandle of Durham, who for the past three years has maintained a website titled "Justice for Foad."

He learned the language, completed his high school and undergraduate degrees and earned a master's degree from Harvard and eventually a Doctorate of Psychology from California Coast University.

He's been married for 30 years, has three children and was elected president of the New Hampshire Psychological Association.

No move to advocacy

One thing Afshar won't do, he said, is become an advocate for others who claim to be falsely accused.

"Honestly, the advocacy folks portrayed me as evil personified, but I have been a child advocate for 30 years and I do think there has to be dignity, respect and honor given to anyone who raises issues of abuse," he said.

"But I also believe that because it is so sensitive, law enforcement and prosecution have to take extraordinary measures to make sure every 't' is crossed and every 'i' dotted, and I don't think that was done in this case."

Amanda Grady Sexton, director of public relations at the N.H. Coalition Against Domestic and Sexual Violence, said her organization never commented specifically on Afshar or the allegations against him.

"We've only spoken about the system, the bravery of the victim, the Supreme Court decision and general accountability," she said. "Our thoughts continue to be with the victim and their family, who endured a process that's specifically designed to protect the rights of the defendant over the rights of the victim. We will continue to work toward a system that guarantees enforceable rights for both defendants and victims."

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