

Ex-chamber chief acquitted

March 13, 2010, 02:43 AM By Michelle Durand of The Daily Journal

A jury acquitted Michael Kazarian, former Belmont Chamber of Commerce president and flooring store owner, of 17 felony counts of child molestation lodged after the now-grown daughter of a former girlfriend accused him of inappropriate acts when she was 8 to 12 years old.

On Friday morning, Kazarian, 51, sat quietly as the court clerk ticked off not guilty verdicts for each charge plus the special allegations of acting with fear or force and committing continual sexual contact. At the end, however, he hugged defense attorney Steve Chase as supporters in the courtroom breathed audible sighs of relief and his best friend flashed a thumbs-up sign. Another put his arm around Kazarian's wife, telling her "he's coming home to you."

Kazarian, who has been in custody for nearly a year in lieu of \$1 million bail, was released Friday. His wife, Maral, said outside court she had no plans except to "give him a big hug and kiss," she said. "I was waiting for this."

Maral Kazarian, who has a 6-year-old son with her husband, said she never had any doubts but that the criminal process has been "very, very difficult."

The jury left without commenting on their verdicts. But to Kazarian's friends, many who testified as character witnesses during the week-long trial, there was no doubt he was unjustly accused.

Chase said he is certain his client is not only not guilty under the law, but that the claims had no merit.

"I truly believe he's innocent," Chase said.

Chase said defending such cases are challenging because the jury often throws the presumption of innocence "out the window" when they learn the charges are of child molestation.

But the jury appeared to like Kazarian from the get-go and were skeptical of the victim's allegations and non-emotional demeanor, said prosecutor Ivan Nightengale.

Jurors weighed a week of testimony in which both Kazarian and the accuser offered conflicting stories of the three years between 1999 and 2002 when she and her mother lived in his one-room San Mateo apartment. The woman, now 18, said Kazarian repeatedly molested her between the ages of 8 and 12, often in bed at night after her mother went to sleep.

The defense suggested the girl made the accusation years later in February 2009 to hurt her mother and was forced to continue the charade once her father contacted San Mateo police.

Chase described the accuser as a "pathological liar" but said he really can't be absolutely certain why she made the allegations.

"The lies rolled off her lips so easily," Chase said.

Jurors also considered testimony by character witnesses for Kazarian, a videotaped police interview of Kazarian following his May 18 arrest and a pair of audio-recorded phone calls made by the accuser to Kazarian last March in which she tried to solicit an admission of the alleged acts. In them, the girl told Kazarian she was having trouble with the past and pushed him for an apology. He told the girl she was wrong and brought up the troubled relationship with her mother, which he said

included embezzlement and identity theft.

The mother was not called as a witness and was not present in court. Nightengale said she was not subpoenaed because she "wasn't a witness to anything."

Although Nightengale respects the jury's process, he said he doesn't agree with the process and stands by his belief in the accuser's claims.

"I wouldn't have gone forward if I didn't believe the charges," he said.

Nightengale said the woman's father is having a more difficult time accepting the verdict but that the trial proved cathartic for her regardless of the outcome.