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News

Police deny malice in alleged plot arrest

Megan O'Toole, National Post · Oct. 18, 2011 | Last Updated: Oct. 18, 2011 3:07 AM ET

Toronto police contend they had "reasonable and probable grounds" to arrest an employee of Harold the Jewellery Buyer last year in an alleged murder-for-hire plot, even though the charges were later dropped.

The circumstances spurred 72-year-old Maria Konstan to launch a multimillion-dollar lawsuit targeting the Toronto Police Services Board, Chief Bill Blair and Detective Ted Fritz, along with rival jeweller Jack Berkovits and mixed martial arts fighter Saeed Hosseini.

In her lawsuit, which alleges conspiracy, malicious prosecution and false imprisonment, Ms. Konstan says Mr. Hosseini and Mr. Berkovits fabricated the claim that she arranged to have the former kill the latter.

In a statement of defence released Monday, Toronto police denied any wrongdoing in the case.

"The investigation performed in respect of the plaintiff, Maria Konstan, was conducted in a reasonable, competent and professional fashion without negligence and in good faith," the statement asserts, noting Ms. Konstan was treated "appropriately and lawfully" at all material times.

"These defendants specifically deny that at any time they or any of them were motivated by any malice, ill will or improper purpose in respect of the plaintiff," the statement continues.

Police also issued a crossclaim for costs against Mr. Hosseini and Mr. Berkovits, noting if the court finds the co-defendants fabricated their police statements in an effort to harm Ms. Konstan, "then responsibility for such actions rest[s] with the said co-defendants."

Ms. Konstan's lawyer, Barry Swadron, said he was not surprised police "covered their bases" via the cross-claim, but took issue with their defence of an outstanding failure-to-comply charge laid against Ms. Konstan when she allegedly breached a bail condition.

"They had a house of cards, the cards fell, and now they're trying to prosecute her for breach of probation on charges that never should have been there in the first place," Mr. Swadron said. "It's almost vindictive."

Harold the Jewellery Buyer's owner, Harold Gerstel, has been in a long-standing war with Mr. Berkovits, who owns a neighbouring cash-for-gold business.

Recently, Mr. Berkovits launched a lawsuit of his own, accusing Mr. Gerstel of deliberately poaching his customers.

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