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Gold wars: Accusation she hired a hitman haunts senior now suing Toronto police

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Peter Edwards

Staff Reporter

Seventy-three-year-old Maria Konstan says Toronto police still won't explain why they accused her of hiring a hitman.

It has been two years since the Toronto senior was charged with counselling a mixed martial artist to commit murder, and 13 months since those charges were dropped by the Crown.

Despite the passage of time, Konstan says she still doesn't know why the charge was laid in the first place.

"My life is completely ruined," she said in an interview. "I'm stigmatized. This stigma will never go away."

"I don't want to go out with people because I think people are talking about me, saying that I'm a bad person," she said.

Konstan's lawyer, Barry Swadron, filed a motion in the Ontario Superior Court of Justice this week, alleging Toronto police aren't cooperating with the court in her \$3.35-million civil suit against them.

Toronto police spokesperson Tony Vella said police are looking into the accusation, but couldn't comment on Friday.

In her lawsuit, Konstan alleges that police never had reasonable grounds to accuse her, in July 2010, of hiring Iranian-born mixed martial artist Saeed Hosseini to kill Samuel Jacob (Jack) Berkovits of Omni Jewelcrafters.

This week's court action is the latest twist in the gold wars between Harold Gerstel of Harold the Jewellery Buyer and Berkovits, whose businesses butt up against each other in the Bathurst St. and Lawrence Ave. district.

Konstan was a part-time employee of Gerstel who wore a sandwich board to drum up business for his shop and appeared occasionally in television ads.

Swadron's motion this week calls on the court to strike down the police service's statement of defence because it hasn't met deadlines for providing disclosure evidence.

"The hell that the police are putting this senior citizen through has taken, and continues to take, an enormous psychological and physical toll on her," Swadron said in an interview. "The police should be ashamed of themselves."

Her lawsuit alleges "conspiracy, malicious prosecution, abuse of process and intentional infliction of mental anguish" and argues that police should have understood that Hosseini's story about the alleged hit was "neither plausible nor credible."

The lawsuit seeks a total of \$3,350,000 in damages for Konstan and a further \$240,000 for her husband and two daughters. None of the allegations in her lawsuit has been proven.

Swadron said his client has a right to know why police leveled the charge of counseling to commit murder against her.

"Because the police are not forthcoming with their inventory and production of relevant documents, they are leaving this poor woman with no alternative but to apply to the court to force them to do so," Swadron said.

"It would be a relatively easy task for the police but, for some mysterious reason, they are stalling," Swadron said. "What do they have to hide?"

Meanwhile, Hosseini appears to have disappeared, with no forwarding address on court documents.

In an interview, Konstan said she still hasn't recovered from her arrest at her Toronto home shortly after midnight on July 22, 2010.

The charges drove her to attempt suicide with sleeping pills, Konstan said.

She said she had led a clean life and avoided any criminal charges until the night she suddenly found herself accused of hiring a hitman.

"They put me behind bars for no reason whatsoever," Konstan said. "I'm a lady. Me in handcuffs? Unbelievable."



Maria Konstan, 73, is suing police and jewellery buyer/seller Jack Berkovits for millions after she was charged with hiring a hitman to kill Berkovits in his battle with Harold the Jewellery Buyer. Charges against her were dropped.

PETER EDWARDS/TORONTO STAR