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LOCAL NEWS

Fur coat heist charges thrown out

Defendants' rights were violated, judge rules

Shannon Kari
CanWest News Service

Wednesday, January 14, 2004

TORONTO -- All charges against a couple implicated in a brazen robbery of nearly \$200,000 in fur coats from a Holt Renfrew store in Mississauga have been thrown out by a judge because of a violation of the defendants' constitutional rights.

The unusual case included a police arrest of one of the defendants as she was going into labour, and a lengthy and unsuccessful search for a mysterious tenant whom the couple has insisted was the real culprit.

In a ruling last week, Ontario Superior Court Justice Terrance O'Connor stayed the charges after a confidential police informant refused to answer questions put forward by lawyers for the couple.

In December, 2001, 34 fur coats were stolen from the Holt Renfrew outlet in a Mississauga mall after a stolen Dodge Durango smashed through the front window in what the judge referred to as a "spectacular break-entry and theft."

Two weeks after the robbery, police arrested Piotr Maslanka and his

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common-law wife Mariola Sokolowska and charged them with several possession-related offences based on a tip from the informant. Police found 14 fur coats and some men's suits in a closet on the main floor of their Mississauga home. In the basement, two handguns, three ounces of marijuana, \$2,600 in cash, and tools that could break into automobiles were also seized.

Mr. Maslanka, who operates a limousine service, was arrested in his automobile.

His wife was arrested at home and interrogated by police even though she was in the early stages of labour. She was told by police she had to provide her name, home address and other information.

The couple insisted none of the property belonged to them. They were aware only of the furs, which they said were the property of a recent tenant who had told them he was in the "exporting-importing business."

The tenant, who had provided the couple with a phony Polish passport with the name Pawel Drozdzoleszczuk, had left the house, allegedly to stay with his girlfriend five days before the arrests were made.

The couple made a number of inquiries to try to locate the tenant, including placing a notice in a Polish-language newspaper in Toronto.

In July, 2002, police found a loaded handgun in a car and cellphone registered with a name similar to the tenant.

However, he has never been found and police have testified that they do not believe he exists.

Lawyers for the defendants had asked the judge to be able to question the confidential police informant about any information he may have had about the tenant.

"If the Crown can benefit from the use of a confidential informant in obtaining a search warrant, it is unfair to deprive the defence of an opportunity to question that witness, who is the key to proving our clients' innocence," said lawyer Alana Page, who represented the wife.

Police informants are normally allowed to remain anonymous unless a judge finds that the only way to establish the innocence of a defendant is by obtaining evidence from the informant.

Judge O'Connor ruled this case fit the "innocence at stake" legal principle and ordered police to re-interview the informant. When the Crown told the court the informant refused to be interviewed, the judge threw out all criminal charges against the couple and found their constitutional right to make "full answer and defence" had been violated.

The Crown has until early next month to appeal Judge O'Connor's ruling.

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