

Mpisane pleads poverty in bail bid

Could sleep in prison if she can't sway court

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FRAUD accused Shauwn Mpisane spent last night in her comfortable bed in her La Lucia mansion, but today she could swap that for a prison cell if she is not granted bail.

In her affidavit in support of bail, Mpisane says she is now cash-strapped - her "cash reserves significantly depleted" - and asked that bail not be fixed at more than R50 000.

In what he conceded was an "unusual move", Durban Commercial Crime court magistrate Gerrie Maree allowed Mpisane to go home "on warning" late yesterday afternoon when time ran out for him to make a decision in her bail application.

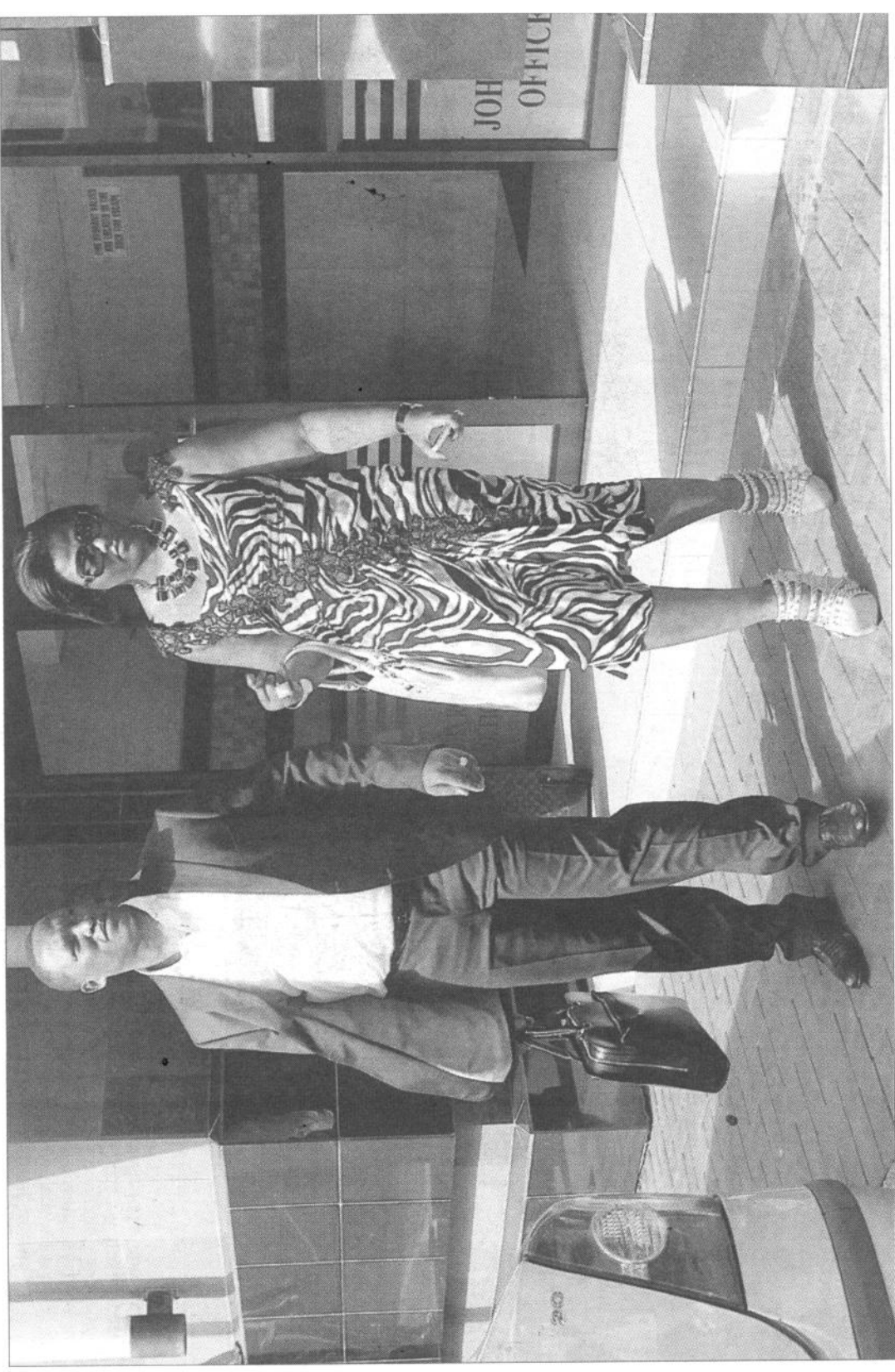
"I cannot be hurried," he said, as the clock ticked and Mpisane's advocate Jimmy Howse urged him to make a ruling, even if he gave reasons later.

"It may sound like a contradiction to release her on warning (overnight) but she was not formally arrested. She handed herself in this morning," the magistrate said, releasing her to go home for the night.

Prosecutor Joanna Bromley-Gans said she had no objection because Mpisane was not a flight risk.

However, in her closing argument Bromley-Gans urged the magistrate to put Mpisane behind bars pending her trial, saying with a previous conviction for fraud and two other pending cases, she had a propensity to commit fraud.

She cited the possibility that Mpisane would interfere with witnesses and said it was not in the



S'bu and Shauwn Mpisane leave Durban's Commercial Crime Court yesterday after she was let out on warning pending a decision today on her bail application. PICTURE: SANDILE MAKHOBHA

sands of people - out of business. In his evidence, investigating officer Colonel Kubenthren Naidoo of the anti-corruption task team said the cases were different and his case was very strong. He conceded under cross-examination that the department was not the complainant in the matter and he could not say why it had not cancelled the Inanda clinic contract.

The magistrate was due to rule on the bail application this morning

scoring five contracts from the Department of Public Works valued at more than R140 million between 2005 and last year.

The Asset Forfeiture Unit has secured a court order "preserving" assets to that value and, on Wednesday, in a raid on the couple's Addison Road home, their fleet of luxury vehicles was seized and taken into storage.

The order also restrains their home and other properties, cash in

interests of justice because of negative public opinion.

A slimmer Mpisane, wearing a figure-hugging dress and towering heels, appeared in court on 53 counts of fraud, forgery and uttering relating to her alleged submission of false documentation to the Construction Industry Development Board, boosting gradings granted to her company Zikhulise Cleaning, Maintenance and Transport CC and resulting in her fraudulently

their bank accounts and about 50 other vehicles used in their businesses. Curator Trevor White has been tasked with identifying other assets.

Mpisane has asked that bail not be fixed at more than R50 000. Putting her in jail, she argued, would be counter-productive to the preservation order because it would put Zikhulise - which was still in R658m and employing many thou-