

Mpisane gets reprieve in unusual court decision

TANIA BROUGHTON

FRAUD accused Shaawn 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, she urged the magistrate to put her behind bars pending her trial, saying that with a previous conviction for fraud and two other pending cases, she had a propensity to commit fraud.

Bromley-Gans cited the possibility that Mpisane would interfere with witnesses and said it was not in the interests of justice because of negative public opinion.

A slimmer Mpisane, wearing a figure-hugging dress and her trademark 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 scoring five contracts from the Department of Public Works valued at more than R140 million between 2005 and last year.

The Asset Forfeiture Unit secured a court order “preserving” assets to that value, and on Wednesday, in a raid on the couple’s home, their fleet of dozens of luxury vehicles were seized and taken into storage.

The order also restrains their home and other properties, cash in their bank accounts and about 50 other vehicles used in their businesses.

Curator Trevor White has been tasked with identifying other assets.

The court was expected to rule on bail this morning.

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