

21. On 6 March 2007 a warrant of seizure and sale pursuant to the order was issued from the Supreme Court at Melbourne and returned unsatisfied to the Supreme Court on 15 March 2007. As the prisoner was unable to pay the \$1,000,000.00 or offer sufficient property to pay this amount a warrant to imprison for want of seizure and sale was issued in the Supreme Court at Melbourne. This warrant was executed and the prisoner taken into custody and she is presently serving the term of two years imprisonment unless the full amount of the surety is paid.
22. Insofar as the matters constituting Counts 1 and 2 on the presentment are concerned, the same arise out of the affidavit of 15 June 2006, more particularly paragraphs 42 and 43 which contain the false statements.
23. Insofar as Count 2 is concerned when the prisoner gave evidence before Justice Gillard on 1 August 2006 the following exchange took place (p.449).
- His Honour: Q. *“...In paragraph 42 of your affidavit you set out what you say are your major assets, and the assets of J. R. Mokbel Pty Ltd. When you use the phrase “my major assets”, are there other assets that you have not disclosed in this list. Is that right?*

34. The prisoner falsely swore that Wakeem was making repayments on this loan in order to reduce her apparent monthly expenditure and thereby misrepresented her financial position in order to assist in her application before Justice Gillard to vary or rescind the forfeiture of bail on the grounds of hardship. This is in addition to this the prisoners perjured evidence in relation to her assets.
35. After being charged with perjury in relation to the repayment of the loan, the prisoner changed her affidavit to assert her husband had been making the repayments without her knowledge.
36. On 28 February 2007 the prisoner was arrested and interviewed in relation to the allegations and she answered “no comment” in relation to matters put to her by police.
37. The prisoner has no prior convictions.
 - The maximum penalty for each count of perjury is 15 years imprisonment.
 - Presentence detention - The prisoner is charged with these matters on 28 February 2007 and released on bail. The matter proceeded by way of Hand Up brief on the 20th September 2007

and she was committed for trial. No bail was sought on these charges.

- She was imprisoned for her failure to pay the surety on 15 March 2007 and has been in custody since that time. The prisoner has been in custody for 375 days. This is not pre-sentence detention for the purposes of the Sentencing Act. *no psc*
- S.6AAA of the Sentencing Act 1991 is applicable in this matter.

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