



**Neutral Citation Number: [2025] CIGC (Crim) 2**

**IND0138 OF 2024**

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**  
**CRIMINAL DIVISION**

**THE CROWN**

**V**

**WILLIAM GONZALEZ BODDEN**

Coram: Hon. Justice Marlene Carter  
Appearances: Mr. Kenneth Ferguson for the Crown  
Ms. Amelia Fosuhene for the Defendant  
Heard: 22 January 2025  
Sentence: 24 January 2025

***Criminal Law; Bigamy, Section 150 of the Penal Code (2022 Revision); Guilty Plea***

**SENTENCE JUDGMENT**

1. The Defendant is before the Court for sentence having pleaded guilty to the single count on the indictment: Bigamy, contrary to section 150 of the Penal Code. This offence carries a maximum sentence of five years imprisonment. The Defendant entered the plea of guilty to the offence on the 17th of December 2024.

**The facts outlined by the Prosecution**

2. On the 12th of December 2012, the Defendant and Laura Luanneie Bodden (“Mrs. Bodden”) went through a ceremony of marriage at the Westin Casuarina Resort in George Town, Grand Cayman. This union produced a daughter who was born on the 12th of June 2014. That child is now ten years old. In April 2018, the Defendant left the Cayman Islands and migrated to Dubai in the United Arab Emirates to work as a pilot. It is the Prosecution's case that the family's plan was for Mrs. Bodden and the child of the family to join the Defendant in Dubai once he had settled there,



but because of their daughter's anxiety issues in school, the parties decided against relocating to Dubai.

3. In March 2024, the Defendant resigned from his position in Dubai and migrated to the United States of America, where he is at present a permanent resident or green card holder. He established a residence in Florida. On 14 March 2024, the Defendant went through a ceremony of marriage with Juhee Jeon at Deerfield Beach Florida. It is also the Prosecution's case that the address of Ms. Juhee Jeon was noted as the same address as the Defendant in Florida, suggesting that they were, in fact, cohabiting.
4. In April 2024, the Defendant obtained employment as a pilot with another US domestic carrier. During this time, Mrs. Bodden and daughter visited him in Florida. The Defendant spent time with them as a family even after he had taken part in the marriage ceremony with Ms. Juhee Jeon. In September 2024, Mrs. Bodden started the process involved in applying for US residency through the sponsorship of the Defendant as the Defendant's spouse. The Defendant did not disclose his relationship with Ms. Jeon to her.
5. However, Mrs. Bodden's suspicions were raised after her interaction with one of the immigration providers in Florida. Through the conduct of online searches and research, Mrs. Bodden was able to find a copy of a marriage license in the name of the Defendant indicating that the Defendant had married Ms. Jeon on the 14th of March 2024. Upon gathering this information, Mrs. Bodden made a report to the Royal Cayman Islands police.
6. On the 8<sup>th</sup> of December 2024, the Defendant was arrested at The Owen Roberts International Airport and informed of the report made against him by his wife. He was cautioned and made no reply at that time. He was interviewed on the same day under caution. During this interview, the Defendant confirmed that he had married Mrs. Bodden on the 12th of December 2012 in the Cayman Islands, other facts relating to his stay and work in the United Arab Emirates as a pilot and his subsequent migration to the United States.
7. When first questioned about his marriage to Mrs. Bodden, the Defendant stated that they were separated and that he had been asking her for a divorce since 2018. He also initially attempted to minimize his relationship with Ms. Jeon by describing her as a lady that he was with while he was in Dubai, and he denied having entered into any subsequent marriage ceremony with Ms. Jeon. However, when confronted with a copy of the marriage certificate from the Broward County Clerk's office in Florida, United States, he admitted that he was guilty of the offence.



8. On the 17th of December 2024, the Defendant pleaded guilty to the sole count on the indictment for which he now falls to be sentenced.

### **The Victim Impact Report**

9. The Court also has considered on this sentencing exercise the victim impact report (“VIR”) of Mrs. Bodden in which she outlines the effect of this offence upon her, upon her daughter, and the family as a whole.
10. Mrs. Bodden noted the effect of the Defendant’s deception, that it has shattered her sense of security and trust, the disrespect and betrayal of the marriage and for her the resultant trauma manifested by constant anxiety, sleepless nights and an overwhelming sense of shame and embarrassment. She noted the impact on the child of the marriage, although she may be too young to fully comprehend what has happened, that she does feel the effect on her young life. Mrs. Bodden alluded to the effect on the wider family and stated that both families were now divided and torn apart because of what had occurred.

### **The Crown’s submissions.**

11. The Crown submits that although this offence is not one in which the deliberate avoidance of immigration is a factor, when one considers the level of injury caused, here to Mrs. Bodden as outlined in the VIR, that the Court should find that the level of the Defendant’s culpability is high pointing to the level of deception that he committed against his legitimate wife.
12. The Crown has pointed to the following as mitigating factors for the Court's consideration in this case:
  - (i) The Defendant entered a guilty plea, and it was entered at the earliest opportunity.
  - (ii) The Defendant’s lack of previous convictions, the Defendant is a man of previous good character; and
  - (iii) The Defendant’s admissions under caution at the time of the interview.
13. The Crown has also pointed to one aggravating factor in this case, stating that a transfer of property made by the Defendant in 2024 was one in which the Defendant represented that he was “a single man”, that it was made without the knowledge and consent of Mrs. Bodden and that it related to property that would have been apportioned according to the existing laws in the Cayman Islands had the parties petitioned for a divorce decree here. This submission, however, does not take into account the following:



- (i) Whether the property was matrimonial property is a matter to be determined by a family court in discrete proceedings and no such determination has been made at this point.
  - (ii) The designation on the document, both the non-identity affidavit and the warranty deed, of the Defendant as "*a single man*", cannot be taken by this Court, without more, to be an expression of the fact that the defendant was seeking to deceive his wife.
14. The submission of counsel for the Defendant that that designation may relate only to the fact that this Defendant was the sole owner of the property has not been refuted by the prosecution. There is no expert evidence on United States Property Law on this point to support the prosecution's submission on this issue. At its highest, the only fact that could be noted by this Court, is that the Defendant sold the property during the currency of his marriage to Mrs. Bodden, and it may be arguable that this was property which could form part of matrimonial property.

### **The Defence submissions**

15. Counsel for the Defendant submitted that the Court should note the matters particular and relevant to this case. These, she stated, included the following:
  - i) that this offence was not the gravest of offences, evidenced by the fact that the maximum penalty in the offence was only five years imprisonment.
  - ii) that the offence has no implication on these islands, it is an issue between Mr. Bodden and his wife.
  - iii) that this was not a matter which went to the avoidance of immigration as in many other cases, nor is there any evidence that it is an offence committed for financial gain.
16. Counsel further submitted that the Defendant is now a man of fifty years old who had, to this age, never committed any previous offence. Counsel stated that the mitigating factors outlined by the Crown should all be considered in the Defendant's favour. She further submitted that the Defendant's culpability for this offence was low as was the level of harm which had been caused.
17. Counsel referred to a number of local and United Kingdom authorities on sentences for bigamy. She stated that the particular facts and circumstances of those cases could be differentiated from those which pertain to this Defendant. She pointed, in particular, to the range of sentences passed which were varied fact specific.



18. Counsel submits that the circumstances of the offence and the offender, in this case, dictate that there are issues present which do not take this offence past the custody threshold. She invited the Court to impose a non-custodial sentence. She further submitted that the Court may wish to pass a sentence which will allow the Defendant to resume his job and so enable him to continue to provide for all of his children.
19. Counsel has also put before the Court a letter from the mother of one of the Defendant's children attesting to the Defendant being a loving and involved father to her daughter who is now twenty years old and of his influence in her life.

### **Court's considerations and sentence**

20. Both the Crown and the Defence agree that there are no specific sentencing guidelines in this jurisdiction for the offence of bigamy, nor are there such guidelines in the United Kingdom. However, Counsel pointed to matters listed in Crown Prosecution Service's Sentencing Manual for bigamy, which state that the following factors as the two most relevant to be taken into account when a sentence is to be considered for this offence. The two factors to be considered are a) the level of injury caused and b) the deliberate avoidance of immigration.
21. This is the approach taken by the court in the case of *R v. Crowhurst*<sup>1</sup> a case of bigamy in which the second marriage was not consummated and lasted only one week. There was evidence that the woman involved in the second marriage would not have married the offender had she known that he was still married. Waller L.J. noted:

*"It appears to this court that sentence for bigamy must vary very much with the particular circumstances of the case. In many cases of bigamy, it is possible to deal with the case by some sentence which does not involve deprivation of liberty. In other cases, there may be a clear deception which has resulted in some injury to the to the woman concerned; in which an immediate custodial sentence must be passed, and the length of that sentence must depend greatly on the seriousness of the injury that has been done."*
22. In that case, the Court of Appeal reduced the sentence of 18 months imprisonment to four months.
23. This Court is mindful, as it seeks to arrive at the appropriate sentence and in its consideration of the various sentences imposed by the authorities referred to the Court by both the Prosecution and Defence, that the maximum sentence for the

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<sup>1</sup> [1979] Crim. L.R 99



offence of bigamy in the United Kingdom on indictment is one of seven years imprisonment, a sentence which is higher than the maximum in the Cayman Islands for the offence which is five years imprisonment.

24. In the local case of *The Crown v. Solis*<sup>2</sup>, the defendant pleaded guilty to the offence of bigamy. There were various aggravating factors present, including previous convictions for immigration offences and for an offence of violence. The Court had noted, regarding harm, that as a result of the defendant's actions, her legitimate husband had committed suicide. Wood J (Actg.) took those factors into account and sentenced the Defendant to a term of two months' imprisonment.
25. In *R v Haylock*<sup>3</sup>, the defendant pleaded guilty to Bigamy, however, this was not a plea made at the earliest opportunity. He was sentenced to nine months imprisonment which was suspended for two years.
26. In the case of *R v. Neish*<sup>4</sup> the court imposed a sentence of nine months' imprisonment. This was a sentence imposed after trial in circumstances where the defendant had lied to his lawful wife and involved her in his deception. Further, during the course of his trial, he had falsely blamed an attorney for his failures to divorce his wife and it was found that he had put his wife through the trauma of trial and brought untold humiliation to her and her family.
27. In *R v. Ballard*<sup>5</sup> the Court of Appeal reduced a sentence of five months' imprisonment to three months. The CA reiterated the principle relevant to this offence, that a custodial sentence may be given where the innocent party has been deceived and suffered some injury. The court found that the defendant had caused distress to the victim, his second wife. However, the offence was not discovered until after the second wife had been separated from the defendant. This separation was considered to have lessened her distress.
28. The authorities are all in agreement that in sentencing for the offence of bigamy, the level of injury caused to the victims by the defendant's deception and the deliberate avoidance of immigration controls are serious aggravating factors in the

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<sup>2</sup> Unreported. Case summary provided by counsel for the Defendant taken from the Caymanian Compass, dated 22 April 2018.

<sup>3</sup> Unreported. Case summary provided by counsel for the Defendant taken from the Caymanian Compass, dated 31 July 2007.

<sup>4</sup> Unreported. Case summary provided by counsel for the Defendant taken from the Cayman New Service Report, dated 8 August 2016.

<sup>5</sup> [2007] 2 Cr. App R (S) page 94



determination and imposition of a custodial sentence. There is nothing in the present case that concerns the avoidance of immigration controls.<sup>6</sup>

29. There is no evidence of the effect of this Defendant's actions on Jeon. It is not clear, and this Court will not speculate as to whether Ms. Jeon was also misled and any effect on her of having entered a marriage which is void ab initio. The injury caused by the deception, in this case, is that to Mrs. Bodden, who did not know that the Defendant had, in fact, become married again.
30. I bear in mind the submissions of counsel for the Defendant, that the marriage between the Defendant and Mrs. Bodden was a marriage in which they had not lived together for some time. In her submissions to this court Counsel suggested that the marriage subsisted only so as not to cause distress to their ten-year-old daughter and because of the Defendant's fears concerning Mrs. Bodden's actions if he did, in fact, initiate divorce proceedings. The submission is that Mrs. Bodden was aware of the Defendant's feelings regarding the continuation of the marriage. These factors all bear on the Court's assessment of the level of harm in this case.
31. As I intimated at the last hearing, this Court is mindful that some of these matters referred to, however obliquely, would be presented in family proceedings which are closed proceedings. Nothing is to be gained from ventilating those matters in any greater detail than has been set out here in open court as they have no further impact upon the factors that this Court must consider.
32. In her submissions to the Court, counsel for the Defendant has invited the Court to consider the provisions of the Alternative Sentencing Law 2008, specifically at Section 4 of that Law which reads as follows:

*“A court shall, in imposing a punishment under this Law, take into account the following principles ...*

*(f) a convicted person should not be deprived of liberty if less restrictive sanctions may be appropriate in the circumstances;  
and*

*(g) all available sanctions other than imprisonment that are reasonable in the circumstances of each case should be considered for all convicted persons.”*

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<sup>6</sup> Crown Counsel had referred the court to R v Cairns (Edward) [1997] 1 Cr. App. R (S) 118 which was not immediately relevant given that it was an offence where sentence was imposed on a plea of guilty plea but the facts concerned an attempt to evade immigration controls.



33. In the case of the *Queen v. Richard Finnegan*,<sup>7</sup> the first case of bigamy recorded in the British Virgin Islands, Hariprashad - Charles J. referred to the case of *R v Trigger Alan Mike Seed and Phillip Stark*<sup>8</sup> in which the Lord Chief Justice stated:

*“Unless imprisonment is necessary for the protection of the public the court should always give consideration to the question of whether the aims of rehabilitation and thus the reduction of crime cannot be achieved by a fine or community sentence rather than by imprisonment, and whether punishment cannot adequately be achieved by such a sentence...”*

34. The Court is mindful of the custodial threshold. If the Court determines that it has not been passed, then no custodial sentence can be imposed. Even where the custodial threshold has been passed, it does not follow that a custodial sentence must be imposed. The effect of a guilty plea or personal mitigation may make it appropriate for the sentencer to impose a non-custodial sentence.
35. Having considered all the circumstances of this case the following is noted:
- i. This is not a case where the deception was intended to avoid immigration controls.
  - ii. The mitigating factors present, which far outweigh any aggravating element presented.
  - iii. I find that the level of harm suffered by the victim, Mrs. Bodden, is not high and is closer to medium harm.
  - iv. There is no evidence that the deception at the root of this offence has caused harm to Ms. Jeon over and above her realization that her marriage to the Defendant is void.
  - v. The parties to the marriage will surely part after this sentence, the submissions regarding the state of the marriage are also relevant.
36. Bigamy is a crime against morality. This Court is morally outraged at the circumstances of this offence. The Defendant has caused deep hurt to Mrs. Bodden. He has damaged the family he shares with her by his actions. The Defendant moved to do what may have appeared to be expedient to him at the time but was, in fact, an act done in pure selfishness. The Defendant may think that he owes Mrs. Bodden and his family sincerest apology, but that may not be enough. The Defendant's actions will surely have long-reaching consequences for all concerned.

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<sup>7</sup> BVIHCR2011/0005

<sup>8</sup> [2007] EWCA 254; [2007] 2 Cr. App. R. (s) 69.



37. This Court must always be mindful of the cardinal principles of sentencing: retribution, deterrence, prevention and rehabilitation. The wide discretion given to the Court is to ensure that the punishment imposed reflects the justice of the case on the facts presented to the Court. I find that a custodial sentence is not merited and is not the appropriate sentence in this case.

38. Section 41(1) of the Penal Code states follows:

*“Discharge of offender without punishment*

*41. (1) Where, in a trial, a court thinks that the charge is proved, but is of the opinion that, having regard to the character, antecedents, age, health or mental condition of the accused, or to the trivial nature of the offence or to the extenuating circumstances in which the offence was committed, it is inexpedient to inflict any punishment, the court may, without proceeding to conviction, make an order either — (a) discharging the accused absolutely; or (b) if the court thinks fit, discharge the accused subject to the condition that the accused commits no offence during such period not exceeding three years from the date of the order, as may be specified in the order.*

*(2) An order made under subsection (1) shall, for the purpose of re-vesting or restoring stolen property and of enabling a court to make any order in that behalf, have the like effect as a conviction.*

*(3) Where any charge is dismissed under subsection (1) the court may order the accused person to pay the whole or any part of the costs of and incidental to the prosecution.”*

39. Section 75 (2) of the Criminal Procedure Code further states:

*“75. The decision of the court*

*75. (1) The court, having heard both the prosecutor and the accused person and their witnesses, shall either —*

*(a) convict the accused, if satisfied of the accused’s guilt beyond a reasonable doubt and pass sentence upon the accused or make an order against the accused according to law and may, in its discretion, record or not record a conviction; or*

*(b) acquit them.*



*(2) Notwithstanding subsection (1), the Court may, if it is of the opinion that it is not expedient to inflict any punishment notwithstanding that it finds the charge against the accused is proved, make an order discharging the accused absolutely or conditionally but no such order of discharge shall be made in respect of any prosecution instituted under sections 82 to 85 of the Traffic Act (2021 Revision)."*

40. It is the determination of this Court that due to the character of the Defendant, his lack of antecedents, and other extenuating circumstances present in this case, the Defendant should be conditionally discharged pursuant to Section 41 (1) (b) of the Penal Code. The condition of this discharge is that the Defendant does not commit any offence for a period of one year from today's date. If the Defendant complies with this condition, no conviction is to be recorded against him. If he does not comply, the Defendant will be brought back before the Court for sentence.
41. Section 41 (3) of the Penal Code further empowers the Court to order that the accused pay the whole or any part of the costs of and incidental to the prosecution. The Defendant is to pay those costs, in the amount of KYD5,000.00, to be paid within three (3) months of the date of this judgment. In default of such payment, the Defendant will be liable to serve three (3) weeks imprisonment.

A handwritten signature in black ink, appearing to read "Marlene I. Carter".

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**Hon. Justice Marlene I. Carter**  
**Judge of the Grand Court**