



In The Supreme Court of Bermuda
CRIMINAL JURISDICTION
Case No. 9 of 2024

BETWEEN:

THE KING

-and-

RONALD AUBREY FORDE

Before: The Hon. Mr. Justice Juan P. Wolffe, Puisne Judge

Appearances: Ms. Cindy Clarke (Director of Public Prosecutions) for the Prosecution
Ms. Elizabeth Christopher

Dates of Hearing: 11th December 2024 & 6th January 2025

Date of Sentence: 14th March 2025

SENTENCE

Luring of a young person by a person in a position of trust – Sexual exploitation of a young person by a person in a position of trust – Accessing child pornography – Consecutive sentences

WOLFFE J:

1. On the 6th November 2024 the Defendant pleaded guilty to the following offences: (i) Luring of a young person by a person in a position of trust, contrary to section 182EA of the Criminal Code Act 1907 (the “Criminal Code”)(Count 1 on the Indictment); (ii) Sexual exploitation of a young person by a person in a position of trust, contrary to section 182B(1)(a) of the Criminal Code (Count 2); and (iii) Accessing child pornography, contrary to section 182H of the Criminal Code (Count 4).

Summary of the Evidence

2. The victim is fourteen (14) year old AB who attended a high school in Bermuda¹. The Defendant commenced working at AB's high school in October 2023 as her English teacher and in February 2024 he began to tutor her at school during after school hours.
3. On the 28th February 2024, not long after the Defendant started tutoring AB, her brother allowed her to use his cellphone and on the 4th March 2024 he started to receive message notifications on his cellphone in relation to AB's Instagram account. He reviewed the messages and found them to contain sexually related texts, a nude photo of AB, and voice messages which sounded like the voice of an adult male. The messages also referenced AB's school and her brother then suspected that the male voice belonged to that of a teacher at her school. AB's brother brought all of this to the attention of their parents.
4. On the 5th March 2024 AB's parents questioned her about the messages and she confirmed that the male mentioned in the messages was the Defendant. AB's parents then reported the matter to her Principal's office at her school and the Bermuda Police Service (the "BPS") was called shortly thereafter to commence an investigation. The BPS reviewed the messages between the Defendant and AB and a sample of them contained messages:
 - From AB stating *"I love you goodnight"* and the Defendant responding *"I LOVE YOU TOO"*.²
 - Between AB and the Defendant stating *"LAYING DOWN THINKING ABOUT US ON YOUR BED. DOGGYSTYLE."* ... *"WE SHOULDN'T BE THINKING ABOUT F?\$KING NOW"* ... *"YOU MAKING ME WANT YOU"* ... *"AND I WOULD LOVE TO DO YOU ON THIS BED. I ANT YOU NOW. AND SHE IS GONE."*

¹ For anonymity I will not state the name of the victim or the high school which she attended.

² Words are capitalized as they presumably were in the actual message.

- A message from AB stating “*want to see?*” to which the Defendant responded “*OF COURSE*”. AB then sent a video depicting her on a bed in a kneeling position exposing her vagina.

5. In her interviews with the police on the 5th & 7th March 2024³ AB recounted that:

- She and the Defendant would communicate via cellphones.
- She would call the Defendant “Bae” or “Baby”.
- The Defendant told her that he would like her to be on his bed next to him and that they have talked about them having sexual contact.
- Via Instagram she sent the Defendant the aforementioned video of herself to which the Defendant replied “*you’ve got me hot this night*”. When AB responded with the word “*hot?*”, the Defendant said “*Yes. Can’t wait to be inside so it can drip on me*”. AB replied with a heart emoji.

AB told the police that by these words the Defendant meant that he was going to insert his “*dick*” inside her.

It was also during this conversation that: AB told the Defendant that she was laying down thinking about them on her bed “*doggystyle*”; the Defendant said “*I will love to do you on this bed. I want you now, and she is gone*”; she said to the Defendant “*I want you now*”, he replied to come over, and she responding to the Defendant “*I would love to*”.

This entire conversation took place before AB went to the Defendant’s house.

³ Found on pages 36 to 66 of the Court Record.

- After she sent the video to the Defendant she went to his house where she was taken into his bedroom. It was in the bedroom that she and the Defendant were kissing. At the time the Defendant's son was at home.
6. AB also said in her police interviews that she had attended the Defendant's residence on the 2nd March 2024 and that this led to them kissing in the Defendant's bedroom. She also stated that the inappropriate conversations between her and the Defendant began sometime in February 2024.
 7. On the 6th March 2024 the Defendant was arrested and his personal phone, personal laptop and work laptop were seized. He declined to be interviewed by the police that day and on the next day.
 8. At the time of the offences the Defendant was thirty-eight (38) years old and he is a Guyanese national.

Sentencing Guidelines

9. For many, social media is heavily relied on as being a vital and expedient means of communication between friends and family, for the sharing of positive information, and for mobilizing people into action for causes which may ultimately benefit the wider community. However, for others it is the bane of our existence as it has also become a powerful and omnipresent platform for negativity, hate for oneself and/or for others, and in the context of this case, for the sexual exploitation of our most vulnerable members of our society, our children. Offenders such as the Defendant use social media to exploit the innocence and immaturity of children in order to satisfy their own sexual depravity. It is for this reason that no matter the type of luring, or the type of sexual exploitation which may ensue from the luring, offenders should not expect to escape an immediate custodial sentence (whether they are convicted on indictment or on summary conviction). The only question should be for how long they should be imprisoned.
10. In respect of the luring while in a position of trust offence (Count 1) section 182EA of the Criminal Code provides that on conviction on indictment the maximum sentence is one of 15 years imprisonment.

11. In respect of the sexual exploitation while in a position of trust offence (Count 2) section 182B of the Criminal Code stipulates that on conviction on indictment the maximum sentence is one of 25 years imprisonment.
12. In respect of the accessing child pornography offence (Count 4) section 182H of the Criminal Code states that on conviction on indictment the maximum sentence is one of 5 years imprisonment.
13. Whilst there is an abundance of sentencing guidelines for the sexual exploitation offence I am informed by the Director of Public Prosecutions Ms. Cindy Clarke (the “DPP”) that the luring offence in this matter is the first to come before the Bermuda Courts. There is no doubt in my mind however that Parliament, by setting the maximum sentence at 15 years imprisonment, intended for the luring offence to be treated in a similarly harsh manner as the sexual exploitation offence (which carries a maximum period of 25 years imprisonment). In fact, a credible argument can be made for the proposition that the luring offence should have attracted the exact same maximum imprisonment sentence as the sexual exploitation offence. This is because in many factual matrices the sexual exploitation would not have occurred but for some element of luring taking place first. In other words, it is often the luring which is the precursor conduct to the sexual exploitation or which facilitates the sexual exploitation (whether the sexual exploitation offence is completed or not).
14. During the sentencing hearing Ms. Elizabeth Christopher for the Defendant seemed to raise questions as to what exactly is “luring” and by extension whether the Defendant’s conduct amounted to luring. I fail to see why she did so as the ordinary and commonsense definition of luring should be obvious. A crystallization of the Merriam-Webster Dictionary, the Oxford Dictionary and the Cambridge Dictionary is that “to lure” or “luring” is to persuade someone to do something or go somewhere by offering them something exciting or pleasurable. In the context of sexual offences against children the definition has a far more diabolical meaning because it involves an adult luring children “*to commit or participate in the prohibited conduct; by reducing their inhibitions; or by prurient discourse that exploits a young person’s curiosity,*

immaturity or precocious sexuality” (the Supreme Court of Alberta decision of R v. Legare, 2009 SCC 56) purely for the adult’s own sexual gratification.

15. The luring itself can take many forms such as (the below list is not exhaustive):

- “Grooming” children by giving or falsely promising to give them material possessions; by taking or falsely promising to take them to places of interest; or, by paying for or falsely promising to pay for certain services (for example, for prepaid phone bill, a hairdresser/barber, or overseas trips).

The Court of Appeal of Alberta in the case of R v. Legare, 2008 ABCA 138 (CanLii) eloquently stated that grooming is “*a concept that involves the preparation and psychological readying of the child toward sexualized conduct, which often involves building up a relationship with a child to entice them toward sexual activity, whether or not the predator is physically present in the same place as the child*”.

- Disingenuously boosting the child’s self-esteem or complimenting them on their appearance or abilities in order to obtain the child’s trust and affection.
- Falsely portraying that they are a “confidante” of the child.
- Engaging in, “normalizing” and “casualizing” sexually explicit conversations with children i.e. “dirty talk” (Legare (ABCA)).
- Encouraging children to take and send sexual pictures or videos of themselves and/or sending sexual pictures of themselves to children.
- Using express or implied communication which “invites”, “incites” or “counsels” a physical response by the child (Legare (ABCA)).

16. Justice Marina Paperny of the Court of Appeal of Alberta in the case of R v. Paradee, 2013 ABCA 41 put it perfectly when she said that luring is “*a prolonged, deliberate and careful cultivation of a young person with a view to engendering trust and intimacy, all*

designed to promote sexual conduct between the two parties". Equally apt are the sentiments of Martin J. in R v. Bertrand Marchand, 2023 SCC 26 (CanLii) who commented that luring "*invades a child's personal autonomy, sexual integrity, and gravely wounds their dignity*".

17. I should say at this juncture that Ms. Christopher is absolutely incorrect that the Summary of Evidence produced by the police did not deal with an act of luring. It most certainly did in the form of the copious amounts of sexually-driven conversations between the Defendant and AB. And even if the Summary of Evidence did not set out the luring offence, the witness statements which are a part of the Court Record unequivocally did.
18. Further, Ms. Christopher attempted to dilute the luring offence by suggesting that it is unclear how AB arrived at the Defendant's residence. I cannot stress this too strongly, but it matters not the means by which AB went to the Defendant's house or from where she went there. The point is that she did in fact go to his residence and it is clear that she went there after numerous woefully inappropriate conversations with the Defendant and after she sent him the video of herself.
19. So for the avoidance of any doubt, I find that the luring offence is fully made out and that it is dreadful.
20. As can be deduced, like sexual exploitation offences, luring offences involve a morally bankrupt adult sinisterly taking advantage of the innocence and naivety of children for their own sexual desires. I therefore see no reason why it would not be appropriate to apply the same principles underpinning the sentencing for sexual exploitation offences to luring offences. The case which readily comes to mind in this regard is that of Pernell Brangman v. R., BM 2019 CA 14 which involves offences of sexual exploitation of a young person whilst in a position of trust and one count of unlawful carnal knowledge. Court of Appeal Justice Sir Christopher Clarke stated the facts of Brangman as follows:

"5. *The case presented by the Crown, which the jury must have accepted, was this. The victim – AB - was the applicant's step daughter, he being married to her mother. During the summers of 1998 and 1999 when AB was 10 to 11 years old, and alone at her home, the Applicant would*

come there on his lunch hour. During these visits he would perform oral sex on her (the subject of Count 1) and get her to perform oral sex on him (the subject of Count 2). AB said that this would occur at least twice a week.

6. *On one occasion during the summer of 1998 the Applicant had full sexual intercourse with the victim. That was the subject of Count 3. The victim told the Applicant that she did not want him to have sex with her as it would hurt. The applicant continued to have sex with her nonetheless even though she told him to stop and that he was hurting her. AB said that after a few minutes the Applicant did stop.*
7. *The Applicant would tell the victim that if she allowed him to perform these sex acts on her that he would buy her lunch.*
8. *AB did not tell anyone what had happened until 2011 when her best friend noticed peepholes in her bedroom door. AB told her mother about the holes and 3 her mother confronted the Applicant. He initially denied, but later admitted, cutting the holes there. AB then disclosed the full events and the Applicant moved out of the house.*
9. *No reports were made to the police at the time. It was only in September 2017 that AB reported the incidents after she had received counselling.”*

21. From this, Clarke P. derived the following “seriously aggravating features”:

“The first was the age of the child – she was only 10 years old at the beginning. The second is the fact that the applicant was in a position of trust. The victim was his step daughter. The third is that these crimes took place in her home, which should have been, for the victim, a place of safety. The fourth is the difference in age between the victim and the Applicant - over 20 years. The fifth is that the unlawful carnal knowledge occurred despite the victim’s resistance. The effect of all this was that the victim bore the burden of what she had suffered for over a decade before she revealed it to anyone; and it was only after counselling that she felt it possible to reveal it to the police.”⁴

22. Also pertinent to what can be considered as aggravating circumstances Brangman cited the case of R v. Chez Rogers [2020] Bda LR 68. In particular:

“24. In R v Cleveland Rogers [2015] CA (BDA) 21 Crim, the Respondent had pleaded guilty to one offence of unlawful carnal knowledge contrary to section 181 of the Criminal Code and three offences of Sexual Exploitation of a Young Person contrary to the section 182A(1)(a) of the Code. All the offences occurred over the course of one night. This Court increased the sentence of 5 years’ imprisonment for the Offence of

⁴ Paragraph 10 of Brangman.

Unlawful Carnal knowledge imposed at first instance to one of 7.5 years. That sentence was a sentence imposed following a plea of guilty. The victim was a few days short of her 14th birthday and the respondent was 46 years. He had a relationship with the victim's mother. In that case this court was referred to a number of authorities but was not persuaded that any of them were of great assistance with regard to the appropriate sentence.

25. *The Court of Appeal identified several aggravating circumstances, namely (a) that the offences occurred at night whilst the victim was asleep in her own bed in her own house; (b) the age disparity between under 14 years and 46 years; (c) the breach of trust given that the Respondent was in the house due to his relationship with the victim's mother; and (d) the Respondent's return to the victim's bed after being disturbed by the mother after which he committed the offence of rape. The Respondent had a number of previous convictions mostly in the last century and none of a sexual nature. The only mitigation was the late pleas of guilty for which the Judge and the Court of Appeal were content to give a 15% discount. The Court thought that "in the particular circumstances of this case, and we emphasize those words" the total sentence should be 7.5 years."*

23. Taking into consideration the nature of the conduct of luring and the guidance provided in Brangman and Rogers, the following aggravating features can be identified for luring offences:

- (a) The age of victim;
- (b) The age disparity between the victim and the offender;
- (c) Offender was in a position of trust;
- (d) Grooming by the offender (including but not limited to giving or promising to give the victim material possessions or the provision of services);
- (e) Communications took place over a long period of time;
- (f) Sex talk between the offender and the child and encouragement to perform sex acts (whether over a long or short period of time);
- (g) Explicit images sent to the victim;
- (h) Explicit images sent by the victim;
- (i) Explicit images of the victim sent by the offender to a third party;
- (j) A meeting was arranged or attempted with the victim;
- (k) A meeting takes place in the home of the victim or the home of the offender. The home of the victim is supposed to be a place of safety and comfort, and

the offender's home is a place of control, influence or manipulation by the offender over the victim;

- (l) The meeting resulted in sexual exploitation of the victim or an attempt was made;
- (m) Offence committed in the presence of other children⁵;
- (n) Attempts made to dissuade the child victim from reporting the incident;
- (o) Attempts made to dispose of or conceal evidence;
- (p) Offender failed to heed to previous warnings (including by way of Court orders) about their contact with the child victim;
- (q) Child victim encouraged to recruit other children; or,
- (r) Harm and injury caused to the victim.

24. It should go without saying that the more aggravating features which are identified in a particular case then the harsher any sentence should be. That is, the closer the sentence will be to the higher bands of any sentencing range.

Consecutive Sentences

25. As alluded to earlier, a luring offence can occur on its own without any other offences (such as sexual exploitation) also taking place. As Martin J. in Marchand quoted:

“Luring is legislatively linked to listed secondary offences: an offender must communicate for the purpose of facilitating the commission of one such offence. While there will be cases where luring stands alone, it often accompanies the actual commission of a listed secondary offence. But the luring that preceded or produced the offence is in no way subsumed or supplanted within the secondary offence. This is because the offence of luring protects a distinct social interest and causes distinct harms compared to the secondary offences”.

26. I concur with Martin J. and using his reasoning I find that while the luring of AB by the Defendant eventually led to the sexual exploitation of AB at his house the nature of the luring offence makes it a distinct offence from the sexual exploitation offence. Through sexually charged communication with AB the Defendant

⁵ Aggravating circumstances (m) to (q) taken from The Sentencing Council of England and Wales guidelines for the offence of “Causing or Inciting a child to engage in Sexual Activity”.

incited AB to send him the lewd video of herself. This is terrible enough. Having received the video the Defendant could have at any time whatsoever cut off any further communication with AB or even admonish her for sending the video. Had he done so then maybe he would not be facing criminal charges. Instead, not only did the Defendant access the video but it spawned further sex talk between himself and AB, and most disturbingly, was used by him to get AB to his residence (where he eventually sexually exploited her).

27. It is for these reasons that I will use my discretion and run any sentence for the luring offence consecutive to any sentence for the sexual exploitation offence.
28. I shall now therefore cast my attention to what sentence the Defendant should serve.

Sentence

29. Children are supposed to engage in age appropriate behavior and to just simply enjoy their childhood. So it is simply unforgivable when adults, in order to satisfy their own wicked predilections, destroy the innocence of children by pulling them into a space which should only be occupied by consenting adults. Sadly, it is way too often that we see offences against children being heard in our Courts, and we should shudder at the thought of the countless number of other offences which are not reported to the police. This is why an unequivocal message must be sent to offenders and would-be offenders that the full extent of the law will be visited upon them if they are convicted.
30. Make no bones about it, what the Defendant did to the AB was despicable, repugnant, and callous. With fiendish calculation in February and March of 2024 he camouflaged himself as a genuine teacher and tutor of AB, then built up her trust for him, then lured her into his perverted world and house, and he then shattered her innocence by sexually exploiting her. Through his devilish conduct the Defendant committed the trifecta of offences against children. He lured AB (which involved her sending a lewd video of herself to him), he sexually exploited her, and he accessed child pornography depicting AB. The scope of any future deleterious psychological or social effect which the Defendant's conduct may have on AB is yet unknown and we can only hope that she will still thrive despite what he did to her.

31. As I said earlier, it is inevitable that the Defendant will receive an immediate custodial sentence. The only issue for me to determine is for what period of time he should be incarcerated. This of course will be after taking into consideration any mitigating and aggravating circumstances, the above cited sentencing guidelines, and sections 53 to 54 of the Criminal Code.
32. The following paragraphs will be applicable to all of the offences to which the Defendant pleaded guilty.

Mitigating features

33. The Defendant first came before the Supreme Court of Bermuda on the 1st April 2024 and it was not until the 6th November 2024 that he pleaded guilty to the offences charged. I do not consider this to be a long elapse of time and in any event by his guilty pleas the Defendant removed any possibility that AB would be called to give evidence at any trial. I therefore find that the Defendant is entitled to a full 30% discount in any sentence which he may receive.
34. I also find that the Defendant was genuinely regretful and remorseful for what he did and that I should factor this into my decision. It may or may not have been that the Defendant exhibited a gift of gab in his allocutus to the Court or a grammatical flare in his letter to the Court dated 14th November 2024, but I am obliged to give him the benefit of any doubt that he was sincere in what he said and wrote.
35. I am also obliged to take into consideration that the Defendant has no previous convictions, but the degree to which I do so is minimal. It was because of his apparent erstwhile good character that no doubt allowed him to secure the teaching post at AB's school, be appointed as her tutor, and most crucially, which led to AB and most likely her parents trusting him. He presented himself as someone who was good but he actually had evil intent and this significant tarnishes any good character which he may have had.

Aggravating Features

36. There are many (most of which were detailed in earlier paragraphs):

The age of the victim: At the time of the offences AB was fourteen (14) years old and still in high school.

The age disparity between the Defendant and AB: At the time of the offences the Defendant was thirty-eight (38) years old and hence there was a twenty-four (24) year difference between the Defendant and AB. This highlights the degree of influence which the Defendant must have had over AB.

The Defendant was in a position of trust: The Defendant was AB's teacher, her tutor and a family friend and therefore he would have engendered a considerable amount of trust in AB and her parents that he would look out for the best interests and welfare of AB. He grossly exploited that trust and this was made even worse by the fact that he portrayed himself as a "man of God" (as stated by a family member in their Victim Impact Statement).

Grooming of AB: It would appear that initial conversations between the Defendant and AB were somewhat innocuous but then progressed to where he became somewhat of a confidante for AB. Clearly, these conversations were part of the Defendant's plan to open up eventual sordid lines of conversations with AB.

Amount of sex talk with AB: The conversations between the Defendant went from false expressions of "love" for AB and devolved into explicit invitations of sexual activity with AB (as set out in earlier paragraphs). Using the words in *Legare (ABCA)*, these conversations were the preparation and readying of AB towards sexual conduct.

Explicit images sent by AB to the Defendant: Because of his sexualized conversations with AB the Defendant indirectly, if not directly, encouraged AB to send him a lewd video of himself to her.

A meeting was arranged with AB and took place at the Defendant's house: It was the Defendant who told AB to "come over" to his house during a sexually laced conversation between them and after AB had sent the video to the Defendant. It was at the Defendant's house where he had full control over AB and it was he who led her to his bedroom.

The meeting resulted in sexual exploitation of AB: It was not enough that the Defendant had AB over his house but once there he led her to his bedroom where they engaged in kissing.

Harm and injury caused: Because of the Defendant's criminal conduct AB's family have been through and may continue to go through unimaginable emotional turmoil and pain (as evidenced in their respective Victim Impact Statements). Their lives have been turned upside down and to this day they are unable to fully process what has happened. They are a devoted Christian family and it has been because of their faith that they have been able to navigate through this horrendous ordeal together and to not succumb to any darker thoughts of revenge against the Defendant.

Conclusion

37. In consideration of the above paragraphs, I sentence the Defendant as follows:

Count 1 Luring of a young person by a person in a position of trust
3 years imprisonment

Count 2 Sexual Exploitation of a young person by a person in a position of trust
4 years imprisonment

Count 4 Accessing Child Pornography
2 years imprisonment

Counts 1 and 4 sentences to run concurrent with each other but the sentence in Count 1 is to run consecutive to the sentence in count 2.

Therefore, the total sentence is one of seven (7) years imprisonment

Time in custody to be taken into consideration.

38. I also order that the Defendant's name shall be entered on the Sexual Offenders Register pursuant to section 329FA of the Criminal Code.

Dated the 14th day of March 2025



The Hon. Justice Juan P. Wolffe
Judge of the Supreme Court of Bermuda

