

R V. Kim

BC Supreme Court, Vancouver

Defense: Frank Kim (self-represented)

Crown: Cunningham, McGivern (trial), Proulx (Dangerous Offender Hearing)

Judge: Madam Justice Dhillon

Verdict & Sentence

Found guilty by a jury on all counts

Designated a Dangerous Offender and incarcerated indefinitely

Frank Kim was convicted on 27 counts of violent sexual offenses against 9 teenage girls (aged 12-15 at the time of the attacks), many of whom were living in poverty, sexually abused and exploited in prostitution, and struggling with severe addictions. The majority of Kim's victims were Indigenous girls. The violence of Frank Kim was severe and involved rape, strangulation, threats with weapons including a stun gun and mock handgun. Kim also filmed a number of his sexual assaults of girls.

Kim acted as his own lawyer and thus cross-examined the young women who were 14 and over at the time of the trial. The court permitted Kim to show a number of his victims the video footage of his attacks against them and then to ask them excessively detailed questions about the nature of his sexual violence. Kim often asked girls to repeat themselves when they answered his questions about the details of his sexual violence. Kim also made court applications to increase his access to the video tapes outside of court time.

Though the court did provide some protection for the girls under Section 486 of the Criminal Code, including the use of screens in some cases and the appointment of a lawyer to cross examine girls who were under 14 at the time of trial, in effect Kim was able to re-abuse many of the young women who testified in this proceeding.

We are deeply concerned about girls' access to justice and view this case as a clear example of inequality in the courts. Since this trial, the Criminal Code of Canada has been amended to prevent sexually violent men from cross-examining their victims who are under 18. More recent amendments bolster protective procedures under S.486.