

[Transcript] Morbid / Episode 475: Denise Huber- Part 2

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Hey Weirdos, I'm Ash and I'm Alayna and this is Morbid.

Hello.

Hello over there.

How are you?

You know, I'm doing okay.

I had a very nice weekend.

And I'm sorry to say that to you because Ash did not have a nice weekend.

I had the worst weekend of my life.

I had a...

Here, we'll get mine over with.

Yours was beautiful and I should have stayed with you.

I had a very nice weekend with John and the little gals.

We just had fun.

We played board games.

We watched movies.

We played outside.

It was just like a very nice...

We did some fun things.

And I wrote a lot, which is...

It always like just feeds my soul when I get to do that, I swear.

Are you like an author?

Are you like an author?

I still...

That's still wild.

You are?

I know, it's still wild.

That's selling even.

Oh my God.

Oh my God.

Oh my God.

Oh my God.

But...

And I was also listening to an audiobook that was really good whenever I could.

It's one that I've already read the hardcover of, but I'm just revisiting.

It's Stephen King's on writing.

And it's him talking about the writing process and talks about his life and how he became a writer and his do's and don'ts.

And it's...

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The audiobook is narrated by him.
Oh, I always love that.
Which is fun.
And he reminded me that I need to be a little more...
I say he reminded me we're buds.
Yeah, you're Stephen talking.
I'm manifesting here.
I'm manifesting being friends with Stephen King.
I'm shaking my coffee and I'm sorry if you hear it.
That's part of the manifestation process.
She shakes her coffee around.
Sorry about it.
Sorry.
It's just witch shit.
Okay.
But he reminded me that I need...
I've been trying to get into routines better because I thrive in a routine.
Me too.
But like this last year has been a tough year.
It hasn't been a great year.
It's been how you say shitty.
It's honestly to put it lightly.
It's been very shitty.
Lots of lessons.
Yeah, and things have been like...
We've been vibing a lot better lately.
Everywhere and every part of our lives.
Yeah, reclaiming our power.
Yeah, exactly.
And so I've been trying to get back.
I fell out of a lot of routines during all of that.
Yeah.
I am no good without a routine or a deadline.
I know you little capy over there.
Yeah.
So Stephen, Mr. King, if you will, he reminded me that
you need to be strict on yourself when it comes to writing
and you need to write every single day, probably around the same time
in the same place.
That makes sense.
I mean, that's what works for him.
Well, that's how you got your first book done.
That's the thing.
And I was doing that and I was really rolling.

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And so I got myself back in that routine and I was like,
I'm going to do this and it feels so fucking good.
I feel like alive.
Well, I want to start working out more in the morning before we start.
So I feel like I can have my little workout time.
You can have your writing time.
And we'll just meet and then record a cool episode.
We'll meet with beautiful, thriving minds and bodies and souls.
My therapist told me the three most important things to like
maintain a healthy mind are getting enough sleep at night,
cooking, like at home, like cooking for yourself and exercising.
And she was like, and not like going like crazy,
but just like 30 minutes of exercise a day, like go for a walk,
just fucking climb some stairs.
I don't know.
So far, I've got like one out of those three.
So I'm getting there.
I don't even know if I have one out of those three right now.
I'm like, take out.
Sit on the couch.
Don't do anything good for your mind because I'm in a state of sad.
Yeah.
I've had a rough weekend.
Yeah.
Never fly across the country for someone you think is your friend
when they're not your friend.
That's all I'll say.
Yeah, don't do that.
Not great.
Yeah.
I flew across the country, was going to like celebrate somebody,
put a whole lot of shit into it and didn't get a whole lot of shit out of it.
But you know, you live, you learn.
Yeah.
I think the universe was just like, hey, maybe you don't need certain people in your life
anymore.
She's always, she's always teaching.
She is.
And I feel bad.
Maybe I just accidentally took all of your happy weekend vibes.
So I apologize for that.
That's okay.
No, you know what I'm sure?
The wealth.

I kept thinking like, is this a decision I should make?
Like, should I do this?
And whenever you're second guessing yourself.
You always trust your gut.
Yeah.
I'm not good at that.
I'm, I'm preaching something that I don't always do, but I always want to do afterwards
because I always regret not listening to my tummy.
You and I were saying it this morning.
It's like we're both kind of introverts.
Like I used to be such an extrovert, but over the past couple of years,
I feel like I've become a little more introverted.
But I think because I'm like happy with my home life.
Yeah.
So I was like, maybe I need to like get out there and like do things and like show
myself.
I can have fun.
And I was like, whoa, you're like, wait, I am having fun.
Just a different kind of fun.
Yeah.
I came home and I was, I said to Drew, I was like, you're my fun.
Oh, Drew, Drew's my fun too.
Yeah.
He's so funny.
I love Drew.
I love it.
I like our little bubble that we have.
Like you, you, John, Drew, a couple of other friends out there on the streets.
But like, you know what I learned in like the first couple of weeks of 27?
Keep your motherfucking circle small.
Yeah.
You know?
You know?
I know.
You know?
I know.
That was our weekends.
I hope you guys, I hope you guys had more of a, a my weekend.
If like a happy weekend, I suppose.
And you know what?
We're going to get Ash right the fuck out of that shitty weekend and into a great week.
Fantastic.
Not with this case, but like we're going to do it in other ways.
No, we're going to, we're going to do something with like the kids tomorrow.

That's going to be fun.

Yeah.

That honestly feeds my soul.

I think I've just really moved on to a different part of life.

They will feed your soul all day.

Yeah.

I need to just like hang out with your kids, have my own kids, just fucking vibe.

Oh, it's the best.

Yeah.

It's so much fun.

Built-in friends.

They make you feel great.

They do make me feel great.

They really do.

This morning, the hugs I got.

I was like, oh, bitch.

Why did I leave you?

Oh, bitch.

Well, I guess.

Yeah.

So I hope you guys had a great weekend and here we go.

Because we got to do part two here.

Yeah.

And it's going to get a little rough.

And I think we should really, really sad.

Yeah.

I think I should tell you right off the bat.

It's going to get a little, a little tough to listen to.

But there is, you know, this case involves sexual assault.

It involves a very gruesome attack.

And this guy's just a dick.

And.

Okay.

You just start before I start asking questions.

Okay.

Okay.

Okay.

Okay.

All right.

So in case you are just coming here, we are on part two of the murder, the kidnapping and murder of Denise Huber.

When we last left you, police investigators had found that chest freezer.

Yes.

In John Fomalaro's rented rider truck that he had stolen.

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Yep.

And had kept for.

For months and months.

Many, many, many months.

And they were like, oh yeah, that is missing.

Yes.

And when they had opened the freezer, they'd found a body inside.

They were fairly certain that this was the body of missing Denise Huber.

So that is where we left you.

We're going to move right on to where the investigation began.

Okay.

So the body was transported to the medical examiner's office.

And that's where at first an external examination was conducted.

This was done by Dr. Ann Buck, Buck Holtz, who was the medical examiner at the time.

Denise's head had been wrapped in three white kitchen garbage bags.

Oh my God.

Yeah.

When they removed all of those garbage bags, you could see that her entire head had been covered in gray tape.

What?

Quote from the mouth to the upper eyelids.

Jesus.

Now Dr. Buck Holtz noted that the head had many external injuries to it.

The skull was what she, what they referred to as basically shattered.

Wow.

Horrifically, there was also noted to be a number of curved and oval shaped lacerations.

And through these lacerations, brain tissue was visible.

Oh my God.

That's how bad this was.

There were also fragments of the white plastic bags that were embedded in these fractures in the skull, which indicated that the bags had been put over Denise's head before the injuries were inflicted.

What?

Because they had gone into the wounds.

Oh.

They ended up reconstructing her skull and they showed that there was at least 31 separate injuries to her skull.

Holy shit.

31 separate injuries.

This guy's a monster.

And Dr. Buck Holtz noted that there was probably many more than the 31 because there was fractures,

fractures on top of fractures.

What?

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It was a frenzied, horrific, horrifically brutal assault.
And I think you said last time that he didn't even know her.
Yeah.
Now the cause of death was determined to be blunt force trauma to the head.
I would think.
There would have been a lot of bleeding when this happened.
And the thing is outside of this, there didn't appear to be a lot of evidence of trauma anywhere else on the body.
It seemed like it was very focused on her head, which is horrifying.
At first there didn't seem to be evidence of sexual assault and they were hoping that there wasn't.
What they saw was although Dr. Buck Holtz stated that a sexual assault can occur without trauma to the vaginal region, they didn't see any initially.
So they had to allow Denise's body to basically thaw out before they could do all the tests they needed to because remember she's been frozen for years at this point.
So when that time came, they did do additional swabs.
They took and when they came back the, and this is really graphic, I'm sorry, the anal swabs were positive for the presence of some degraded semen.
Oh my.
So she was raped.
Yeah.
Now the medical examiner also took prints from the body and they submitted them for processing.
They came back two days later indicating that the body was that of missing Newport Beach woman, Denise Huber.
So it was officially confirmed.
Right.
They were pretty sure right off the bat, but the discovery came back as so heartbreaking and shocking for Denise's family, her friends, Lone Huber, her mother told reporters, it's not the answer we wanted, but at least we got it.
Because remember they've been going through years for this.
Exactly.
Of absolutely nothing.
No leads.
They didn't even get a chance to run down anything.
Nothing.
And hit a brick wall, they had nothing.
It was just brick wall after brick wall right off the bat.
Right.
Just like random tips coming in that were going nowhere.
Yeah.
So obviously this is not what they want to hear.
No.
This is not the outcome they're looking for.
Of course you're always hoping your daughter or son or child is going to be found alive,

but they were trying to prepare themselves for the worst and at least now they know.
At least now they know that she is not out there still waiting to be found.
And she can be laid to rest.

Yeah.

Now Costa Mesa detectives were also very, very dismayed by this news.

Sergeant Jerry Holloway said this may be the end to one of this department's biggest frustrations ever.

I would think.

Because again, it's not like this was one of those things where they just had lead after lead and they didn't pan out.

No.

They got nothing.

So for it to end this way is like a slap in the face.

Like it really is.

It's just like all of it came crashing down at once.

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I can personally tell you that.

In therapy, I have learned so many little coping mechanisms that I use and apply in my daily life.

Honestly, at this point, I think I don't even realize I'm doing it anymore, but then sometimes I'm like, oh, I learned that in therapy and it's great.

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The discovery of Denise's body may have brought the search to a very, very tragic conclusion, but it did open up a whole new part of the case because everyone involved wanted to know who the fuck is this guy?

Who did this to her?

Who is this man?

And how did she wind up nearly 400 miles away from where she was last seen?

Like what happened here?

That's exactly all of my questions.

Yeah.

Sergeant Holloway told reporters we could not link him to the investigation before today.

That's so strange to me.

And investigators in Arizona luckily obtained a search warrant and they'd begun digging through Farmilaros house in Dewey, which had belonged to his father until his death.

Okay.

So the search of his home was pretty tough and pretty intense because it was covered in trash and clutter.

Ew.

By the time they were done, they had collected over 100,000 items from the home.

What the fuck?

Yep.

And many of them were crucial to the investigation.

Like in the garage, they discovered two boxes labeled Christmas.

In those boxes, they found several black garbage bags like the one Denise's body had been wrapped in.

Several of Denise's belongings, personal belongings, were in boxes labeled Christmas.

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Her wallet, her checkbook, her car keys, her purse, her lipstick, her ID, everything she had on her.

Several of the items appeared to be blood stained as well.

I'm sure.

Another box had the clothing she had been wearing the night she disappeared in it, her jacket, her dress, her underwear, her high heels.

The dress appeared to have been torn around the left shoulder and the shoes had, quote, severe scrapes on the back of both heels as if she was dragged, perhaps.

And the tip of one heel had been broken off.

Now, also in the box with Denise's clothing was a blood stained hammer, a blood stained pair of men's jeans, a blood stained sweatshirt, dried blood soaked rags, and a pair of surgical gloves turned inside out.

Who the fuck is this guy?

And the fact that he kept all of that?

He even kept the surgical gloves.

I was just going to say even the gloves.

Like just took them off how you would normally like inside out and through the metal box.

And like just kept that in his house for it.

It's been three years at this point.

Yeah, he had kept it like he had kept these for years at this point.

That is so disturbing.

And a third box was found in the garage as well.

And these contained the empty box for the handcuffs that were used to secure Denise's hands behind her back.

He kept the box.

So he kept like, I think you had said it last time, he kept like multiple, multiple trophies.

So many items to look back at it.

And it also had a blood stained nail puller, which if you look that up.

What?

More bloody rags, a roll of duct tape and white plastic garbage bags, like the ones that were wrapped around Denise's head.

When you say nail puller, you mean like?

Like like construction nail puller.

What was that used for?

It's like a giant like crowbar looking thing with like a slit in it to like yank the nails out.

Oh my God.

It sounds like he used many things to kill her with.

He's a fucking monster.

Who is this man?

He's a fucking monster.

Seriously.

This is another unfortunate instance where the guy named John is a shitbag.

Damn it.

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Now inside the house, they found more of what they needed to tie him to Denise and her body. In the house, they found the receipt for the freezer, which showed that it had been purchased in June 10th, 1991, which was a week after Denise had disappeared.

Wow.

They also found the handcuff keys inside a desk drawer.

And what is even more horrific is the fact that they found a ton of issues of the Orange County Register, which was a newspaper and it had all of them had featured stories about Denise's disappearance.

They also found a videotape of the episode of Inside Edition that featured a segment of Denise's disappearance.

He taped it.

And this one had like a whole segment about the search that had gone undergone to find her, like with her family on it, her parents upset.

Fucking animal.

Had taped it on a videotape and had saved articles about her disappearance.

What happened to this man to like, like what?

Like this isn't one of those things where you're like, oh, like, you know, like he needs, of course he needs to be locked away, but like this seemed like it was like a snap or something like that.

You know what I mean?

Like nothing's ever, you know, validating it, but like you're like, wow, this is just one of those instances where someone like lost it.

Right.

He saved everything and then had a videotape where he could watch her family and friends and the investigators missing her and trying to find her and articles about the disappearance with quotes from her parents, with quotes from her family and friends.

This is so disturbing.

He's a fucking demon.

Truly.

And just found her by happenstance.

Yeah.

And so back in Costa Mesa, investigators began digging into his history and they started paying particular attention to his life around the time that Denise disappeared in 1991.

And that year he was working as a commercial painter and had been living and working out of a warehouse space in Laguna Beach, California.

Okay.

So of course they went straight to that warehouse space.

Yeah.

Crime scene technicians found evidence of blood spatter on the wall and floor in the corner of the warehouse.

So he did this in his place of work.

When technicians removed the piece of drywall of that space and the wood framing, they found a huge blood stain behind the wall that was described as quote, a thick deep maroon color.

Oh my God.

And nobody had ever discovered that before.
In a corner of this warehouse in Laguna Beach, California.
And nobody ever saw that and reported it?
Because this stain was behind the drywall.
Oh, sorry.
That's the thing.
They ripped out the drywall.
Now his defense lawyer, Larry Katz, maintained that his client was innocent.
Yup.
And called the case against him entirely circumstantial.
Her, all of her belongings, her body, everything was in his possession.
What is circumstantial about him having a dead body on his property?
Yeah.
Why?
He told reporters, I have every confidence in my client's innocence.
Somebody should have said, look me in the eyes and say that.
Look me in the eyes.
Are you kidding me?
Yeah.
And yeah, it's, and he, he also said that, um, Fomalaro was quote appropriately depressed about the situation.
Oh yeah.
He's like super bummed that this happened.
Yup.
Oh, but he also insisted that his client not speak to anyone, which I bet it's pretty bold.
Um, I'm shocked by that.
Like just hearing this man be like, and I, I understand that's his job.
I get it.
But it is shocking to hear all of that evidence included.
She was found there on his property.
The receipt for the freezer that she was found in was found there.
Well, the box for the handcuffs that are on her body currently when they found her is in his house.
And I'm sorry, but what is circumstantial about like, that's why I'm like him and being found in her body.
Did he, did he look up the definition of circumstantial like a little confused that with a case like as Nara, like the way that she was found, wouldn't you go for your like insanity at the very least?
Truly.
Rather than circumstantial.
But I think honestly, you couldn't go for insanity because it would be hard because of that taped inside edition thing.
All the newspapers, like that shows that he, he didn't find what he did wrong.

He liked it.

He sat there and watched, he sat there and watched her family cry about it.

Oh my God.

On a videotape.

But I'm like circumstantial is not the way to go.

Oh my God.

There's no way to go here.

No.

Now, I suppose we have to tell you about John Fomilaro.

Well, I just want to know what the fuck he is.

So he was born June 10th, 1957 in Long Island, New York.

So he bought the freezer on his birthday.

What the fuck?

It gets more and more horrifying the more you go into it.

Yeah.

What?

He killed her a week before her birthday, his birthday, and then went on his birthday, purchased the freezer.

And that was his birthday.

That is unreal.

Yeah.

He was the youngest of three children.

His parents were Anne and Angela Fomilaro.

According to John, we always have to take their thing.

His mother was quote, the dominant force in the family while his father was pretty passive and tolerated her demands and verbal abuse, which could absolutely be true.

But this is just coming from him.

A year after John was born, the family moved from Long Island to Santa Ana because his father had been sent to establish a manufacturing plant in Garden Grove, California.

The children, which included his brother Warren and sister Marion, were really, really close to their father.

They had a very loving relationship by all accounts.

They really got along.

Okay.

Their relationship with their mother was a different story according to them.

They said it was a very erratic.

It was a very tense relationship, not a good one, not a loving one.

According to all the children, including his siblings, the mother was very difficult, very confrontational, and she was very controlling.

She was also a devout Catholic, which in and of itself, I'm not saying is a bad trait, but because of that, she was very devout.

So she was very preoccupied with saving their souls.

Okay.

She would use that as justification for abusing them physically and emotionally.

That's the bad part of that kind of devoutness.

The children also said that they got isolated a lot from other children, really.

They didn't get to play with other children a lot.

They were isolated from kids at church, but then those who knew them around this time said that the children seemed very focused and very well behaved, which I say, sure, I'm sure they were very focused and very well behaved.

They had an abusive mother.

Exactly.

Usually those kind of kids are trying to keep it together so they don't get hurt.

Exactly.

Now, apparently the outside of the home looked very neat and clean and tidy.

No one would have ever thought that something was going on inside.

Totally different story.

According to the children, the inside was cluttered, trash, food, magazines, everything, newspapers, just things stacked everywhere.

They acknowledged that this was also something that their maternal grandmother had done.

It seemed like this was just something that came down the family line.

It's like a mental illness kind of thing.

They also said that Anne, their mother, was very paranoid.

Very paranoid.

She also had this obsessive doomsday thing where she thought they had to hoard things because the end was coming.

Now, when the children became adolescents, she also got very preoccupied with sex.

Oh, no.

I had a feeling it was there.

Yeah.

And there wasn't very productive or very healthy discussions about sex in that household.

She even bathed them personally into their preteen years.

Oh.

She was a little strange with her behavior for bedtime according to the children.

And years later, Warren Familaro, the brother, would be convicted of sexually assaulting three children

and serve a sentence in a facility for mentally disordered sex offenders.

Yes.

So something was going on in that house.

Absolutely.

That's really sad.

That did not help them become healthy adults.

Now, as a teen and young adult, John Familaro developed a lot of unhealthy coping skills.

He liked everything to be very symmetrical, and it was like an obsessive kind of upset, like everything needs to be symmetrical.

And he would also go into bursts of energy and hyperactivity and then depression.

So he seemed like he had unhealthy coping skills because he was not diagnosed with whatever was clearly going on here.

Like, I'm not going to diagnose him.

I don't know.

But there's clearly something going on that should have been diagnosed and treated so that he could form healthy coping skills.

And he didn't get that.

Oh, this is a lot.

So he got, when he was like, you know, in his teen years and stuff, he was bullied a lot because of these kind of things.

Right.

And he would get in trouble a lot at school because of that.

So after graduating from high school, he attended a Catholic liberal arts college.

And now that he was away from his mother, it did seem like he was getting better at his social skills.

Makes sense.

Starting to, you know, I think that she was really keeping him at that level.

Unfortunately, he did find college to not be super easy or tolerable for him.

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And after enrolling in and dropping out of several schools and classes, he just stopped before completing it.

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Hi there, Morbid listeners.

It's Ash and Alina.

Hi.

As you all know, on our show, we share a passion for all things spooky, the paranormal, and of course, some mind-blowing true crime cases.

There's another podcast that we think you will all enjoy called Suspect, Five Shots in the Dark.

This latest season looks at a case with two victims, one murdered in cold blood and one imprisoned for a crime he didn't commit.

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Now as an adult, there seemed like there was like two sides of him.

Yeah.

Like John Fomilaro, like people knew two different things.

On one hand, friends remember him being very funny, an intelligent guy, very, very polite is what he was described as.

But then other people saw him as very secretive, a little manipulative.

He could be like too charming, like a smooth talker kind of thing, like a snake oil salesman kind of vibe.

So it seems like he had two very distinct sides of himself that he would show at any given moment whatever helped him at the time.

He is a Gemini.

Yeah, there you go.

Now there was also a dark side to his personality that investigators found while interviewing his former girlfriends.

Oh no.

Because according to one former girlfriend, I'm not going to say her name.

No.

She and John had taken a trip to New York City in 1987 and they were like play fighting one morning.

Like as couples do like just, you know.

Yeah.

But then John took it like too far and he stripped her of her clothes and handcuffed her to a window in the hotel room.

What?

[Transcript] Morbid / Episode 475: Denise Huber- Part 2

Then left her there for several hours alone.

What?

Handcuffed.

When he came back later, he was laughing, being like this is hilarious.

Like thought this was a funny game.

And she was like clearly terrified and traumatized.

That is so insane.

I guess after they left this trip and went back to California, they immediately broke up.

She was like bye.

Yeah.

They did reconcile in 1991, which is the year that Denise went missing.

But they didn't reconcile as a couple.

They just like talked it out.

Yeah.

And they became, they like remained friends after he moved to Arizona in 1992.

Okay.

But court records indicate that John also took photographs of her during this whole thing.

She said she doesn't remember this at all because she was so traumatized that I think she just blocked it out.

Yeah.

Like PTSD.

But in another incident that occurred in March of 1989, John was dating another woman.

And according to court records, she stopped by his house one afternoon just to visit.

And she tried to leave his house once the visit was over.

And John quote, pushed her onto the bed causing her back shoulder and head to hit a bookcase.

Once she was down, he forced her hands above her head and handcuffed her to the bed frame.

Oh no.

He removed her clothing against her wishes forcibly and indicated his intent to rape her.

It was only after she had started screaming as loud as she could and saying that she was going to report him that he released the handcuffs and let her leave.

But when he, when she left, he called her a bitch and said, you're the one that brought this on.

Oh yeah.

Cause that's how that works.

Yeah.

So he's a fucking foul beast.

He's an animal.

Apparently later when they had talked about this, cause they broke up, but they had talked about it.

And I guess he'd said to her that she just obviously didn't know mature sex games.

And I'm like honey, get a grip.

Seriously.

Get a grip.

Like I don't think you know about mature and consensual sex.

I don't think you know what being a human is.

No.

[Transcript] Morbid / Episode 475: Denise Huber- Part 2

Now in late 1992, John moved to Arizona to help his mom because, which like, whoa, because she was caring for his ailing father.

Okay.

And remember he did have a good relationship with his father.

Right.

And he actually kept living in the house with his mother after his father died.

Oh, I can't imagine that was good for his health.

And those kind of relationships, those parent-child relationships when they are like that, sometimes they just cling.

Continue.

You know what I mean?

Like the person will continue it.

Exactly.

Now that is John Fomalaro.

Wow.

What a story.

Yeah.

On July 20th, 1994, after he had been arrested, John Fomalaro appeared before a judge for the first time.

At the hearing, authorities testified that the extent of Denise's wounds were just unmentionable.

And they called the repeated blows to the head heinous and depraved.

And they said all of this means that it warrants the death penalty.

Agreed.

Which would automatically disqualify him from receiving bail.

Now his defense attorney, Lawyery Katz there, he argued that the evidence was entirely circumstantial

and since he had no history of violence.

Oh, what?

He was not a flight risk.

I disagree.

The judge was like, no.

The judge was like, did you read this case?

Yeah.

He was like, did you just walk in here?

Like just wake up, come in here, not knowing anything?

Like did you talk to your client?

But he was denied bail and returned back to jail.

Thankfully.

So his bail hearing began a series of hearings and delays that dragged this case on for several years before it even reached the criminal trial phase.

So in late August, Fomalaro waived extradition and was transported from Arizona to Orange County, California.

And he was then put in the Orange County jail to await his arraignment.

Okay.

On September 26, 1994, he appeared before an Orange County grand jury.

It was during this hearing that the prosecution announced the attachment of special circumstances to the murder trial.

Right.

They said that Denise Huber's death occurred during her kidnapping, which would make him eligible for the death penalty.

In total, he was indicted on one charge of kidnapping, one charge of murder with special circumstances, and one count of sodomy.

Now, he was no longer being represented by Larry Katz at this point.

I wonder why?

Because Larry was like, oh, this isn't circumstantial at all and I have to go.

And now we had a public defender named Leonard Gumlia, and he acknowledged that the case was complicated a little bit,

particularly because of the semen found in Denise Huber's body.

Right.

But he maintained the position that it was completely circumstantial, which I'm a little confused about.

Y'all.

He said anybody who thinks they know what happened that night is only guessing.

I don't know about that.

I don't know.

I think all the evidence points to your client.

He said there is no evidence of any trauma that something forcible happened.

There may be something consensual happening.

Some of the questions remain unanswered and you can read the physical evidence in many ways.

There's no evidence that any trauma happened.

Like, I'm sorry.

I know he's doing his job.

I get it.

But like, is he though?

Because there is evidence that there's trauma.

What the fuck?

Like, it's just hard to hear.

That's all.

It's just hard to hear somebody say that.

Like something along the lines of like, this was a frenzy killing and then like.

Yeah.

I mean, you got it.

The rest of forever.

He just had.

Because it's just like, oof.

Because you're really sticking with that.

Yeah.

I don't.

I don't.

I don't think this was the way to come at it.

I don't think this was the way to come at it.

No.

I don't know what the right way to come at it is.

I'll say that, but this isn't it.

Now he stayed, the defense attorney stayed very vague in terms of what they said here, but they were definitely laying the groundwork for a defense where Denise went with John Fomalaro willingly and consented to sex.

Yeah, I could see that.

Which is a bold move to take.

Like her car was found abandoned on the side of the road, you guys.

I don't know if you remember that.

This is one of those where I think you should just like, you should just go at it and be like, yeah, he did it, but let's try to minimize this.

Right.

Because that's what you're, you know, because that's their job.

Uh-huh.

But this, and this is the problem with this defense that they were laying groundwork for, because it's like, how does it explain the exceedingly violent death that she suffered?

Right.

How?

Are you telling me?

And just the fact that her car was abandoned, she clearly didn't go anywhere willingly.

Exactly.

That's the thing.

It undermines the kidnapping and sexual assault charges that, and this is the thing, like we're sitting here looking at it from this point of view, being like, what the fuck?

But they're doing it because if they do somehow plant a seed like that in somebody in the jury's minds, then it undermines the sexual assault and kidnapping charges that you need for those special circumstances to elevate it to a death penalty case.

So they're trying to remove it from that.

Oof.

Wild.

Now, Orange County Superior Court Judge Kathleen O'Leary set the trial date for October 2, 1995.

So she, she was missing in 1991.

Yeah.

So the prosecution and defense had a lot of time to prepare, but complicating matters for both sides were the introduction of DNA evidence, which at this point was pretty new.

It was a pretty new science as far as, you know, the public knew.

Yeah.

And by April of 1995, the defense petitioned the court for a delay.

They noted the extraordinary amount of evidence seemed from Fomalaro's home in Arizona, which

[Transcript] Morbid / Episode 475: Denise Huber- Part 2

I'm like, circumstantial evidence, you mean?

Yeah.

And you're noting as you need to go through the circumstantial evidence?

Okie dokie.

He said, we have to go through 65 boxes of documents.

And he said, he documented his whole life.

So Judge O'Leary approved the request and set the new trial date for April 29, 1996.

Stop.

The trial would be delayed for another full year as the defense entered motion after motion after motion, asking for all this time to review additional evidence, interview and defense needed way more time because they knew they had a shit case.

Yeah.

So Denise and Lone Huber, excuse me, Dennis and Lone Huber, Dennis and Loner, her parents, they waited more than three years to even learn what happened to Denise.

And then to hear that.

Yeah.

And then they waited even more time to see him even begin to face justice.

Finally, on April 21, 1997, jury selection began.

Six years.

In Orange County Superior Court.

And it was the people of the state of California versus John Familaro.

Denise's former boyfriend, Stephen, the one who couldn't go to the concert that night, told the LA Times, everyone I know still wants to know what's happening in the case.

But unfortunately, Denise's friends and family would just have to wait several more weeks for the trial to even begin.

Because once again, the defense held it up with objections to certain jury members.

Oh my God.

And they said there was a death in the family.

Like, why are you just trying to keep this ongoing for the family?

Yeah, just let this family rest, man.

So you don't have a good case.

Send them to jail at the end.

Yeah.

Now after a long and very tense jury selection, the trial finally started on May 8, 1997.

In his opening statement, Deputy District Attorney Christopher Evans laid out the state's case against John Familaro, telling the jury how Denise had been pulled from her car by him.

Then sexually assaulted and brutally and gruesomely killed.

He told the jury, Denise did not go easily.

And then he detailed the extent of her injuries and assault.

And according, because she fought back.

Yeah, absolutely.

Now, according to the district attorney, Familaro had gone out of his way to purchase a freezer and steal a rider truck in order to keep Huber's body.

And he said, keep it as quote, a perverse trophy to remind himself of the success he had that night.

And it's true.

Yeah.

He'd gone out of his way to keep this stuff.

And like, he just would go in there and like, look.

That's the thing.

It's like, what were you doing?

Right.

Like, oh, it's unthinkable.

It really is.

It is.

Now, anticipating the defense's argument that Denise went willingly with John Familaro, Evans made sure to remind the jury that Huber's car had broken down.

Thank you.

Well lit area surrounded by several options for assistance.

And just a short walk from her parents' house.

Oh, no.

Under those circumstances, it makes absolutely zero sense that she would instead of going to get help in these several avenues laid out to her, she would get in a car with a sketchy guy.

No.

Who would have definitely immediately driven her in the wrong direction.

Exactly.

Like it wouldn't have happened.

No.

It's so sad that her car broke down that close to home.

Yeah.

That's the thing.

It's like if her car hadn't broken down, it's like, oh.

Now, among the first witnesses called by the prosecution was Rob Calvert, who was the friend she went to the concert with.

He testified the events of the evening and he included the fact that they did.

They definitely had several drinks over the course of the evening, but he was like, it wasn't a big deal.

Yeah.

Under cross examination, Leonard Gumlia, the defense attorney, honed in on that fact, but it definitely backfired on him because following his cross examination of Calvert, he had to make it clear that he didn't mean to imply, quote, that Huber was drunk, but to suggest that she had drunk enough to not want to summon help from authorities and to take a little more risk than you might otherwise do in that situation.

Oh, so victim blaming.

So it's like that wasn't a good look on your part.

And it's like, okay, so she's not allowed.

A grown woman of age is not allowed to drink at a concert.

Right.

And if she does so, then she doesn't like, you know, what do you think happened?

Of course she was going to get brutally assaulted and murdered and kidnapped.

No.

That's how these things like don't really get brought up unless it's like a female victim.

Exactly.

Are you going to do that with a guy if this was the other way around?

Right.

No.

The defense's line of questioning was definitely aimed at supporting their ultimate defense, which was she went willingly.

And they hadn't presented that to the jury yet because they were trying to lead up to it and kind of lay groundwork to get that in the jury, to get the jury thinking they came up with it kind of thing.

So they thought they were doing that, but it kept backfiring.

I was going to say, this is a hot mess on their side.

Yeah.

It just kept making them look shitty, to be honest.

And they had no proof of it.

Right.

How do you even prove that?

No.

And again, it doesn't make sense that you would go willingly with some strange guy.

And it's not like John Fomalaro looks like a wholesome guy that you wanted to get in the car with.

Like he just didn't.

Really?

So the prosecution rested its case on May 14th.

And the defense requested that the judge drop the kidnapping charge.

What?

They said, quote, I understand that she ended up in a place she didn't want to be and ended up in a condition she didn't want to be in.

Dead, you mean?

Killed.

But there's no evidence that she got there forcefully.

I'm sorry.

Did you see her shoes?

Yeah.

Or drag marks?

Oh, thank you.

Because the prosecution strongly objected.

They argued that they believed Denise was blindfolded, which they said had a ton of implication.

And Judge John Ryan agreed with Evans saying there are too many reasonable inferences to show kidnapping.

And they were trying to argue that those scuff marks came from something else.

They weren't from being dragged.

Are you kidding me?

Yeah.

Her heel literally, literally broke.

Yeah.

On May 19th, the defense tried to change the tactic now.

And the defense didn't deny that Fomalaro had killed Denise Huber.

Instead, they were arguing that because she was a little intoxicated, she made a poor decision to not seek help from authorities and got in the car with the stranger.

So now she's trying to say, they're trying to say, OK, she did get willingly in that car, but she was drunk.

That's why.

So now they're trying to back track it a bit.

So it's okay to kill people if they're drunk.

OK, initially I was saying that she got in there willingly.

Like weren't mentioning the drunk thing, just she wanted to get in the car with them.

And consented to sex.

Yeah.

And now they're saying, well, no, no, no, she's drunk.

So she made a dumb decision.

That's what now they're trying to be like, wow, what a dumb decision that was.

And also, even if it was the case and it was like a silly choice.

Yeah.

It shouldn't result in you getting murdered.

And speaking on those scuffs and things to her shoes.

Right.

The defense said that the shoes Denise was wearing that night had the scuffs on them.

Yeah.

Had it happened when she was dragged as the prosecution was trying to.

Oh, and did they have a wildly claim?

They said it happened when Denise was, quote, walking up and down the freeway embankment where the car was found.

Oh, she was dragging her heels.

Right.

That makes a lot of sense.

Which I want to be like, OK, did anyone in that courtroom go, can you show me physically how you do that?

Yeah.

How would that happen?

Just show me.

Put on a pair of heels.

Yeah.

Show me how you scuff the back of your heels.

Because that's the thing proved to me how that happens.

So the jury deliberated for just five hours before turning a verdict of guilty on the charges of first

degree murder.

Good.

Also kidnapping.

Yeah.

And also sodomy.

Yeah.

Dennis Huber told reporters after the verdict, it's a step in justice.

The man who did that is that much closer to meeting his justice.

Yeah.

The death penalty.

Good.

So her parents wanted it.

And although the verdict came as a relief to a lot of people, Deputy District Attorney Christopher Evans

was quick to remind everyone this is not a case of great law enforcement cracking a crime.

It was a fluke.

It fell into their hands.

He almost got away with it.

It's true.

And unfortunately, that is 100% true.

Yeah.

He almost got away with it.

And he would have done this again.

There's not a doubt in my personal mind.

It was honestly because of Elaine and her husband that Elaine trusted her gut and wrote down the information.

She was a bad bee.

Without Elaine, he might have never been caught.

Yeah.

He could have kept on living that way and other people could have fallen victim.

Mm-hmm.

So it's really upsetting when you think about it that this was a complete fluke.

Absolutely.

That he was found.

It's also, I can't imagine being one of those ex-girlfriends.

Oh my God.

And being like...

How close you were?

Seriously.

Especially one of them.

It was like a couple of weeks before he murdered me.

Yes.

Like had he, I don't even want to say snapped because that's not what happened.

Had he decided to open up that part of him that was clearly there.

It's very upsetting.

John.

No.

John Familiaro returned to court in late May for the sentencing phase.

Over two weeks, friends and family got to testify on the impact of Denise's murder on their lives with him in the room.

At times, I guess the jury and several members of the court were in tears.

I bet.

With all of these testimonials, it was a really emotional, emotional sentencing phase.

You would think so.

And the defense called several character witnesses to testify on Familiaro's behalf, including his mother.

Oh, are we really going to trust her?

Yeah.

Told the court that her son had truly, and she was actually right here.

She said her son had truly never received the help he needed.

Yeah.

Which...

Yeah.

100%.

After several more delays, Familiaro finally came back into court on September 5th, 1997.

I remember the sentencing phase was two weeks in May, and this was in September.

September.

Judge John Ryan sentenced him to death.

He said, just imagine what was going through her mind.

Yeah.

And Judge Ryan said that the brutality, the crime was the reason that he was imposing the death penalty.

He said nothing.

He couldn't think of something that matched the brutality of this.

I can't either.

Now, as you know, it's a death penalty case, so his verdict was set for automatic appeal.

And the first appeal was heard in 2007.

Oh, wow.

And it argued that the publicity surrounding the case in Orange County basically ensured that he wasn't going to receive a fair trial.

It said both that the court aired on denying the change of venue motion, i.e. that at the time of the motion, it was reasonably likely that a fair trial could not be had, and that the error was prejudicial, i.e. that it is reasonably likely that a fair trial was not in fact had.

Please.

The appeal motion also argued that the outcome of the case was very influenced by the media coverage in which, I can't believe this, in which, quote, Denise Huber had been portrayed in a very favorable light, while Familiaro had been portrayed in negative terms.

[Transcript] Morbid / Episode 475: Denise Huber- Part 2

That's probably because nobody ever found a dead body on Denise's property, and they found a dead body in multiple other horrific, horrific heinous things on that man's property. Yeah, I'd say that's why.

Probably.

Most likely.

I love that.

It's like, oh yeah, they portrayed Denise in a favorable light, and it's like, no, baby, she was just an awesome person, you pieces of shit.

Yeah, she was, clearly.

Maybe that was it.

Like, I don't think they were, like, taking out giant black marks on her record.

Like, she was a good person.

Exactly, she went to a concert with her friend that night, and this is how her life ended.

She was close to her family.

She was a good friend.

People liked her.

She liked animals.

Like, she was okay.

Like, fuck you.

Like, what?

John Familiar is a piece of shit.

And a woman being an abuser.

Who has abused and, like, traumatized several women.

So maybe that's why.

So maybe that's why.

If that's the media influencing people, then, like, I don't understand this, apparently.

Nor do I.

Yeah.

Now, ultimately, the appeals court rejected both of these things and upheld the lower court's original verdict and sentence of death.

In 2006, a United States district court judge ruled that California's capital punishment laws were unconstitutional.

Since then, all death row sentences have remained in place, but are essentially sitting in, like, a purgatory here.

Yeah, like a limbo.

They're an indefinite hold, basically, including John Familiar's.

He remains on death row in San Quentin prison.

Oh, wow.

And he will likely stay there for the rest of his life.

For Denise's parents, Dennis and Lone, whatever happens to John Familiar from this point, they don't give a shit at this point.

I don't blame them.

Dennis told a reporter from the Los Angeles Times in 2006, it's done.

It's done, I feel.

There's nothing more that can be done.
It's up to the state to do something with them now.
They're basically like, fuck you guys.
Yeah.
And they said after more than 30 years, which, wow, the pain of losing their daughter is with them daily.
It doesn't go away.
It doesn't dull.
Nothing makes it better, but they have managed to find at least some peace.
Dennis said, the wound never heals.
You just learned how to deal with it and it doesn't hurt quite as much as it did at first.
But that is the horrific case of the kidnapping and murder and assault of Denise Huber.
That's a tragic, tragic case and just so brutal.
John Familiaro is a, it's hard to even describe him.
I don't think he, I don't think there's words on this planet that could possibly.
Because there's no remorse either.
There's no remorse.
There's no.
We never apologized.
Apology.
There's no real.
Nothing.
Like he didn't give any insight as to what this is.
Right, like he just stumbled upon her.
Yeah.
And like what?
He just drove by her and that was it.
You have to wonder if he'd killed before that.
Right.
Because that is like, I mean, maybe, who knows, some people do just do something like this.
That's the thing.
Like you want to say like there's no way that this can be his first because it's so brutal.
Brutal.
But like that happens.
It does.
Sometimes they start like this, but it's just, it's horrifying.
And it's, it's the trophies.
Yeah.
And the amount of trophies that he kept.
It seems like it was bloodstained.
Yeah.
He kept the boxes for the handcuffs.
I mean, like Christmas.
Everything.

Everything.

Yeah.

He's a sick fuck.

Yeah.

He truly is.

This is a doozy.

Yeah.

It's awful, but.

Wow.

I mean, it sounds like at least her family was able to find peace in the closure of it.

And obviously nothing takes away.

And honestly, they had to sit in that courtroom and hear what happened.

I can't imagine.

And look at this piece of shit that stole their daughter away.

I know.

I hope nothing but the best for them going forward.

I know.

They seem like very kind, very sweet.

Yeah.

Like a really good family.

Like I really hope that.

Yeah.

At least some good things happen to them.

Yeah.

After this that they could enjoy.

Like, oh, I don't know how you would ever be able to again, but.

Because they have truly been through something that none of us can even fathom.

Conjure up in our head.

At least here in this room.

Yeah.

Oh my.

Well, I feel like we've had a lot of back to back, like very, very brutal cases.

Yes.

So I'm working on a haunted case right now.

We need that.

Yeah.

We need that, you know, spooky season is upon us.

Yes.

I say that was June.

Um, I was like.

To me, sure.

To me, it's upon me.

It's only a few months away.

That's what I mean.

[Transcript] Morbid / Episode 475: Denise Huber- Part 2

I mean, I can smell it.

Oh.

So bring me the spooky cases.

Spooky scary skeletons.

There you go.

Pumpkins and other shit.

And other shit.

That's the song.

But yeah, but yeah, my, my haunting has like some murder in it, which is like very tragic, but it's mostly spooky.

I like it.

So hope you keep listening and hope you keep it weird.

Not so weird that you don't tune in next week for something haunted and light.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

Bye.

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