

[Transcript] Crime Junkie / MURDERED: Julie Kibuishi and Sam Herr

Hi, crime junkies. I'm your host, Ashley Flowers.

And I'm Britt.

And the story I have for you today is about a young woman who was found murdered in her best friend's apartment.

And the search for a man investigators thought took her life until an unexpected discovery led them to uncover a twisted plan that left a trail of tragedy in its wake.

This is the story of Julie Kibouishi and Sam Hare.

It's the evening of Saturday, May 22nd, 2010,

and a man named Steve Hare is getting worried because he can't get a hold of his son, Sam.

The 26-year-old was supposed to come over to his parents' house for dinner that night, but he just never showed, and call after call is going unanswered, which just isn't sitting right with Steve. This isn't like his son.

Steve decides to just drive over to Sam's apartment to make sure he's okay.

Like, they both live in the same town of Costa Mesa, California,

so it's not long before Steve is right there knocking on Sam's door.

And when he doesn't get an answer there either, he decides enough is enough,

and he uses the spare key that Sam gave him to get inside,

which I think is super nice as a dad.

I imagine if Josie's not answering her phone and I have a spare key,

I'm not even knocking, so, you know, he's at least trying to respect some boundaries.

Right, right.

When he steps over the threshold, he doesn't see anything out of the ordinary.

Everything is in the kitchen and is in the living room.

It's like all in place.

It's almost as if Sam had just been there,

but there is no sign of Sam or really anyone.

That is until Steve gets to the bedroom.

When he opens the door, kneeling on the floor, bent over the bed is a body,

but it's not Sam, and it's clear something is very wrong with this person.

Now, it's a woman who he doesn't immediately recognize,

and he isn't about to get closer to see if he knows her.

He can tell something is really wrong,

so instead, he books it out of the apartment and calls the police to report what he's found.

And according to an episode of The Perfect Murder titled Curtain Call,

he can't help but think this one thing.

What did Sam do?

When police get there, they find that the young woman is dead.

She's got this pool of blood around her head

and what looks like a single gunshot wound to the back of her head.

Her jeans have been cut open in the back,

making them think that she had likely been sexually assaulted.

And on the back of her gray sweatshirt, someone has written, quote,

all yours, f*** you.

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Now, luckily, they're able to ID her pretty quickly because her purse and her driver's license are found in the kitchen on the counter. She's 23-year-old Juri Kibuyishi, who goes by Julie. And according to Steve, Julie is one of Sam's best friends. As police begin going through the apartment, Steve insists that his son could not have done anything like this. I mean, Sam and Julie were like brother and sister. They'd met in college. She had even tutored him for a few classes. So the idea that he could even, like, hurt her, much less do something like this is just unfathomable. Okay, but his first thought is, what did Sam do? Kind of implying that his son could have done this. Well, I guess, why is he changing his tune? Well, at that time, I think it was just shock talking. I mean, again, first of all, he didn't know it was Julie, but when he saw the woman laying on the bed, it's like in his son's room, in his son's apartment, and Sam was nowhere to be found. But I think once the shock wears off, and again, he learns who this is, he is confident that his son couldn't have killed Julie. But investigators aren't so sure, especially when they find Julie's phone in the apartment with a bunch of texts from Sam asking her to come over. And Brent, I'm actually gonna send you some of the texts that he sent if you can read them for us. Sure, I'll just quote them directly. So one of them says, can you come over tonight at midnight alone? Very upset. Need to talk. And then there's another one that was sent later that reads, I'm hurting with some family crap. I can't be alone. No sex. Please, I'm begging as a brother. Ashley, were Sam and Julie in a relationship? Because that no sex comment doesn't seem like a very, like, BFF thing to say. Yeah. No, so this is weird. So they are just friends. Julie even says in her reply,

like she's literally like,
ew, Sam, like, of course no sex.
We're like brother and sister, basically.
And at the time that this text is being sent,
they're both actually in relationships with other people.
Okay.
Kind of sound strange, but go on.
So as they continue going through Sam's apartment,
other officers head to give Julie's parents the awful news.
And understandably, her whole family is devastated beyond words.
But they do have a suspect in mind.
They're pointing the finger at Sam.
Her family knows they're close.
Tom Berg reported for the Orange County Register that she'd even told her
brother that she was going to go over to his apartment the night before.
And they say, even though they never had a bad feeling about Sam,
like it's not like things had been building or something had happened
to make them think that he did something to her.
They're basically like, there isn't anyone else that we can point to.
Like Julie is well liked by pretty much everybody who knew her.
Her relationship with her boyfriend was going well.
And again, she is in Sam's room, at Sam's apartment,
after getting texts from Sam to come there.
So at least for the moment, it seems really likely.
Right.
And if that wasn't enough, as investigators are learning more about Sam,
they realize that there could be more reasons for concern.
First, they find out that Sam is an army veteran who served 15 months
in Afghanistan before coming home two years ago,
which would have been in 2008.
And since coming home, he had suffered from PTSD.
And while my source material varies on how severe it was,
it seemed like he was pretty on top of it.
I mean, he had his struggles sure,
but he'd mostly adjusted to life back in the States.
But those texts on Julie's phone suggest that he wasn't doing
as well as everyone thought.
But his mental health aside, investigators also find out that he'd actually
been charged with murder before.
It was years ago, back when he was 18.
And I guess at the time he was kind of involved with this, like, local gang.
How can one kind of be involved in a gang?
I feel like that's the sort of thing that you're pretty much either
all in or all out.

Yeah.

Well, from what I can tell, he had, like, just had friends who were in it, and he wasn't, like, an official member himself, he would hang out with all of them.

And I guess the story goes that he had been told to bring one of his other friends who wasn't in the gang to this, like, specific parking lot, where that friend was jumped and killed by a few members of the gang.

So a ton of people were actually charged with murder, including Sam.

But he insisted he had no idea what was going to happen, and eventually he was acquitted,

after which he joined the army and really got his life on track.

So with all this background info, investigators start to come up with a theory.

They think that Sam may have had some kind of mental health crisis brought on by his PTSD, during which he killed Julie.

Now, his car isn't in the parking lot.

So after realizing what he'd done, they think that he went on the run.

And since they can't find a gun in the apartment, he is potentially armed and dangerous.

So the next thing investigators do is to start talking to his friends and neighbors, just to see if they had seen or heard anything.

Two of the people that they talked to are this couple, named Rachel Buffett and Dan Wozniak.

They both live below Sam in the same apartment building, and they've actually been friends since Sam moved in.

Both Rachel and Dan say that they don't think Sam would do something like this, at least not on purpose.

If he was somehow involved, they're thinking maybe it was an accident, maybe he got scared and ran.

Okay, but did either of them hear anything, an argument, maybe a struggle?

Julie was shot and this is in an apartment building.

That's a weird thing.

I can't actually find anything from any reliable source about anyone hearing a gunshot. Really?

Like, yeah, I agree.

It seems like someone would have heard something, but I've seen no reports of that.

But that doesn't really end up being important.

And at this point, the hunt for Sam is on.

Police put out an APB and they start trying to track him down.

But this whole situation isn't sitting right with Steve.

He is just not convinced that someone like his son could do something like this, and he doesn't like that police are so quick to make Sam their prime suspect.

So he starts doing some investigating of his own.

According to an episode of 48 hours titled Killer Performance,

Steve starts calling around to some of Sam's friends to see if they know where he could be.

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And one of the people he talks to is Dan, that neighbor, and Dan tells him that the last time he saw Sam was Friday night. But he wasn't acting like his usual self. He seemed nervous and he was talking about having family troubles, which automatically stands out to Steve because, hey, family trouble sounds like a major red flag. But like, he didn't know about anything and their family is super close. They got along really well. Even if something was going on, they always talked through it, worked it out. And so unless Sam knew something that Steve didn't, he can't figure out what he would be upset over. So Steve digs in a bit more and is finally able to get in touch with another friend of Sam's named Rubin. And what Rubin says sends chills down Steve's spine. Rubin says Sam was supposed to go to a beach party with him the night before. And when he didn't show, he decided to call him. And it took a few tries, but someone finally picked up. And right away, he could tell that the man on the other end of the phone wasn't Sam. So Rubin asked who this mystery guy was. And all the other person said was that he was having family trouble and then hung up. Rubin says he tried to call Sam back because the whole situation was just super weird, but then he just never got a reply. Yeah, someone else answering for Sam is already sketch, but then for them to just end the call and then never pick up again, super concerning. Right. And if Rubin is absolutely sure that someone else at least answered Sam's phone the night before, then it kind of makes me think that the mystery person was the one texting Julie asking her to come over. It was never Sam. That's exactly what Steve is thinking. So he decides to go like full investigator mode and he checks Sam's bank account, which the police hadn't done yet. And what he sees is that Sam's card had been used twice since he's been MIA. The first was at an ATM about 20 miles from the crime scene. And at that ATM, \$400 was withdrawn. That's the maximum daily amount. And the second time the ATM card was used was at a nearby pizza parlor. So Steve, being his own PI, drives over to both locations, as well as to surrounding motels checking for Sam's car everywhere he goes. He's nowhere to be found, though. So that's when Steve contacts police with the information about the charges. And investigators take things a step further. They get access to the ATM's security footage. But when they take a look, they are shocked to find that the guy using Sam's card isn't Sam.

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It's a teenage boy.

I mean, this kid looks like 17, maybe 18 years old tops.

And as far as they can tell, he's alone.

And when he walks away, they really can't tell where he goes.

But this discovery sends everyone spiraling because they wonder, is this kid involved in Julie's murder?

Does he know where Sam is?

Is Sam using this kid to withdraw money so he can get away?

So many questions.

But they're about to get some answers because that same day, the card gets used again at the same pizza shop.

And this time for delivery.

They find out that the address where it's supposed to be delivered is for a house in a residential neighborhood.

So investigators immediately rush over there.

They call in backup.

They set up teams like around every exit, bring in a helicopter to circle overhead, the whole nine yards.

Because they're thinking if Sam happens to be holed up inside, they're not going to take any chances.

But before they can even burst in, the front door opens.

And right there is that teenager they saw on the ATM video.

And he like pokes his head out, apparently trying to see what all the commotion outside is about.

And he's immediately detained along with a few other young guys inside.

But notably, there is no Sam.

Now what they learn is that this young kid's name is Wesley.

He's 17 and he is like super shaken up by this whole thing.

He says he has no idea what's going on.

He has no idea why they're there and swears up and down he didn't do anything wrong.

Young man at minimum using someone else's card is illegal.

Come on Wesley.

Well, actually the more they talk with him, the more they learn that he actually didn't think he was stealing.

He says he didn't know Sam, but he got the card from somebody who claimed to be from like a bail bonds agency.

And basically this guy told Wesley he wanted him to use the card to withdraw money from the ATM.

And the man told him basically the story that he gave him was like Sam had skipped bail.

And he's like we're legally allowed to withdraw the money from his account to pay for it.

But we have to have a third party make the withdrawal.

That doesn't even compute.

It doesn't make any sense to me.

To you and me, but we're grown adults who've done this a time or two.

But I think that's why whoever this person was got a literal kid to do this.

He didn't know any better, especially when he's told that he can keep some of the money.

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And he says that the man even showed him some paperwork that made the whole story seem legit. So he's literally an actual child, but this is still super sketchy. Like a random person just asking you to help bail out some stranger. So that's the thing. It's not necessarily some random person. It turns out Wesley actually knew the man who asked him to withdraw the money. And it was somebody that he trusted. So add this on top of the fact that he's like a kid who is like believing the story from a guy who's telling it that he trusts. Like there's no reason not to believe what he's being told. So he agreed to make the withdraws thinking that he was helping out a friend. And they're going to find this so-called friend soon, right? Well, actually they already have. It turns out the guy who gave Wesley the card is Dan Wozniak. Sam's neighbor? Yeah, that dude that claimed to be Sam's friend. Yeah. But before they bring him in to talk to him again, they do a bit of digging into this guy's background. Now Dan doesn't have much of a criminal history. In fact, all they see is an arrest for suspicion of driving under the influence from like a week before. The other stuff they learn is so mundane, like he's involved in the community theater scene. I mean, even the night of Julie's murder, both he and his fiance, Rachel, performed in a musical together. And he's well liked and respected from what they can tell. Now, before they can even bring Dan in, Julie's autopsy results come back and there are some surprises. For one, the medical examiner couldn't find any evidence of sexual assault anywhere on her body. So her body was just staged to make it look like she'd been sexually assaulted? Right. And two, an article from ABC by Denise Martinez-Ramundo, Michael Mendelson, and Lauren Efron reports that Julie hadn't just been shot once, like they initially thought. She'd actually been shot twice, but it only looked like she'd been shot once because the bullets basically struck her head in like the exact same place, which created just one wound instead of two. Oh. So on the evening of May 26th, this is four days after Julie's body was found, they go get Dan to bring him in for an interview. Now, when they go get him, he's out on like sort of this last minute bachelor party with some of his friends because he and Rachel are supposed to be getting married in just a few days. And obviously, he is not happy that he has to leave the festivities, but he agrees to go to the station for questioning. And once they get there, the detective decide to come out swinging right away and they charge him with accessory to murder after the fact. They're hoping that charging him with something right off the bat will scare him enough to make him talk. And fortunately, Dan does start talking.

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He says that, yes, he and Sam came up with this whole scheme to use Wesley to withdraw money out of Sam's account, but not because Sam killed Julie and was trying to go on the run.

At least that's not the reason at first.

He says that originally the plan was to have Wesley withdraw the maximum amount that he could every day.

And then once a decent chunk of cash had been taken out, Sam would report the money as stolen. The hope was that the bank would then just reimburse him for the stolen money and they would get to keep all of it.

But then he says something went wrong.

According to an episode of Dateline titled Plot Twist, he says that Sam knocked on his door on the morning of the 22nd and said that he was in trouble.

So Dan, being the good friend he was, asked what was wrong, but Sam wouldn't talk about it in the apartment.

So they left in Sam's car with Dan behind the wheel.

And as they're driving around, Sam said that he'd been using drugs and he'd been drinking heavily because he was having family problems.

And he had asked Julie to come over and later have sex with him.

But when she said no, he pulled out a gun and shot her twice in the head.

Now, according to Dan, this wasn't the Sam that he knew.

He clearly wasn't in the right frame of mind and he was just acting super distressed and erratic.

Things took an even darker turn when Dan says that Sam threatened him and Rachel if he told anyone.

So he said that is when the fraud plan changed.

Sam said that they needed to withdraw the money as soon as possible and in exchange, Sam would give him a larger cut.

And Dan tells police like, listen, I did this because I was struggling financially.

So an extra few thousand dollars would go a long way.

And that's why I agreed.

So Sam directed him to drop him off in the parking lot of a shopping center in Long Beach, which is like 35 minutes away from Costa Mesa, where Dan saw him meet up with a man in a black baseball cap.

Afterwards, he said he ditched Sam's car and then made his way back to his apartment and put the whole plan in motion.

That all sounds incredibly weird. Does he happen to mention where Sam is now?

He says he doesn't know where Sam is, which police don't really buy.

They're like, this guy's acting really sketchy. Something's not right about this story.

He probably knows exactly where Sam is.

So they decide to apply a little more pressure.

They tell him that they need to take a DNA sample from him to eliminate him as a suspect in Julie's murder.

Oh, I didn't know they got anything from the scene.

They didn't. But the goal here is to make Dan think that they have something.

And sure enough, Dan starts adding to and changing his story.

For one, he says that he made up the man with the black baseball cap.

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I'm not sure why he made it up to begin with, but he apologizes for lying.
And then he says that they'll probably find his DNA in Sam's apartment because he was there on Friday afternoon.
And while he was there, he used the restroom and he maybe went out on the patio, but he's not really sure.
And the fact that this story is changing at all makes investigators think that there's more he's not sharing.
So they say, OK, where else is your DNA going to show up?
And he's like thinking about it.
He's like, well, you know, it's probably going to be in Sam's car because I drove it.
And they're like, OK, well, is it going to be anywhere on Julie's body?
And he says, no, no, no, no, no, I wasn't even in the apartment when she was killed.
I didn't see her body. I wasn't there.
But the detectives just keep pushing and they ask again if he saw Julie in the apartment.
He's adamant that he didn't, but they're not letting up.
And Dan starts to get angry.
And then he starts saying all this stuff out of the blue that doesn't really make sense with the story that he's told so far.
He's yelling and saying that he had nothing to do with all of this because his life was in danger with his wife and he's so sorry.
And the detective is like, whoa, wait, what do you mean your life was in danger?
And he just snaps that Sam had threatened them both.
And if Dan thought this outburst would make him seem more like a victim of Sam's, he was wrong.
And they don't want him to start clamming up.
So they apply more pressure and they tell him he is under arrest for accessory to murder.
And that makes Dan freak out, saying that he'll tell them whatever they want to know as long as he makes it to his wedding.
But he just keeps repeating more of the same.
Yes, he helped Sam get away. Yes, he tried to commit fraud, but that's it.
Detectives keep trying to figure out where Sam is, like tell us his location.
And that's when Dan's story changes yet again.
This time he admits to actually seeing Julie's body.
And now he says that's the real truth.
Each new version of this guy's story just keeps putting him closer and closer to Julie's homicide.
Which is something you often see when guilty parties are in front of law enforcement.
When the story changes, you get a little bit closer every time.
And so investigators want to see just how close he'll put himself.
So they say, look, we have your DNA, we have it on her body, explain to us why it's there.
And he's kind of frantic and he's like, well, it must be on there because I was standing right over her.
They're like, nope, that's not how DNA works one more time.
How did your DNA get on her body?
But he swears he didn't touch her just that he was standing over her.
And that's when he finally lets something slip.
One of the detectives asked Dan what exactly he saw.

And he says that he saw two gunshot wounds to the back of her head.

But he shouldn't have known that, right?

Her wound just looked like one gunshot wound.

Exactly.

So that would imply that somehow he knew she'd been shot twice.

Did this guy just rat himself out?

Yeah, that's what police want to know.

So they latch on to that.

They say, whoa, whoa, whoa, where were those two bullet wounds again?

And he seems to realize that he has said too much because he immediately starts backpedaling saying, oh, I don't know.

I didn't really see them. Sam told me where they were.

That's not what I meant.

What do you mean that's not what you meant?

That's how words, especially words and statements work, buddy.

I mean, how can you say I saw two bullet wounds and then be like, JK, sorry, I misspoke.

That seems pretty cut and dry to me.

Yeah, I mean, he just keeps slipping and he keeps admitting more and more involvement.

Next, he says he actually helped Sam clean up the crime scene and that Sam staged the scene to make it look like Julie had been sexually assaulted.

And that's another detail that he wouldn't have known unless he was there.

But he swears he had no involvement in actually killing Julie.

But at this point, they're not believing a word that he says.

Every time his story changes, he's getting more and more involved and he is still not telling them where Sam is.

Right, like of all the things to be like admitting to, the one thing that could get you out of this, where Sam is, he's not saying, what?

Yeah, and Dan seems to have realized that he's dug himself into a hole that he can't get out of, which again, to your point, like, hey, there's one easy way to at least get a little bit of help here, just ride out Sam, but he's not.

So they decided at this point, they're going to let him call his fiance, Rachel, because we're not talking a couple of hours.

Like, Dude has been in custody for over a day at this point, and his wedding is supposed to be in less than 24 hours.

Uh, I feel like this wedding is going to need postponed a bit.

Uh, yeah, and I think they know that because like as he's been held for the last day, Rachel's already been making calls and like canceling everything, which she tells Dan on their call.

But that's not the only thing she says.

She tells Dan that earlier that day, she went to his parents' house to tell them what was going on.

And as she was leaving, Dan's brother, Tim, pulled up to the house and Tim's reaction to hearing Dan had been arrested was extreme.

She says that he freaked out and told her that Dan had given him some evidence to hide.

And so Rachel's basically like, I need to call the detectives and tell them that Tim's involved in this now.

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And that's when Dan starts freaking out.

He's like begging her, please, please don't tell them anything, but she's like, no, I'm going to tell them what I know.

What does Tim have? Does Rachel even know what Dan gave him?

I don't think so, but like, just hold on to that thought.

Like, we're going to come back to Rachel in just a second.

So before they hang up, Dan asked her to come into the police station and she agrees.

I mean, she was probably going to go there anyway.

And Dan also asked to speak to detectives again.

Now, they're pretty sure he's probably just going to give them more of the same BS, but instead that's when he does like an about face.

And he just says, I did it.

And when detectives are like, oh, but you did, what exactly did you do?

He admits to killing Julie, but he also admits to killing Sam.

What? I did not expect that to be in the next version of his story.

So he's saying he killed both of them.

Yes.

The detectives were looking for Sam because they thought he might be the killer.

Not because they thought he was killed.

Yeah, up to this point, they thought Sam was out there on the run.

So this is a complete shock to the system for everybody, totally out of left field.

And the story that he goes on to tell is just chilling.

According to that same 48 hours episode, the first of the two that he killed was Sam.

He says that on the 21st, the day before Julie was found,

he told Sam that he needed help getting some things down from the attic of a theater that he'd once performed at.

And Sam, being a good, helpful friend, agrees to lend a hand.

So the two had driven to the theater together.

And after they got up to the attic, Dan pulled out a gun and shot Sam once in the head.

But the shots weren't enough to kill Sam.

He fell over saying it felt like he'd been electrocuted, like something had shocked him.

Like he couldn't even process what had happened.

And so Dan shot him again in the head.

And that is when Sam died.

After the murder, he took Sam's phone so he could implement the second part of his plan.

Killing Julie and framing Sam for her murder.

I'm sorry, I feel like I'm missing something.

Why did he want to kill Sam for the money?

Where does Julie come in?

Yeah.

Why is any of this happening?

He actually gets to that at the end of his confession, you'll see.

But as he's going, he says that like he couldn't kill Julie yet because he had other obligations.

Remember how I said that he and Rachel had performed in a show the weekend Julie was killed?

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Yeah, what about it?

Well, Dan says that he left Sam's body in the attic of the theater and then drove to the other theater that he was performing at and went on stage as if nothing happened.

He just performed in a show right after murdering someone.

He performed as the lead in this show.

It's not like he like came on as a tree in the background.

This dude had to put on a show.

But somehow in between scenes, he was able to text Julie from Sam's phone pretending to be Sam and then ask her to come over that night.

After the show ended, he and Rachel drove back to their apartment where he continued to text Julie from Sam's phone and then he went upstairs to meet her when she got there.

Once he met Julie at Sam's door, he said he like had a key and let them both in and he went to the bathroom to reload the gun and lured Julie into the bedroom by pointing at something on Sam's bed and telling her to look at it.

And when she leaned over, he fired twice into the back of her head.

After he was sure that she was dead, he wrote those words on the back of her sweatshirt and cut her pants to make it look like she'd been sexually assaulted.

And then left her there and went back downstairs.

He says that later he got an axe and a saw from Rachel's parents' house and he went back to the theater where Sam's body was still at and he dismembered him while laughing.

He scattered most of Sam's remains in a local park, but he left his torso hidden in the attic.

And after all that, he returned the axe and the saw to Rachel's parents' house and went back on stage later that night for another performance.

The way he was able to just go perform like nothing happened is wild. Absolutely chilling.

Did anyone he was in the show with notice anything off that night?

Actually, when the police talked to some of his castmates over the next few days, they say that he was like on fire that night. Like out of all the performances they did all weekend.

They were like, those were his best, which I don't even know what that says about him. That's terrifying.

Now, the next thing that investigators want to know kind of your question, why?

Why would he kill two people who he considered friends?

And Dan says that it was all about the money.

Michelle Tauber reported for people that he and Rachel were facing eviction and with the wedding coming up, they needed money.

And Dan knew that Sam had about \$60,000 that he'd saved up from his time in the army.

So he came up with this plan to frame Sam.

And while police were busy looking for Sam, he could use Wesley to basically drain Sam's account.

So Julie's murder really only happened so he could cover up Sam's murder?

Mm-hmm. Dan didn't think that police would look that closely at Sam's bank records and eventually connect all these dots?

Apparently not. I mean, again, he's no criminal mastermind, clearly.

Okay, and what did the writing on Julie's sweatshirt mean? Didn't it say all yours or something?

I mean, after I heard that, I thought this whole thing was going to be over some like cheating scandal or something.

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Yeah, I couldn't really find a good answer for that one.

But what I gathered, it seems like it was his way of making it look more like a sexual assault, trying to like throw off investigators.

Again, it seems like Julie didn't have anything.

It was after other than Julie was like a pawn or a piece to like frame Sam and get them looking at Sam,

so they're not looking for Sam's body, you know what I mean?

Right, right.

But it was weird wording, I don't know.

Either way, Dan is charged with two counts of felony murder, which could result in the death penalty being on the table.

He pleads not guilty and investigators take on the gruesome task of tracking down Sam's body.

But just like Dan said, they find his torso in the attic of the theater and over the course of a few days, they locate the rest of him.

At some point, they also bring in Dan's brother Tim for questioning and he admits to having been given a bag with a ton of evidence inside,

like shell casing, Sam's ID, and even the murder weapon.

Dan had told him to hide it and he did, so he's arrested and charged with accessory to murder.

And Tim's girlfriend also faces an accessory charge because she was, I guess, with him during all of this and allegedly knew about the gun too.

So this is like a whole family affair.

Can you imagine if like your brother or sister?

No, I can't.

It's so weird to me because again, Dan has like no criminal history and then all of a sudden he like asks his brother to hide a gun and shell casings and an ID.

Like, no questions? I just think that's so strange.

Yeah, this is all so wild.

Whatever happened to that kid, Wesley, the one who was taking money out of the ATM, was he ever charged with anything?

No, basically investigators were pretty confident that he genuinely had no idea like the full extent of what he was involved in.

So he was basically able to walk away from all of this.

But there's someone else that really couldn't.

There's a different story for Dan's fiance, Rachel.

Investigators let Rachel come in and talk to Dan after his confession, but instead of the shocked, confused, hurt reaction that they were expecting, she seemed rather calm.

Calm like she already knew that Dan had done something?

That kind of calm and it makes them think that Rachel knew more than she initially let on, but not just because of the demeanor alone.

She also made some comments to them earlier that now don't really add up.

The first and probably the biggest one that stands out is that in one of her earlier conversations with police, Rachel had mentioned seeing Dan and Sam leaving the apartment complex with this third guy, a man in a black baseball hat.

Who we know does not exist.

[Transcript] Crime Junkie / MURDERED: Julie Kibuishi and Sam Herr

But when she's confronted with this inconsistency, she's like, oh no, what I meant was that Dan had told me about the man with the baseball hat.

I didn't actually see him.

Kind of like how Dan tried to backtrack and say he didn't really see the two gunshot wounds on Julie's head after literally saying he just saw them.

Again, this is how words work.

I'm not sure if you're aware.

Yeah, and listen, this is just the tip of the iceberg because the more they talk to Rachel and her friends, the more inconsistencies they find.

For instance, they asked her why she hadn't noticed Dan leaving the apartment when he went upstairs to kill someone because they were both home at the time.

And at first she's like, well, I was asleep on the couch.

And so that's why I didn't notice Dan coming and going.

But then later she says that she went on Facebook and she watched a movie like she wasn't sleeping and her search history on her and Dan shared computer confirms that she did go on Facebook and she messaged Julie just minutes before she was murdered.

So at the very least, she would have known Dan hadn't been in their apartment at that time.

Bingo.

But Rachel had an explanation for this too.

She even appeared on Dr. Phil to defend herself and in that episode she says that when police asked her what she had done that night, she couldn't really remember any specifics like to her.

She's like, it was just a normal night.

So, you know, I did what I always would do.

I went to bed.

I maybe watched a movie before bed.

Who knows.

But she's saying that police misinterpreted that vague answer as her telling different stories.

But a few people come forward over the next few weeks and months to say that Rachel definitely knew more than she initially let on.

And they all thought that she was covering for Dan.

One of these people is Rachel and Dan's friend Violet who tells police that she had been with Rachel and Dan on that night that Julie's body was discovered.

And apparently Dan was like freaking out and said that he had been the last person to see Sam alive.

But of course this was before Dan's confession so no one knew that Sam was dead, right?

And according to Violet, she overheard Rachel telling Dan that he's messing up her story.

Does that makes it sound like she knew Sam was already dead?

Sure does.

But Rachel might not have even had her own story straight.

Because Kelly Puente reports for the Orange County Register that one of Rachel's castmates from the musical she and Dan were in comes forward with an interesting story.

That castmate says that over that weekend Rachel had mentioned that her friend was missing or had been killed and she was worried that another one of her friends had been involved.

So it seems like she was talking about Sam and Julie here, but the kicker is that she was allegedly saying all of these things before Julie's body had even been found.

So she shouldn't have known that anyone had been murdered.

Right.

And it sounded the alarm that Julie was even missing before her body was found so she should have no reason to worry.

There's this other guy named Chris that comes forward and his story fills in some of the gaps in Dan's version of events.

Gaps, he says Rachel was there for.

Chris says that he had gone to Rachel and Dan's apartment the day Sam was murdered to get some money from them.

Apparently he had given them a loan and they were in the process of paying it back.

But Rachel and Dan weren't the only ones at the apartment.

Sam was over there too.

After Chris arrived, it was apparent that Dan didn't have the money.

So he and Sam left leaving Chris and Rachel back at the apartment.

And then a few hours later, Dan returned with \$400 to give Chris.

But then Sam wasn't with him anymore.

And Chris remembers Dan seeming like really panicked and worried about something.

But Chris just didn't think anything of it.

That is until he heard that Sam had been murdered.

And that gap of time from when Dan and Sam left the apartment to when Dan comes back alone with the money,

matches up with when Sam would have been killed.

Okay, not that I trust any of these people at this point,

but that doesn't necessarily mean that Rachel knew what Dan was going to do.

Well, no, you're right.

The weird thing is, though, is like neither Rachel nor Dan had mentioned this Chris guy before.

Wouldn't that have been part of their story if they were okay with police talking to him?

Or they had rehearsed their story or whatever?

Right.

And so they ask her, why didn't you tell us that there was someone else over at the apartment?

And the response I think you expect is like, oh, I just didn't think it was important.

But that wasn't what she said.

According to more reporting by Lauren Efron, Joseph Diaz, and Denise Martinez-Romondo for ABC,

he says, quote, because honestly, I was afraid that if you knew that Chris had seen us that day,

I don't know who Chris knows, and I don't know if he knows anybody bad, end quote.

What does that even mean?

I have no idea.

Also, you and your fiancé seem like pretty bad people right now, Rachel.

Yeah, I don't know what she's getting at.

And I think depending on your opinion about Rachel and her guilt,

you can interpret that comment in a bunch of different ways.

For instance, I've seen it framed like she didn't mention Chris

because he would be able to place Sam in their apartment before he died.

I can also see it meaning that she didn't want police to know that she was associated with Chris

because maybe she was worried that he was a sketchy guy with sketchy acquaintances and she didn't want him making them look bad.

There's a ton about Rachel and her behavior after the murders, some of which makes her look more guilty than other things.

But I don't know, like her behavior is pretty sus all around.

I think there's some things that you can't ignore.

Right, right.

But the last thing that I'll mention is the issue of Sam's phone.

So we know Dan had been texting Julie on it while he and Rachel were back at the apartment.

But Rachel said that she hadn't noticed that he was using a different phone.

And we're not talking like two phones that look similar or like have even just different cases.

Dan used a smartphone whereas Sam still had a flip phone.

But yeah, those are two totally different phones, like how you'd hold them, how they're used, everything.

Don't you think you would notice if you're sitting on the couch and Justin all of a sudden whipped out like a razor?

Yes, mainly because that's like his favorite phone in the world.

It was the best phone.

You go back to it in a second.

Yes.

Yeah, he would just continually talk about how awesome it is.

But also, yeah, it's not his usual iPhone.

Right.

You're not confusing one for the other.

Now, she says she just didn't notice that he was texting on a different phone.

And look, maybe she truly didn't notice.

But it's one of those things that just adds to the list of things that make her look suspicious.

And really, her involvement in this case can be a point of contention.

Some people think that she was just covering for Dan and didn't know that he was going to kill Julie and Sam until after they were already dead.

But others, including Dan's lawyer, go so far as to paint her as the true mastermind behind the entire crime.

He says that Dan had been a normal person until Rachel quote unquote changed him and that he was just influenced to go along with her plan.

And look, I'm not team Rachel here, but let's not forget that Dan was the one who pulled the trigger.

And that's what the prosecutor says during his trial.

Dan was the one who brought Sam to the attic and Dan was the one who lured Julie to Sam's apartment.

So regardless of how much Rachel did or did not know, let's not lose sight of the absolute callousness of the crimes that he committed

and how he was the one who ultimately pulled it off.

Yeah, I feel like the whole idea that Rachel is the mastermind and she manipulated Dan into doing this feels really weak to me, but I don't know.

I mean, to me, there's enough to say that she knew something, right?

[Transcript] Crime Junkie / MURDERED: Julie Kibuishi and Sam Herr

Like again, she's talking about a missing friend, a murdered friend before anyone has even found Julie.

I do think that if she knew more and didn't come forward, like she should be held accountable for that.

Totally.

But again, at the end of the day, you could have the most evil plans in the world and someone chooses to act those out.

So when Dan's trial rolls around, he is convicted of both counts of murder and he is given a death sentence.

His brother, Tim, is also convicted of accessory after the fact for helping hide the murder weapon and he's given three years of probation.

And that charge against Tim's girlfriend, because remember they said that she like knew about the gun or something, that it just ends up getting thrown out.

As for Rachel, she is charged with three counts of accessory after the fact and pleads not guilty. But despite her insistence that she's innocent, she is found guilty on two of the three counts and sentenced to 32 months in prison.

Over the years, so much about this case has been sensationalized.

And to a certain extent, it does make a quote unquote good story.

There's unexpected twists, lots of interrogation footage.

There's even footage of Dan and Rachel performing after Sam and Julie were murdered.

I could spend hours going over every allegation, every piece of reporting that dredges up all the details of Dan and Rachel's pasts.

This isn't just a story, these are people's lives.

And at the end of the day, when you put aside the flashy headlines and the salacious details, two people were murdered in what should have been the prime of their lives.

For f***ing nothing, for money.

Two families are grieving the loss of their loved ones.

Julie was supposed to be a bridesmaid in her brother's wedding, but he had to walk down the aisle without her.

And Sam was working hard to get his degree and move past the traumatic experiences he had in Afghanistan.

And Dan took all of that opportunity away from both of them.

You can find all the source material for this episode on our website, crimejunkiepodcast.com.

And you can follow us on Instagram at [crimejunkiepodcast](https://www.instagram.com/crimejunkiepodcast).

We'll be back next week with a brand new episode.

Crimejunkie is an audio chuck production.

So, what do you think, Chuck? Do you approve?