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Officials recall signs of rigor mortis

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Three officials testified Monday they noticed stiffening of the bodies of some of **Vincent Brothers'** family members, which could throw the prosecution's timeline into question. Defense attorney Michael Gardina questioned a Bakersfield City fireman and captain and a Kern County Sheriff's coroner's investigator who said Brothers' two oldest children showed signs of rigor mortis, or stiffening of the body.

Coroner's investigator Kenneth Noack said based on this and other indicators he estimates the family died 24 hours, plus or minus a few hours, before they were found in the morning of July 8, 2003.

Noack testified that heat would hasten rigor mortis and that rigor mortis finishes in children's bodies faster than adults. But Noack did not note rigor mortis in the two adult victims or the baby.

Deputy District Attorney Lisa Green believes Brothers' wife Joanie Harper; their three children, Marques, Lyndsey and Marshall; and Joanie Harper's mother, Earnestine were killed after church and lunch on Sunday July 6, 2003.

Green has said that the family was wearing the same outfits they wore to church that morning, or had these clothes hanging nearby ready to be put on after their nap.

A pathologist the prosecutor called to the stand testified that rigor mortis passes in 24 to 36 hours and agreed heat speeds decomposition.

Green gave Noack a scorching cross-examination, in which Noack admitted he did not consider such indicators as what the family was wearing when he formulated his opinion on time of death.

Green also pointed out that Noack has much less training than a pathologist and that statements from Noack's report don't agree with testimony from other witnesses.

The time of death is crucial because the prosecution believes Brothers drove to California to kill his family and drove back to Ohio. But he was seen in Ohio on the morning of July 8, 2003.

If the family was killed on July 7, 2003, it would be difficult for the prosecution to prove Brothers returned to Ohio that quickly.

Brothers denies killing his family.

Tam Hodgson, assistant chief investigator for the Kern County District Attorney's Office, testified that several cellular telephone calls were sent and received on Brothers' cell phone around the time his family was killed while the phone was in the Ohio area.

But few of the calls ended up making contact with someone who is still alive to testify on Brothers' behalf except for a call taken on Brothers' phone from his mother's home phone

on July 4, 2003, the same day a prosecution witness places Brothers in Bakersfield.

No one answered Brothers' cell phone when a call was made from Brothers' on-and-off girlfriend Carla Tafoya's home phone on July 3, 2003.

The prosecution has called Tafoya the love of Brothers' life. Green believes Brothers killed his family in part so he could pursue a relationship with Tafoya.

A call was made from Brothers' phone in Ohio to the Harper home at about 10:45 a.m. PDT on July 6, 2003.

This call was not answered. **Later a call was made from the Harper home to Brothers' phone at 4 p.m. PDT that day, the day the prosecution believes the family was killed.** [emphasis added]

But the prosecution has questioned whether Brothers was in Ohio even though his cell phone appears to have been.

Just as, Green pointed out, Brother's credit card was used by his brother, Melvin Brothers.

Hodgson will continue to discuss Brothers' cellular phone records today.