

1 No, sir.

2 THE COURT: The offering will be admitted and filed in
3 evidence.
4

5 (WHEREUPON S-19 WAS RECEIVED IN EVIDENCE.)

6 THE COURT:

7 Any reason to keep this witness subject to
8 recall, Counsel?

9 MR. FREY:

10 No, Your Honor --

11 MR. WARE:

12 No, sir.

13 MR. FREY:

14 -- I think he may be able to relax and
15 make it to work in New Orleans tonight. I'm
16 not sure.

17 THE COURT:

18 You may leave.

19 (WITNESS EXCUSED.)

20 THE COURT:

21 Call your next witness.

22 MR. FREY:

23 David Prince.

24 THE COURT:

25 What's the last name?

26 MR. FREY:

27 As I'm thinking, Mr. Prince may be my last
28 witness, Your Honor.

29 THE COURT:

30 All right.

31 DAVID PRINCE,

32 having been first duly sworn, was called as a witness and

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1 testified as follows:

2 EXAMINATION

3 BY MR. FREY:

4 Q Please give us your name, for the record.

5 A Dave Prince.

6 Q And what is your current occupation, Mr. Prince?

7 A I'm retired.

8 Q Okay. From what are you retired?

9 A From the crime lab.

10 Q And by that, are you referring to the Calcasieu
11 Parish crime lab --

12 A Yes, Calcasieu Parish --

13 Q -- or actually Southwest Louisiana Regional Crime
14 Laboratory?

15 A That's correct.

16 Q That's correct. How were you employed at the crime
17 lab?

18 A As a forensic serologist.

19 Q And, if you would, for the record, tell us what a
20 forensic serologist is and does.

21 A It's a scientist or an individual who studies blood
22 and body fluids and do the anal... -- analysis as it
23 relates to or pertaining to law.

24 Q Now, I would assume, but I will ask you, that you
25 have some type of specialized training in that field; is
26 that correct?

27 A Yes.

28 Q What type of specialized training do you have to be
29 a forensic serologist?

30 A Well, I've worked in the hospital in the blood --
31 hematology department Providence Hospital; and I've
32 worked in the morgue. I've done -- assisted in autopsies

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1 in -- over here in Baton Rouge at the Louisiana State
2 Crime Lab and over here in Calcasieu Parish.

3 Q And how long did you work in the Calcasieu -- and I
4 say Calcasieu -- how long did you work in what we've
5 referred to for short as the crime lab? I think that's a
6 whole lot easier term to call it.

7 A Okay. Approximately four years.

8 Q And during the course of your employment in all of
9 your employment as a forensic serologist, can you tell us
10 on approximately how many cases you've participated in?

11 A Well over 200.

12 Q Have you been qualified as an expert in this court
13 and testified as an expert in the field of forensic
14 serology?

15 A Yes.

16 Q Have you been qualified in other courts in the field
17 of forensic serology?

18 A Yes.

19 MR. FREY:

20 At this time we will tender Mr. Prince as
21 an expert in the field of forensic serology.
22 Tender for traversal.

23 MR. WARE:

24 We have no questions in traversal; in
25 fact, we will stipulate to the witness'
26 expertise in the field of forensic serology.

27 THE COURT:

28 He is so recognized. Let's proceed.

29 Q (By Mr. Frey) Did you participate and conduct some
30 examinations in connection with the matter of State V.
31 Allen Coco?

32 A Yes, I did.

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1 Q Okay. And have you had an opportunity to look at
2 your records, records that you've prepared in connection
3 with these examinations?

4 A Yes.

5 Q I'm in particular concerned with two examinations of
6 items that have been marked S-18 and S-19. S-18 -- S-18
7 is the sex crimes kit; and it's already been received in
8 evidence. Marked as S-18 is the sex crimes kit on the
9 victim in this case. S-19 is the sex crimes kit
10 containing certain samples, in particular blood, that
11 were taken from the defendant, Mr. Coco. Were you asked
12 to make certain examinations in connection with each of
13 those?

14 A Yes.

15 Q In particular I'm concerned about your findings.
16 And I understand that a report has been prepared; but I'm
17 concerned with your findings concerning the sex crimes
18 kit on the victim, S-18, in regarding the anal and the
19 vaginal swabbings that were taken. Did you examine and
20 scientifically test those swabbings for the presence of
21 seminal acid phosphatase?

22 A Yes.

23 Q Tell me how you do that, first of all.

24 A Well, it's called an acid phosphatase test. We'd
25 take and instill acid phosphatase in the -- into the
26 sample, incubate it, and we instill the solution on top
27 of it and we look for color changes.

28 Q And what does that tell you?

29 A It tells you whether it's positive or negative.

30 Q Okay. And what were your findings in connection
31 with the sex crimes kit on the victim, Ms. [REDACTED]

32 [REDACTED]?

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1 A On the vaginal swab? Which item are you talking
2 about?
3 Q Take each --
4 A Oh, both of them.
5 Q -- one individually.
6 A Okay.
7 Q Yes, sir, take each one individually.
8 A Okay. The vaginal swab contained seminal acid
9 phosphatase, but the vaginal smears did not contain any
10 intact spermatozoa.
11 Q And what about the anal swabs?
12 A The rectal swab or the anal swab contained seminal
13 acid phosphatase but no -- the rectal smear did not
14 contain spermatozoa.
15 Q Also you were asked to examine, I believe, three
16 pieces of gauze which contained blood that was collected
17 at the scene; is that correct?
18 A Yes, sir, it is.
19 Q Did you conduct an examination concerning those --
20 well, and let me rephrase that. They purported to be
21 blood. Did you conduct an examination to determine what,
22 if anything, the substance was on those three pieces of
23 gauze?
24 A Yes, the stains did contain blood of human origin.
25 Q Were you able to further test those stains to make
26 any determination concerning blood type?
27 A Yes. They -- the blood type was B.
28 Q Okay. Is it correct, Mr. Prince, that those blood
29 stains were consumed in your testing process?
30 A Yes.
31 Q In other words, there was nothing left to show
32 anybody after that; is that right?

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1 A There were a few samples that I used later on when
2 we got another set of bl... -- another vial of blood; and
3 I used it to do a sub type.

4 Q Well, let's go to that then. In connection with
5 S-19, the kit concerning Mr. Cocco, were you later
6 presented that kit which is in front of you, S-19, and
7 asked to do some testing on the blood that was taken from
8 Mr. Cocco?

9 A Yes.

10 Q Would you tell us what kind of testing you did on
11 that blood?

12 A I did the A, B, O blood type testing, and I did PGM
13 and EAP testing.

14 Q And what did that test results reflect to you?

15 A Well, it was of the same type that was on the gauze.

16 Q And then did you do some further testing? Is that
17 what you're telling us now?

18 A Yes.

19 Q You went back to the --

20 A To the --

21 Q -- gauze samples?

22 A Right.

23 Q And what did you do?

24 A I did PGM and EAP sub type; and that -- and in those
25 two tests, I utilized the rest of the stains.

26 Q Okay. And --

27 A There was not much to begin with.

28 Q This kind of testing that you did, this second
29 testing, is that to further narrow the identification?

30 A Yes.

31 Q And what were the results of this second set of
32 testing that you did on Mr. Cocco's blood and then on the

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1 samples, the gauze samples, to compare with Mr. Coco's
2 blood?

3 A Okay. The sample on the -- on the gauze was B type.
4 The blood sample that was removed from the suspect was B
5 type. And the PGM was a plus 1 minus 2; and the EAP was
6 type BA; and this was the same type. And that was in the
7 sample tube from the -- from the suspect.

8 Q Now, can you tell us, if you would, put it in a
9 layman's term, what that means with regard to this
10 particular blood typing?

11 A Well, your PGM, phosphoglucomutase testing, I can
12 give you some percentage. In whites, the percentage of
13 the population is about 6.8 percent. In blacks, it's
14 about 5.8 percent of the population. Hispanics, about
15 10.4. The EAP BA type, about 41.4 percent white and
16 about 32.6 percent black.

17 Q So, this further narrows the results; and it's not
18 just being a B blood type --

19 A No.

20 Q -- secretor; but matching on these other individual
21 characteristics, too?

22 A Yes.

23 MR. FREY:

24 I'll offer the reports in the record, if
25 you have no objection. I'm not going to fight
26 about it --

27 MR. WARE:

28 Which report?

29 MR. FREY:

30 I was going to offer both reports of
31 Mr. Prince. The first one is on the sex crimes
32 kit concerning Ms. [REDACTED] and is dated 14

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1 September of '95. The second one is on
2 Mr. Coco's blood which is dated 10 January of
3 '96. I think you have copies. You should.
4 We'd offer as S-20 and 21 respectively into the
5 record.

6 THE COURT:

7 Any objection?

8 MR. WARE:

9 There's no objection, Your Honor.

10 THE COURT:

11 Let the offerings be admitted and filed in
12 evident.

13 (WHEREUPON S-20 AND S-21 WERE RECEIVED IN EVIDENCE.)

14 MR. FREY:

15 And, Mr. Prince, if you would, please
16 answer any questions that Mr. Ware may have.

17 THE WITNESS:

18 Yes, sir.

19 EXAMINATION

20 BY MR. WARE:

21 Q Sir, what percentage of the population has a B blood
22 type?

23 A B?

24 Q B, Yes, sir.

25 A U.S. population, about approximately 23 to 27
26 percent.

27 Q 23 to 27 percent?

28 A Yes.

29 Q And how does that -- what is -- is there -- what is
30 the breakdown? 23 to 27 is what you said, right?

31 A Yes.

32 Q Okay. How about among blacks, does that pop... --

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1 does that percentage change at all?
2 A No, that's U.S. population.
3 Q Okay. But then again, in sub groupings, I mean --
4 and specifically blacks, would -- is there any
5 significant change or differences --
6 A No significant change.
7 Q So, what is B positive and B negative? What does
8 the positive/negative mean?
9 A Well, the positive and negative -- let me give you
10 an example: When you have, say, B positive, you have --
11 you cannot get a transfusion from a -- well, you can
12 receive blood from a B type person who's either B
13 positive or B negative or O type. Okay, if you're B
14 positive --
15 Q O is the universal donor?
16 A O is the universal donor. -- if you're B negative,
17 then you cannot receive blood from, say, a B -- a
18 positive person.
19 Q It has to be a B negative --
20 A Yeah.
21 Q -- or an O?
22 A Right. Because it can cause the cells to
23 agglutinate.
24 Q And, sir, you gave me some other percentages, 5.8 in
25 one instance and 10 percent -- 10 point something in
26 another. What were those relative to?
27 A Those are relative to the testing -- further testing
28 that I had done on the blood sample. The PGM and the
29 EAP, the PGM of plus 1 minus 2 and and the EAP of BA
30 type.
31 Q I'm sorry. A BA type?
32 A BA type for short, yeah. BA type.

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1 Q What is BA.
2 A It's a --
3 Q What is that? You said, for short.
4 A You have -- okay. In short you have several types
5 of EAP, just like you have four major blood groupings.
6 Q Right.
7 A Okay. You have groupings under EAP as well, and a
8 BA is one of those types.
9 Q And what is a PGW?
10 A It's a phosphoglucomutase test. It's another one of
11 those sub types to narrow down your blood type. You can
12 keep going. There are several other tests, too. You can
13 keep going down till you get to DNA.
14 Q Sir, did your testing on both occasions, your
15 testing of the gauze --
16 A Yes.
17 Q -- did it consume the materials found within the
18 gauze?
19 A Did it what now?
20 Q Consume or destroy or use up?
21 A Oh, yeah, used up, yes.
22 Q So, there's nothing left to be submitted for further
23 testing if you -- if you --
24 A There was --
25 Q -- even do DNA testing?
26 A No, it was a very, very light stain left; and that
27 was -- this was a weak stain to begin with, somewhat
28 weak.
29 Q I have an idea, but what do you mean "a weak stain"?
30 A Well, it was not heavily concentrated or anything
31 like that.
32 Q Sir, could you tell from your examination or your

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1 analysis of the samples taken from Mr. Coco whether or
2 not he was a B positive or a B negative?

3 A I didn't -- we don't do that. We don't do positive
4 or negative; but we do the secretor status of the
5 individual to determine whether the individual is a
6 secretor or non-secretor.

7 MR. WARE:

8 I think that's all I have; but let me just
9 make certain.

10 That's all that I have.

11 THE COURT:

12 Mr. Frey, redirect?

13 MR. FREY:

14 I have none, Your Honor. We'd ask that
15 the expert's fee be fixed.

16 THE COURT:

17 Let it be so fixed.

18 You may step down. Call your next

19 witness.

20 (WITNESS STEPS DOWN.)

21 MR. FREY:

22 Your Honor -- and I'll just call this to
23 Mr. Ware's attention -- I also have subpoenaed
24 -- and I didn't -- don't have him here in the
25 room right now; but I can call him, Mr. Gary
26 Hayes from the 911, the Calcasieu Parish
27 Communications district to enter the tape of
28 the 911 calls into the record and play it. I
29 don't really know that that's necessary; but
30 instead, if you want, you have a copy of the
31 letter, I believe, from Mr. Hayes concerning
32 what's on that tape. I'm prepared to just