

DECLARATION OF DR. WILLIAM WATSON

I, William Watson, state and declare as follows:

1. My name is William Watson. My address is [REDACTED]
[REDACTED]. My date of birth is [REDACTED].

2. I am the Quality Assurance Director for the New Mexico Department of Public Safety Forensic Laboratory. My past positions include State CODIS Administrator for the New Mexico DNA Identification System, Laboratory Director and DNA Technical Leader for Orchid Cellmark, Forensic Scientist with the Fort Worth Police Department, and independent forensic consultant. I have over thirty years' experience as a forensic science professional specializing in DNA analysis. I have testified as an expert in forensic serology and forensic DNA analysis in over 100 cases for both prosecution and defense. My testimony has been presented in United States Federal Court, courts in thirteen states, and in Canada.

3. I obtained a Bachelor of Science degree in Molecular Biology from Southwest Texas State University (now, Texas State University) in 1990. In 1998, I obtained a Master of Science Degree in Biology, with a specialty in Microbiology, from the University of North Texas. And in 2010, I received a Doctorate degree in Molecular Biology from the University of North Texas.

4. On October 17, 2002, I testified as a DNA and forensic serology expert on behalf of the State in *State of Texas v. Ronald Jeffery Prible, Jr.* At the time, I was the lab director at the Orchid Cellmark Nashville laboratory. I had a Master's degree and was working on my Doctorate degree. In 1999, I performed DNA analysis on the forensic evidence that was submitted to the laboratory for this case. At the time of analysis, I had roughly 2½ years of experience with this type of DNA analysis. At the time of testimony, I had roughly 5 years of experience.

5. I was contacted by current counsel for Mr. Prible in 2024 to discuss my trial testimony. Before making this statement, I reviewed the following:

- a. Transcripts of my testimony, the prosecution's opening statements, and the prosecution's closing arguments from Prible's trial in October 2002;
- b. The complete Orchid Cellmark laboratory case file from this case (now in the possession of Bode Technology), including all documentation of the DNA analysis I personally performed;
- c. The Harris County Medical Examiner's Laboratory Report dated April 28, 1999; and
- d. Various articles and studies regarding the recovery of spermatozoa in the oral cavity, including but not limited to: Willott, G.M. and Allard, J.E., Spermatozoa – Their Persistence after Sexual Intercourse. *Forensic Science International* 19 (1982) 135-154; Willott, G.M. and Crosse, M.A., The Detection of Spermatozoa in the Mouth, *Journal of Forensic Science Society* 26 (1986) 125-128; Collins, K.A. and Bennet, A.T., Persistence of Spermatozoa and Prostatic Acid Phosphatase in Specimens from Deceased



Individuals During Varied Postmortem Intervals 22 (2001) 228-232; Fonnelop et. al., A Retrospective Study on the Transfer, Persistence and Recovery of Sperm and Epithelial Cells in Samples Collected in Sexual Assault Casework, Forensic Science International: Genetics 43 (2019) 102153; and Casey et. al., The Persistence of Sperm and the Development of Time Since Intercourse (TSI) Guidelines in Sexual Assault Cases, Journal of Forensic Sciences 62(3) (2016) 585-592.

6. Since my testimony, the field of forensic biology, including forensic serology and forensic DNA analysis has changed significantly. Our scientific understanding how long spermatozoa can persist in the oral, vaginal, and anal cavities has also changed. Additionally, my personal scientific knowledge, expertise, experience, and understanding of these issues has changed. Finally, the scientific methods on which the evidence from this trial was based has progressed.

7. Based on these changes in the field and my own increased experience and scientific knowledge, if I were asked to testify today, my answers to many of the questions asked by the State at trial would be different. My original responses were based on the questions as they were asked, and my understanding of the science at the time, but they were incomplete and lacked context and clarifying information. Today, I would provide more thorough and nuanced explanations.

8. Aside from opinions based on my knowledge and experience, the only scientifically definitive conclusions I can draw regarding the evidence in this case are that spermatozoa containing sufficient DNA to generate a male profile were present on (1) one oral swab, (2) one vaginal swab, and (3) one anal swab.

9. I cannot definitively state when the spermatozoa detected in the oral cavity were deposited in relation to Nilda Tirado's time of death, or whether they were deposited before or after the spermatozoa deposited in the vaginal or anal cavities. The DNA analysis performed in this case does not, and cannot, answer any questions about when the spermatozoa was deposited in relation to each other.

10. Additionally, there are several unknown factors regarding the distribution of the spermatozoa in the anatomical area sampled, the collection process, the distribution of the spermatozoa on the swabs selected for testing, and variations in the laboratory processing that could impact the quantities of spermatozoa on the swabs and subsequent DNA yields. None of these issues were raised by the prosecution or defense in the trial.

11. Additionally, there are unknown factors regarding the male donors in this case such as low spermatozoa count, or recent previous ejaculation prior to penetration which could have impacted the number of spermatozoa recovered from each swab.

12. On pages 93 and 94 of my testimony transcript, the prosecution asked why the DNA from the vaginal swab yielded a mixture instead of a "pure male fraction." Specifically, the prosecution asked whether the spermatozoa "wasn't a strong enough sample to obtain a pure male fraction." I responded, "That's certainly a possibility, yes." Given the changes in the scientific field and my personal scientific knowledge that have occurred in the intervening years, I would not provide that



same answer. Today, I would explain that while a weak sample is one possibility, there are many others. The presence of an abundance of female cells, a low spermatozoa count, pre-ejaculation, degraded Proteinase K, inefficient cell lysis, or variability in my extraction technique could all explain the result. In short, I would clarify that there were numerous possibilities to explain that observation. I would also clarify that using the phrase "pure male fraction" or "pure male sample" was inaccurate, and that the scientifically correct term would simply be a single source male profile. And, that I was able to obtain a male profile from the spermatozoa on the vaginal swab.

13. On pages 94 and 95 of my testimony transcript, the prosecution asked why I was able to obtain a "pure male sample" on the oral swab, in contrast to the vaginal swab. Specifically, the prosecution asked if that was "consistent with a strong sample." I answered, "It's consistent with there being a great deal of spermatozoa present, yes." I further explained that "based on the quantity of DNA that was extracted, yes, I can say there was more in the mouth than in the vaginal or anal swabs." Today, based on changes in the scientific field and my own scientific understanding, I would clarify that answer. I would not say there was "more [spermatozoa] in the mouth than in the vaginal or anal swabs." I would clarify that while I extracted more DNA from the oral swab, this does not necessarily indicate a greater quantity of spermatozoa on the swab or in the mouth than was present on the vaginal or rectal swabs or cavities.

14. I would also say there are many other possibilities to explain why a complete male profile was generated from the oral swab. As outlined in the preceding paragraph, differences in sample collecting, selection processing or donor characteristics could have contributed to the result. I cannot conclude, scientifically, that the sample in the oral swab was any "stronger," more "pure," or more recently deposited than the vaginal or anal swab samples. I would still state that the amount of DNA recovered on the oral swab was higher than was recovered from the vaginal swab. However, for the reasons stated above I could not conclude there was more spermatozoa in the oral cavity than in the vaginal or anal cavities.

15. In this case, I estimated the quantity of male DNA on the vaginal swab to be around 1 nanogram. I estimated the quantity of male DNA on the oral swab to be around 2.5 nanograms. While this led me to say the oral swab had "a great deal of spermatozoa," both quantities are relatively high by today's standards and not vastly different in quantity. And at the time the testing in this case was performed, DNA quantification relied on visual estimates from slot blot densitometry. Current methods of DNA quantification provide much better estimates of the quantity of DNA, as well as information related to gender and sample degradation.

16. On page 100 of my testimony transcript, I was asked about my personal experience generating male profiles from oral cavity swabs, and I answered that I did not recall ever having generated one. Today, I would say that I have seen both partial and full profiles from oral swabs in sexual assault cases. In my experience, while it is still not common, it is not unusual. I am also now aware of multiple studies that have found spermatozoa present in oral swabs of sexual assault victims ranging from 6 to 13 hours after assault.

17. On pages 101 and 102 of my testimony transcript, I was asked whether, because we have a "full and complete male profile" in the oral swab, it would be "inconsistent with the semen in this case being deposited into Nilda's mouth as long as an hour before she was killed." I answered, "I would say that it is. I would say that it's inconsistent." Today, based on changes in the scientific



field and my own scientific understanding, I would say that it is consistent with the spermatozoa being there less than one hour, but it's also consistent with it being there for over one hour. I would say that studies have found that spermatozoa can be found in an oral cavity in sufficient quantity for DNA analysis for longer than an hour, in some instances considerably longer.

18. On page 103 of my testimony transcript, I was asked if the DNA profile from the oral swab was "consistent with the male depositing the semen into Nilda's mouth moments, if not seconds, before she was killed?" I answered, "It would certainly be consistent with that." Today, based on changes in the scientific field and my own scientific understanding, I would clarify that while that is one possible explanation, it is not the only one. Additionally, I would say that I cannot definitively determine the exact timing of deposition based on the profile.

19. In sum, based on changes in the scientific field and my own scientific understanding, I would make it clear in my testimony that I cannot conclude with scientific certainty (1) whether more spermatozoa was present in the oral cavity than the other cavities, (2) whether the spermatozoa in the oral cavity was deposited before or after the spermatozoa in the vaginal or anal cavities, or (3) when the spermatozoa was deposited in the oral cavity in relation to the time of death. The only statement I can make with scientific certainty is that there was sufficient DNA present on the oral, vaginal, and anal swabs to yield a full profile from each swab.

20. The prosecution misrepresented my testimony during opening statements. On page 82 of the opening statement testimony transcript, Kelly Siegler stated that I would tell the jury that "when semen is in somebody's mouth, in a lady's mouth, it goes away in minutes. It goes away with a small swallow." I did not testify to that, and it is not a scientifically valid statement.

21. The prosecution also misrepresented my testimony during closing arguments. On page 10 of the closing argument testimony transcript, Vic Wisner stated that I told the jury I had never gotten a partial profile of even one locus before, and that since I developed a full male profile from the oral swab, it had to come right before or after the time of death. I did not, and would not have testified to that. Additionally, I did not testify that it "had to come" right before or after she was killed. I testified that it was "consistent" with a short time frame. That is an important difference.

22. On page 11 of the closing argument testimony transcript, Vic Wisner stated that I had told the jury, "There is no way in the world that that semen wasn't deposited either moments before or seconds after Nilda died. There is no way that semen is not the semen of somebody who sexually assaulted her just moments before or moments after she died." I never testified to this and never claimed the case involved sexual assault.

23. On page 12 of the closing argument testimony transcript, Vic Wisner asked the jury to assume Nilda's mouth "is kind of like fly paper for semen – and it may have happened two or three or four or five hours before. This would be a first case in this kind for Bill Watson." I did not testify to that, and would not have stated that to a jury. I never testified to this, nor would I. It is not a scientifically sound analogy.

24. On pages 55 and 56 of the closing argument testimony transcript, Kelly Siegler told the jury that they would have to think Prible had "some kind of magic semen, magic spermatozoa that somehow lives longer than any of y'all's or any other man's in this whole universe," and that to



believe his story, the jury has “got to believe that his semen is so tasty that she walked around savoring the flavor of it in her mouth for a couple hours. That’s the only way it’s going to end up still in her mouth after she’s dead.” I never testified to this, nor would I. These inflammatory remarks are not only scientifically baseless, but also highly inappropriate.

25. On page 58 of the closing argument testimony transcript, Kelly Siegler told the jury that the decedent “left this world with his penis in her mouth, knowing her husband was dead, hoping to God that her babies would survive the nightmare that is Jeff Prible. That’s how she left this world.” I never made such a statement and would never testify in such a way.

26. On page 58 of the closing argument testimony transcript, Kelly Siegler told the jury that the decedent had semen in her mouth “because she did not have a chance to spit it out or swallow it or take a drink of water or let any time pass whatsoever because as soon as he ejaculated, he executed her.” I did not testify to that, and would not have stated that to a jury.

I declare under penalty of perjury as provided in the laws of the United States and the State of Texas that the foregoing 5-page declaration is true and correct and based on my personal knowledge.

Executed on July 31, 2025, in Santa Fe, Santa Fe County, New Mexico.

A handwritten signature in black ink, appearing to read "Kelly Siegler", written over a horizontal line.A handwritten signature in black ink, possibly reading "Lynn", written over a horizontal line.