



Sharen Wilson  
Criminal District Attorney  
Tim Curry Criminal Justice Ctr.  
401 West Belknap, 4<sup>th</sup> Floor  
Fort Worth, Texas 76196-0201

ATTN: POST-CONVICTION

Barton R. Gaines  
244 Siesta Court  
Granbury, Texas 76048



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ZIP 76196  
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**SHAREN WILSON**

Criminal District Attorney  
Tarrant County

May 10, 2021

Barton R. Gaines  
244 Siesta Court  
Granbury, Texas 76048

*Writ Cause No(s).*      *C-213-W011921-0836979-B*  
   *C-213-W011922-0836985-B*

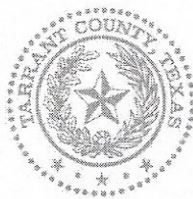
Enclosed you will find three state's disclosures regarding Dr. Marc Krouse and the Tarrant County Medical Examiner's Office (TCME), as well as a letter from Criminal District Attorney Sharen Wilson that was initially sent to all criminal defense attorneys that are TechShare account holders. The case(s) referenced above may or may not be impacted by the attached disclosures. The disclosures reference Exhibit 1, which is a 105-page audit of Dr. Krouse's 2020 autopsies. The audit is not attached, as it contains sensitive and confidential information. The State will make the audit available for inspection and review upon court order.

The State does not stipulate or concede that the information which is the subject of these disclosures is material, exculpatory, mitigating, or admissible for any purpose including impeachment. You can consult with an attorney to determine whether this may impact you and what, if anything, may need to be done. The Tarrant County Criminal District Attorney's Office does **not** represent you and will not take any action on your behalf. ***Please do not contact our office directly regarding this notification.***

Sincerely,

Sharen Wilson  
Criminal District Attorney  
Tarrant County, Texas

*Andréa Jacobs*  
ANDRÉA JACOBS



**SHAREN WILSON**  
Criminal District Attorney  
Tarrant County

March 26, 2021

Account Holder in TechShare Prosecutor Defense Portal

*Via: email*

**RE: Tarrant County Medical Examiner's Office**

Dear Attorney / TSP Account Holder,

You are receiving this letter because you are an account holder in the TechShare Prosecutor Defense Portal. You may or may not have a case affected by this disclosure.

Dr. Nizaam Peerwani conducted an audit of autopsies classified as homicide and performed by Dr. Marc Krouse from January 1, 2020 through November 9, 2020. The audit was completed on March 19, 2021 and included a review of 41 autopsies conducted by his employee, Dr. Krouse.

On March 25, 2021, Dr. Peerwani placed his employee, Dr. Krouse, on administrative leave effective immediately with his last day of employment on April 24, 2021.

In order to comply with our ethical and statutory obligation to provide the defense with notice of potential exculpatory information under Texas Code of Criminal Procedure 39.14(h) and under *Brady*, we are providing the complete audit to you as an attachment to this letter. In addition, because of the practice of the Tarrant County Medical Examiner's Office to have all deputy medical examiners sign off on all autopsies, we are providing individual disclosures in all pending homicide cases where that office performed the autopsy.

Respectfully,

A handwritten signature in black ink that reads "Sharen Wilson".

Sharen Wilson  
Criminal District Attorney  
Tarrant County, Texas

attachment



CAUSE NOS. C-213-W011921-0836979-B; C-213-W011922-0836985-B

EX PARTE

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IN THE 213th DISTRICT

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COURT OF

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BARTON R. GAINES

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TARRANT COUNTY, TEXAS

**STATE'S DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** the State of Texas, by and through her Criminal District Attorney and the undersigned Assistant Criminal District Attorney, and files this State's Disclosure in the above-styled case pursuant to any potential obligations under *Brady* and Texas Code of Criminal Procedure Art. 39.14:

I.

On September 19, 2020, Alfredo Olivares was shot in Fort Worth, Tarrant County, Texas. Mr. Olivares was transported to Harris-Methodist Hospital for treatment, but succumbed to his injuries and was pronounced dead.

Mr. Olivares, hereinafter "Decedent #1", was transported to the Tarrant County Medical Examiner's Office, hereinafter "TCME", for a full autopsy. That autopsy was performed on September 20, 2020 by Dr. Marc Krouse. Prior to the start of the autopsy, Dr. Krouse was provided the initial hospital records from Harris Hospital and an investigative narrative from the forensic death investigator. As part of his routine examination, body X-rays were obtained and photographs were taken. No additional records were requested by Dr. Krouse prior to the examination. Once the autopsy was completed, the decedent was placed in the care of family to be interred at Greenwood Cemetery.



Dr. Krouse completed his report, TCME Case #2016709, on October 20, 2020. In that report, Dr. Krouse documented one gunshot wound along left back/flank area along with a fracture of 11<sup>th</sup> rib, injury to the left kidney, small bowel and mesentery with hemorrhage. Evidence was collected consisting of one projectile during the examination. A death certificate was issued and listed the cause of death as "Gunshot Wound of Abdomen" and Decedent #1 was released for the funeral home and/or family to obtain.

The Tarrant County Medical Examiner, Dr. Nizam Peerwani, began to review Dr. Krouse's finalized report on October 20, 2020 and noted possible inconsistencies. Dr. Peerwani requested further information, specifically: medical records, EMS reports, police reports, hospital X-rays, TCME X-rays, TCME morgue photographs, TCME paper documents and TCME computer entries. Upon a review of all these documents, Dr. Peerwani noted the following issues:

1. The Harris Hospital Fort Worth radiology report and images show two projectiles in the body. The radiology report was available to Dr. Krouse prior to the examination. The image discs were not ordered by Dr. Krouse.
2. TCME X-rays indicate one projectile in the abdomen, which Dr. Krouse recovered. However, one of the TCME X-rays shows a small radio-opaque object in the pelvic region. Dr. Krouse did not order any additional views to investigate the radio-opaque object in the pelvic region.
3. The initial hospital records provided to Dr. Krouse prior to the examination documented two projectiles in the decedent, along with



multiple fragments, and a displaced pubic ramus fracture. Dr. Krouse failed to identify or document the pubic ramus fracture.

4. Postmortem photographs clearly show a second gunshot wound of the abdomen, left of the umbilicus (navel). Dr. Krouse reported this 2<sup>nd</sup> gunshot wound as a “surgical stab”. His body diagram notes this “stab” as being 1.5 centimeters. Hospital, EMS and police records all indicate this so-called “surgical stab” is a gunshot wound.
5. Dr. Krouse identified injuries to the left kidney, mesentery, small bowel, 11<sup>th</sup> rib. He also identified hemoperitoneum and retroperitoneal hemorrhage. He did not measure the amount of blood in the abdomen.
6. Dr. Krouse reported the duodenum (small bowel) was intact. The surgical report indicates the duodenum was perforated.
7. Dr. Krouse makes no mention of any vascular injury. In fact, the written report specifies under description of cardiovascular system that the “Aorta and the major branches are intact”, contrary to what the surgeon reported. The medical records noted catastrophic duodenal and aortic injury, large hemoperitoneum, repair of inferior vena cava injury (large vein in the abdomen), and finding of aortic injury.
8. Dr. Krouse did not submit service requests for EMS, police or any additional hospital records.
9. The death certificate has been issued by TCME, certified in the State TER system, and released for the funeral home or family to obtain. The death



certificate has been issued with the cause of death as "Gunshot Wound of Abdomen".

10. Other discrepancies:

- a. Dr. Krouse identified 4 intraosseous stents (left and right anterior shoulders; left and right anterior tibias) on the decedent during the exam and they are confirmed by examination photographs. His examination report lists two of them incorrectly being in the right and left femoral heads and not on the shoulders as they should have been.
- b. Dr. Krouse did not photograph the body, wounds, and medical intervention with appropriate overall, mid-range and close-up photographs.
- c. Dr. Krouse notes in his examination findings there was no personal property on the decedent, but a leg monitor is noted in the examination photographs. The leg monitor was released with the body to the funeral home.
- d. Hospital records indicate the decedent had clothing on him that was cut away during the hospital stay and left with the body in the morgue. Dr. Krouse notes that no clothing came with the decedent. The disposition of the decedent's clothing was not determined until Dr. Peerwani reviewed records and discovered Fort Worth PD had recovered the clothing from the hospital



morgue prior to the body coming to TCME. Dr. Krouse did not inquire about the clothing or document it's final disposition.

As a result of these discrepancies, there may be evidence, specifically a fired projectile, that remains in the body of Decedent #1. A Motion to Disinter Decedent #1 was filed by the State in Cause #1658629 on November 19, 2020, and the Court granted the State's Motion.

## II.

In response to the discrepancies found in the autopsy of Alfredo Olivares, Dr. Peerwani collected a random sampling of autopsy reports completed by Dr. Krouse for review. Dr. Peerwani went as far back as January 1, 2020 in his collection of reports. During this review process, he discovered another autopsy with potential discrepancies.

In TCME Case #2002676, Jose Moreno, III, hereinafter referred to as "Decedent #2", was found deceased in his bed after family members performed a welfare check. The decedent had chronic urinary tract infections and was paraplegic due to a gunshot wound he sustained in 1990 during a workplace shooting. The case was assigned to Dr. Krouse, who performed an examination on February 11, 2020. In the decedent's written medical history provided by the family to Dr. Krouse prior to the examination, it states decedent's paraplegia was "due to a gunshot wound without the projectile being removed . . .".

As part of the routine examination, a body X-ray was taken along with photographs. Only one X-ray of the chest was taken, and it failed to show any bullets. No other X-rays were taken to locate the bullet which the family stated was left in the Decedent #2's body. The examination was concluded, and Dr. Krouse finalized his report on April 13, 2020. His report documented no projective or notable fragment identified.



Dr. Peerwani's review of this report uncovered the following issues:

1. Dr. Krouse failed to review hospital records and medical records received from Decedent #2's Primary Care Physician on February 11, 2020 before completing his report 2 months later.
2. Dr. Krouse failed to review the police report that was also received on February 11, 2020 before completing his report.
3. Only one X-ray of the chest was taken, which did not show the presence of a bullet. There was no attempt made to locate the bullet left in the body.
4. Based on the records available to TCME, a bullet with fragments are lodged in the lumbar spine and have been buried with the body.

### III.

In addition, the autopsy reports Dr. Krouse drafted in homicide cases contain the signatures of the Chief Medical Examiner as well as each Deputy Medical Examiner.

### IV.

On November 10, 2020, Marc Krouse was suspended from performing autopsy examinations on homicide cases.

V.

As of November 20, 2020, Dr. Peerwani and his office will continue to review autopsy examinations completed by Dr. Krouse. Therefore, this disclosure is subject to any updates in the future.

VI.

The purpose of this notice is solely for notification of any potential *Brady* material. The State does not stipulate or concede that the information which is the subject of this notice is material, exculpatory, mitigating, or admissible for any purpose including impeachment.

Respectfully submitted,

Sharen Wilson  
Criminal District Attorney  
Tarrant County, Texas

/s/Andréa Jacobs  
Andréa Jacobs  
Assistant Criminal District Attorney  
State Bar No. 24037596  
401 West Belknap Street  
Fort Worth, Texas 76196-0401  
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CAUSE NOS. C-213-W011921-0836979-B; C-213-W011922-0836985-B

EX PARTE

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IN THE 213th DISTRICT

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COURT OF

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BARTON R. GAINES

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TARRANT COUNTY, TEXAS

**STATE'S FIRST SUPPLEMENTAL DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** the State of Texas, by and through her Criminal District Attorney and the undersigned Assistant Criminal District Attorney, and files this State's Disclosure in the above-styled case pursuant to our obligations under *Brady* and Texas Code of Criminal Procedure Art. 39.14:

I.

On September 19, 2020, Alfredo Olivares was shot in Fort Worth, Tarrant County, Texas. Mr. Olivares was transported to Harris-Methodist Hospital for treatment, but succumbed to his injuries and was pronounced dead.

Mr. Olivares, hereinafter "Decedent #1", was transported to the Tarrant County Medical Examiner's Office, hereinafter "TCME", for a full autopsy. That autopsy was performed on September 20, 2020, by Dr. Marc Krouse. Prior to the start of the autopsy, Dr. Krouse was provided the initial hospital records from Harris Hospital and an investigative narrative from the forensic death investigator. As part of his routine examination, body X-rays were obtained, and photographs were taken. No additional records were requested by Dr. Krouse prior to the examination. Once the autopsy was completed, the decedent was placed in the care of family to be interred at Greenwood Cemetery.

Dr. Krouse completed his report, TCME Case #2016709, on October 20, 2020. In that report, Dr. Krouse documented one gunshot wound along the left back/flank area along with a fracture of the 11<sup>th</sup> rib, and injuries to the left kidney, small bowel, and mesentery with hemorrhage. The report documented that evidence was collected consisting of one projectile during the examination. A death certificate was issued and listed the cause of death as "Gunshot Wound of Abdomen" and Decedent #1 was released for the funeral home and/or family to obtain.

Subsequently, the Tarrant County Medical Examiner, Dr. Nizam Peerwani, began to review Dr. Krouse's finalized report and noted possible inconsistencies. Dr. Peerwani requested further information, specifically: medical records, EMS reports, police reports, hospital X-rays, TCME X-rays, TCME morgue photographs, TCME paper documents and TCME computer entries. Upon a review of all these documents, Dr. Peerwani noted the following issues:

1. The Harris Hospital Fort Worth radiology report and images show two projectiles in the body. The radiology report was available to Dr. Krouse prior to the examination. The image discs were not ordered by Dr. Krouse.
2. TCME X-rays indicate one projectile in the abdomen, which Dr. Krouse recovered. However, one of the TCME X-rays shows a small radio-opaque object in the pelvic region. Dr. Krouse did not order any additional views to investigate the radio-opaque object in the pelvic region.
3. The initial hospital records provided to Dr. Krouse prior to the examination documented two projectiles in the decedent, along with multiple fragments, and a displaced pubic ramus fracture. Dr. Krouse failed to identify or document the pubic ramus fracture.



4. Postmortem photographs clearly show a second gunshot wound of the abdomen, left of the umbilicus (navel). Dr. Krouse reported this 2<sup>nd</sup> gunshot wound as a “surgical stab”. His body diagram notes this “stab” as being 1.5 centimeters. Hospital, EMS and police records all indicate this so-called “surgical stab” is a gunshot wound.
5. Dr. Krouse identified injuries to the left kidney, mesentery, small bowel, and 11<sup>th</sup> rib. He also identified hemoperitoneum and retroperitoneal hemorrhage. He did not measure the amount of blood in the abdomen.
6. Dr. Krouse reported the duodenum (small bowel) was intact. The surgical report indicates the duodenum was perforated.
7. Dr. Krouse makes no mention of any vascular injury. In fact, the written report specifies under description of cardiovascular system that the “Aorta and the major branches are intact,” contrary to what the surgeon reported. The medical records noted catastrophic duodenal and aortic injury, large hemoperitoneum, repair of inferior vena cava injury (large vein in the abdomen), and finding of aortic injury.
8. There was a failure to report the presence of a right chest tube drain in the autopsy report.
9. Dr. Krouse did not verify the decedent’s identity by scientific means, such as fingerprints. This is in violation of the TCME’s policy in deaths classified as “Homicide”.
10. Dr. Krouse did not submit service requests for EMS, police or any additional hospital records.

11. The death certificate has been issued by TCME, and released for the funeral home or family to obtain. The death certificate has been issued with the cause of death as "Gunshot Wound of Abdomen".

12. Other discrepancies:

- a. Dr. Krouse identified 4 intraosseous stents (left and right anterior shoulders; left and right anterior tibias) on the decedent during the exam and they are confirmed by examination photographs. His examination report lists two of them incorrectly being in the right and left femoral heads and not on the shoulders as they should have been.
- b. Dr. Krouse did not photograph the body, wounds, and medical intervention with appropriate overall, mid-range, and close-up photographs.
- c. Dr. Krouse notes in his examination findings that there was no personal property on the decedent, but a leg monitor is noted in the examination photographs. The leg monitor was released with the body to the funeral home.
- d. Hospital records indicate the decedent had clothing on him that was cut away during the hospital stay and left with the body in the morgue. Dr. Krouse notes that no clothing came with the decedent. The disposition of the decedent's clothing was not determined until Dr. Peerwani reviewed records and discovered that Fort Worth PD recovered the clothing from the hospital



morgue prior to the body coming to TCME. Dr. Krouse did not inquire about the clothing or document its final disposition.

As a result of these discrepancies, there may have been evidence, specifically a fired projectile, that remained in the body of Decedent #1. A Motion to Disinter Decedent #1 was filed by the State in Cause #1658629 on November 19, 2020, and the Court granted the State's Motion.

The exhumation autopsy discovered additional non-conformities:

1. Failure to document catastrophic vascular injury of the aorta at the level of renal vessels and the inferior vena cava near the duodenum.
2. Failure to document the second entry gunshot wound, its trajectory in the body, and recovery of the 2<sup>nd</sup> bullet.
3. Failure to perform a thorough dissection.
4. Failure to report perforation of the left diaphragm secondary to the gunshot wound of left back/flank.

## II.

In response to the discrepancies found in the autopsy of Alfredo Olivares, Dr. Peerwani collected a random sampling of autopsy reports completed by Dr. Krouse for review. Dr. Peerwani went as far back as January 1, 2020, in his review of reports. During this review process, he discovered another autopsy with potential discrepancies.

In TCME Case #2002676, Jose Moreno, III, hereinafter referred to as "Decedent #2", was found deceased in his bed after family members performed a welfare check. The decedent had chronic urinary tract infections and was paraplegic due to a gunshot wound he sustained in 1990 during a workplace shooting. The case was assigned to Dr. Krouse, who performed an

examination on February 11, 2020. In the decedent's written medical history provided by the family to Dr. Krouse prior to the examination, it states decedent's paraplegia was "due to a gunshot wound without the projectile being removed.... ." As part of the routine examination, a body X-ray was taken along with photographs. Only one X-ray of the chest was taken, and it failed to show any bullets. No other X-rays were taken to locate the bullet which the family stated was left in Decedent #2's body. The examination was concluded, and Dr. Krouse finalized his report on April 13, 2020. His report documented no projectile or notable fragment identified.

Dr. Peerwani's review of this report uncovered the following issues:

1. Dr. Krouse failed to review hospital records and medical records received from Decedent #2's Primary Care Physician on February 11, 2020, before completing his report 2 months later.
2. Dr. Krouse failed to review the police report that was also received on February 11, 2020, before completing his report.
3. Only one X-ray of the chest was taken, which did not show the presence of a bullet. There was no attempt made to locate the bullet left in the body.
4. Based on the records available to TCME, a bullet with fragments are lodged in the lumbar spine and have been buried with the body.

### III.

In addition, many of the autopsy reports prepared by Dr. Krouse and other Deputy Medical Examiners in homicide cases contain the signatures of the Chief Medical Examiner as well as each Deputy Medical Examiner.



IV.

On November 10, 2020, Dr. Peerwani suspended his employee, Dr. Krouse, from performing autopsy examinations on homicide cases.

V.

As of November 20, 2020, Dr. Peerwani and his office were conducting an audit of autopsy examinations completed by Dr. Krouse.

VI.

On March 21, 2021, Dr. Peerwani provided this office with a copy of his findings from his audit of Dr. Krouse's cases (Exhibit #1). In the same week, on March 25, 2021, this office was notified that Dr. Peerwani placed his employee, Dr. Krouse, on administrative leave effective immediately, and his last day of employment would be April 24, 2021.

VII.

Included within Dr. Peerwani's Audit are three additional autopsies where Dr. Krouse performed the autopsies in a manner which left questions unanswered and demonstrated a lack of due diligence.

The first autopsy involved a 26-year-old male whose remains were discovered still smoldering on October 10, 2020, in Fort Worth, Texas. Later identified as Snay Gay, hereinafter "Decedent #3", his body appeared to be burned and presented apparent stab wounds to the chest. The stab wounds also included multiple defense type wounds to the forearm.

In TCME Case No. 2018021, Dr. Krouse performed the autopsy and documented numerous stab wounds and global charring. Upon review, Dr. Peerwani noted the following regarding Dr. Krouse's autopsy:

1. Dr. Krouse failed to describe the defensive wounds.
2. The thermal injuries described were cursory, with obvious errors.
3. Dr. Krouse failed to collect blood samples for volatile studies after noting the moderately strong odor of gasoline emitting from the decedent's body cavity. Such samples could have been outsourced to an independent lab for analysis.
4. Dr. Krouse failed to describe either the presence, or absence, of smoke and soot in the tracheobronchial tree, and although one photo of the traches fails to show soot in the trachea, the proof is inconclusive. It remains unanswered whether the decedent was in the agonal stage when he was doused with an accelerant.

The second and third autopsies stem from an Intoxication Manslaughter investigation that occurred on August 30, 2020, in Haltom City, Texas. On that date, the suspect was traveling in the wrong direction on Loop-820 when the suspect's car collided with a passenger vehicle, killing its three occupants. Two of the occupants, Favian Garcia and Sofia Garcia, were examined by Dr. Krouse.

In TCME Case No. 2015443, Dr. Krouse performed the autopsy of Favian Garcia, hereinafter "Decedent #4", and in TCME case No. 2015444, he performed the autopsy of Sofia Garcia, hereinafter "Decedent #5".



In both cases, Dr. Peerwani noted the following:

1. There are no statements in either report whether thermal trauma was present, or whether the body was covered in soot. While Decedent #5's face showed facial soot in a photo, this was not observed or reported in the autopsy narrative.
2. Decedent #4's remains did not show thermal trauma or presence of soot coating the body's surface. There was no statement in the autopsy narrative asserting this.
3. There were no photographs or description of the tracheobronchial tree to document the presence of smoke inhalation in either case.
4. Dr. Krouse failed to request postmortem carboxyhemoglobin in either case.
5. Decedent #5 had a kidney with the presence of carcinoma. However, no attempt was made to verify whether the tumor was malignant.

#### VIII.

This review is ongoing, and may result in future disclosures.

IX.

The purpose of this notice is solely for notification of any potential *Brady* material and compliance with Texas Code of Criminal Procedure Art. 39.14. The State does not stipulate or concede that the information which is the subject of this notice is material, exculpatory, mitigating, or admissible for any purpose including impeachment.

Respectfully submitted,

Sharen Wilson  
Criminal District Attorney  
Tarrant County, Texas

/s/ Andréa Jacobs  
Andréa Jacobs  
Assistant Criminal District Attorney  
State Bar No. 24037596  
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Fort Worth, Texas 76196-0401  
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CAUSE NOS. C-213-W011921-0836979-B; C-213-W011922-0836985-B

EX PARTE	§	IN THE 213th DISTRICT
	§	
	§	COURT OF
	§	
BARTON R. GAINES	§	TARRANT COUNTY, TEXAS

**STATE'S SECOND SUPPLEMENTAL DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** the State of Texas, by and through her Criminal District Attorney and the undersigned Assistant Criminal District Attorney, and files this State's Disclosure in the above-styled case pursuant to our obligations under *Brady* and Texas Code of Criminal Procedure Art. 39.14:

I.

On September 19, 2020, Alfredo Olivares was shot in Fort Worth, Tarrant County, Texas. Mr. Olivares was transported to Harris-Methodist Hospital for treatment, but succumbed to his injuries and was pronounced dead.

Mr. Olivares, hereinafter "Decedent #1", was transported to the Tarrant County Medical Examiner's Office, hereinafter "TCME", for a full autopsy. That autopsy was performed on September 20, 2020 by Dr. Marc Krouse. Prior to the start of the autopsy, Dr. Krouse was provided the initial hospital records from Harris Hospital and an investigative narrative from the forensic death investigator. As part of his routine examination, body X-rays were obtained, and photographs were taken. No additional records were requested by Dr. Krouse prior to the examination. Once the autopsy was completed, the decedent was placed in the care of family to be interred at Greenwood Cemetery.

Dr. Krouse completed his report, TCME Case #2016709, on October 20, 2020. In that report, Dr. Krouse documented one gunshot wound along left back/flank area along with a fracture of 11<sup>th</sup> rib, and injuries to the left kidney, small bowel, and mesentery with hemorrhage. The report documented that evidence was collected consisting of one projectile during the examination. A death certificate was issued and listed the cause of death as "Gunshot Wound of Abdomen" and Decedent #1 was released for the funeral home and/or family to obtain.

Subsequently, the Tarrant County Medical Examiner, Dr. Nizam Peerwani, began to review Dr. Krouse's finalized report and noted possible inconsistencies. Dr. Peerwani requested further information, specifically: medical records, EMS reports, police reports, hospital X-rays, TCME X-rays, TCME morgue photographs, TCME paper documents and TCME computer entries. Upon a review of all these documents, Dr. Peerwani noted the following issues:

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2. TCME X-rays indicate one projectile in the abdomen, which Dr. Krouse recovered. However, one of the TCME X-rays shows a small radio-opaque object in the pelvic region. Dr. Krouse did not order any additional views to investigate the radio-opaque object in the pelvic region.
3. The initial hospital records provided to Dr. Krouse prior to the examination documented two projectiles in the decedent, along with



multiple fragments, and a displaced pubic ramus fracture. Dr. Krouse failed to identify or document the pubic ramus fracture.

4. Postmortem photographs clearly show a second gunshot wound of the abdomen, left of the umbilicus (navel). Dr. Krouse reported this 2<sup>nd</sup> gunshot wound as a “surgical stab”. His body diagram notes this “stab” as being 1.5 centimeters. Hospital, EMS and police records all indicate this so-called “surgical stab” is a gunshot wound.
5. Dr. Krouse identified injuries to the left kidney, mesentery, small bowel, 11<sup>th</sup> rib. He also identified hemoperitoneum and retroperitoneal hemorrhage. He did not measure the amount of blood in the abdomen.
6. Dr. Krouse reported the duodenum (small bowel) was intact. The surgical report indicates the duodenum was perforated.
7. Dr. Krouse makes no mention of any vascular injury. In fact, the written report specifies under description of cardiovascular system that the “Aorta and the major branches are intact”, contrary to what the surgeon reported. The medical records noted catastrophic duodenal and aortic injury, large hemoperitoneum, repair of inferior vena cava injury (large vein in the abdomen), and finding of aortic injury.
8. There was a failure to report the presence of a right chest tube drain in the autopsy report.
9. Dr. Krouse did not verify the decedent’s identity by scientific means, such as fingerprints. This is in violation of the TCME’s policy in deaths classified as “Homicide”.

10. Dr. Krouse did not submit service requests for EMS, police or any additional hospital records.
11. The death certificate has been issued by TCME, and released for the funeral home or family to obtain. The death certificate has been issued with the cause of death as "Gunshot Wound of Abdomen".
12. Other discrepancies:
  - a. Dr. Krouse identified 4 intraosseous stents (left and right anterior shoulders; left and right anterior tibias) on the decedent during the exam and they are confirmed by examination photographs. His examination report lists two of them incorrectly being in the right and left femoral heads and not on the shoulders as they should have been.
  - b. Dr. Krouse did not photograph the body, wounds, and medical intervention with appropriate overall, mid-range and close-up photographs.
  - c. Dr. Krouse notes in his examination findings there was no personal property on the decedent, but a leg monitor is noted in the examination photographs. The leg monitor was released with the body to the funeral home.
  - d. Hospital records indicate the decedent had clothing on him that was cut away during the hospital stay and left with the body in the morgue. Dr. Krouse notes that no clothing came with the decedent. The disposition of the decedent's clothing was not



determined until Dr. Peerwani reviewed records and discovered Fort Worth PD had recovered the clothing from the hospital morgue prior to the body coming to TCME. Dr. Krouse did not inquire about the clothing or document its final disposition.

As a result of these discrepancies, there may have been evidence, specifically a fired projectile, that remains in the body of Decedent #1. A Motion to Disinter Decedent #1 was filed by the State in Cause #1658629 on November 19, 2020, and the Court granted the State's Motion.

The exhumation autopsy discovered additional non-conformities:

1. Failure to document catastrophic vascular injury of the aorta at the level of renal vessels and the inferior vena cava near the duodenum.
2. Failure to document the second entry gunshot wound, its trajectory in the body, and recovery of the 2<sup>nd</sup> bullet.
3. Failure to perform a thorough dissection.
4. Failure to report perforation of the left diaphragm secondary to the gunshot wound of left back/flank.

## II.

In response to the discrepancies found in the autopsy of Alfredo Olivares, Dr. Peerwani collected a random sampling of autopsy reports completed by Dr. Krouse for review. Dr. Peerwani went as far back as January 1, 2020, in his collection of reports. During this review process, he discovered another autopsy with potential discrepancies.

In TCME Case #2002676, Jose Moreno, III, hereinafter referred to as "Decedent #2", was found deceased in his bed after family members performed a welfare check. The decedent had chronic urinary tract infections and was paraplegic due to a gunshot wound he sustained in 1990 during a workplace shooting. The case was assigned to Dr. Krouse, who performed an examination on February 11, 2020. In the decedent's written medical history provided by the family to Dr. Krouse prior to the examination, it states decedent's paraplegia was "due to a gunshot wound without the projectile being removed... ." As part of the routine examination, a body X-ray was taken along with photographs. Only one X-ray of the chest was taken, and it failed to show any bullets. No other X-rays were taken to locate the bullet which the family stated was left in Decedent #2's body. The examination was concluded, and Dr. Krouse finalized his report on April 13, 2020. His report documented no projectile or notable fragment identified.

Dr. Peerwani's review of this report uncovered the following issues:

1. Dr. Krouse failed to review hospital records and medical records received from Decedent #2's Primary Care Physician on February 11, 2020 before completing his report 2 months later.
2. Dr. Krouse failed to review the police report that was also received on February 11, 2020, before completing his report.
3. Only one X-ray of the chest was taken, which did not show the presence of a bullet. There was no attempt made to locate the bullet left in the body.
4. Based on the records available to TCME, a bullet with fragments are lodged in the lumbar spine and have been buried with the body.



III.

In addition, many of the autopsy reports prepared by Dr. Krouse and other Deputy Medical Examiners in homicide cases contain the signatures of the Chief Medical Examiner as well as each Deputy Medical Examiner.

IV.

On November 10, 2020, Dr. Peerwani suspended his employee, Marc Krouse, from performing autopsy examinations on homicide cases.

V.

As of November 20, 2020, Dr. Peerwani and his office were conducting an audit of jurisdictional autopsies classified as homicide that were completed by Dr. Krouse.

VI.

On March 21, 2021, Dr. Peerwani provided this office with a copy of his findings from his audit of Dr. Krouse's cases (Exhibit #1). In the same week, on March 25, 2021, this office was notified that Dr. Peerwani placed his employee, Dr. Krouse, on administrative leave effective immediately, and his last day of employment would be April 24, 2021.

VII.

Included within Dr. Peerwani's Audit are three additional autopsies where Dr. Krouse performed the autopsies in a manner which left questions unanswered and demonstrated a lack of due diligence.

The first autopsy involved a 26-year-old male whose remains were discovered still smoldering on October 10, 2020, in Fort Worth, Texas. Later identified as Snay Gay, hereinafter "Decedent #3", his body appeared to be burned and presented apparent stab wounds to the chest. The stab wounds also included multiple defense type wounds to the forearm.

In TCME Case No. 2018021, Dr. Krouse performed the autopsy and documented numerous stab wounds and global charring. Upon review, Dr. Peerwani noted the following regarding Dr. Krouse's autopsy:

1. Dr. Krouse failed to describe the defensive wounds.
2. The thermal injuries described were cursory, with obvious errors.
3. Dr. Krouse failed to collect blood samples for volatile studies are noting the moderately strong odor of gasoline emitting from the decedent's body cavity. Such samples could have been outsourced to an independent lab for analysis.
4. Dr. Krouse failed to describe either the presence, or absence, of smoke and soot in the tracheobronchial tree, and although one photo of the traches fails to show soot in the trachea, the proof is inconclusive. It remains unanswered whether the decedent was in the agonal stage when he was doused with an accelerant.

The second and third autopsies stem from an Intoxication Manslaughter investigation that occurred on August 30, 2020, in Haltom City, Texas. On that date, the suspect was traveling in the wrong direction on Loop-820 when the suspect's car collided with a passenger vehicle, killing its three occupants. Two of the occupants, Favian Garcia and Sofia Garcia, were examined by Dr. Krouse.



In TCME Case No. 2015443, Dr. Krouse performed the autopsy of Favian Garcia, hereinafter "Decedent #4", and in TCME Case No. 2015444, he performed the autopsy of Sofia Garcia, hereinafter "Decedent #5".

In both cases, Dr. Peerwani noted the following:

1. There are no statements in either report whether thermal trauma was present, or whether the body was covered in soot. While Decedent #5's face showed facial soot in a photo, this was not observed or reported in the autopsy narrative.
2. Decedent #4's remains did not show thermal trauma or presence of soot coating the body's surface. There was no statement in the autopsy narrative asserting this.
3. There were no photographs or description of the tracheobronchial tree to document the presence of smoke inhalation in either case.
4. Dr. Krouse failed to request postmortem carboxyhemoglobin in either case.
5. Decedent #5 had a kidney with the presence of carcinoma. However, no attempt was made to verify whether the tumor was malignant.

#### VIII.

On March 30, 2021, a reporter who obtained a copy of Dr. Peerwani's audit notified this office that there were errors in Dr. Peerwani's audit, including the following:

“Numbers 5 and 12 list the same victim, Dwayne Brian Bowman who died in Grand Prairie, with two different case numbers. The audit says Bowman was 38 years old. Online medical examiner records say he was 30.

The mistaken second case number (2010762) was a for a Fort Worth homicide – not Grand Prairie, according to online records. In that Fort Worth case, the man (Juan Enrique Gomez Vega) was 38 years old but the audit does not appear to include information on his autopsy, which online records show Dr. Krouse also conducted.

The audit also gave conflicting information about a third case (No. 13), which identifies the victim as 15-year-old Adrian Wingfield, but uses the same Fort Worth address where online records show a 38-year-old man died – but five days earlier.

In yet another error, the audit claimed the autopsy for the 15-year-old boy was done on June 22. The problem is his death was reported on June 26. Four days after his autopsy.”

#### IX.

This review is ongoing, and may result in future disclosures.



X.

The purpose of this notice is solely for notification of any potential *Brady* material and compliance with Texas Code of Criminal Procedure Art. 39.14. The State does not stipulate or concede that the information which is the subject of this notice is material, exculpatory, mitigating, or admissible for any purpose including impeachment.

Respectfully submitted,

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