

7-26-18 Court orders
This document sealed. Court
orders that a copy with the foreman's
name redacted
be substituted for the file. Judge Krocken
P.19
CAUSE NO. 1465609

THE STATE OF TEXAS § IN THE 184TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
ALI AWAD MAHMOUD IRSAN § JANUARY TERM, A. D., 2018

Members of the Jury:

The defendant, Ali Awad Mahmoud Irsan, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about January 15, 2012, and on or about November 12, 2012, during different criminal transactions, but pursuant to the same scheme or course of conduct, in Harris County, Texas. The defendant has pleaded not guilty.

A person commits the offense of murder if he intentionally or knowingly causes the death of an individual.

A person commits the offense of capital murder if he commits murder, as hereinbefore defined, and the person intentionally or knowingly causes the death of more than one person during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct.

"Deadly weapon" means anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury. *A firearm is a deadly weapon. (SK)*

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

RECORDER'S MEMORANDUM
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at the time of imaging

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

A person acts intentionally, or with intent, with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

You are instructed that it is your duty to consider the evidence of all relevant facts and circumstances surrounding the deaths and the previous relationship, if any, existing between the accused and either victim together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the alleged offense.

All persons are parties to an offense who are guilty of acting together in the commission of the offense. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. Mere presence alone will not constitute one a party to an offense.

Now, if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, the defendant, Ali Awad Mahmoud Irsan, heretofore on or about January 15, 2012, and on or about November 12, 2012, did then and there unlawfully, during different criminal transactions, but pursuant to the same scheme or course of conduct, intentionally or knowingly cause the death of Gelareh Bagherzadeh by shooting with a deadly weapon, to-wit: a firearm, and intentionally or knowingly cause the death of Coty Beavers by shooting Coty Beavers with a deadly weapon, to-wit: a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about the January 15, 2012, and on or about November 12, 2012, in Harris County, Texas, Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan, did then and there unlawfully, during different criminal transactions, but pursuant to the same scheme or course of conduct, intentionally or knowingly cause the death of Gelareh Bagherzadeh by shooting Gelareh Bagherzadeh with a deadly weapon, to-wit: a firearm, and intentionally or knowingly cause the death of Coty Beavers by shooting Coty Beavers with a deadly weapon, to-wit: a firearm, and that the defendant, Ali Awad Mahmoud Irsan, with the intent to promote or assist the commission of the offense, solicited, encouraged, directed, aided or attempted to aid Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan to commit the offense, if he did, then you will find the defendant guilty of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the defendant is guilty of

the lesser offense of murder of Gelareh Bagherzadeh or the lesser offense ~~of~~ murder of Coty Beavers, or guilty of both murders.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about January 15, 2012, in Harris County, Texas, the defendant, Ali Awad Mahmoud Irsan, did then and there unlawfully, intentionally or knowingly cause the death of Gelareh Bagherzadeh, by shooting Gelareh Bagherzadeh with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about January 15, 2012, in Harris County, Texas, the defendant, Ali Awad Mahmoud Irsan, did then and there unlawfully intend to cause serious bodily injury to Gelareh Bagherzadeh, and did cause the death of Gelareh Bagherzadeh by intentionally or knowingly committing an act clearly dangerous to human life, namely by shooting Gelareh Bagherzadeh with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about January 15, 2012, in Harris County, Texas, Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan, did then and there unlawfully, intentionally or knowingly cause the death of Gelareh Bagherzadeh, by shooting Gelareh Bagherzadeh with a deadly weapon, namely, a firearm; and that the defendant, Ali Awad Mahmoud Irsan, with the intent to promote or assist the commission of the offense, solicited, encouraged, directed, aided or attempted to aid Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan to commit the offense, if he did; then you will find the defendant guilty of murder of Gelareh Bagherzadeh; or

If you find from the evidence beyond a reasonable doubt that on or about January 15, 2012, in Harris County, Texas, Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan, did then and there unlawfully intend to cause serious bodily injury to Gelareh Bagherzadeh, and did cause the death of Gelareh Bagherzadeh by intentionally or knowingly committing an act clearly dangerous to human life, namely by shooting Gelareh Bagherzadeh with a deadly weapon, namely, a firearm, and that the defendant, Ali Awad Mahmoud Irsan, with the intent to promote or assist the commission of the offense, solicited, encouraged, directed, aided or attempted to aid Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan to commit the offense, if he did; then you will find the defendant guilty of murder of Gelareh Bagherzadeh.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will not find the defendant guilty of the murder of Gelareh Bagherzadeh.

If you find from the evidence beyond a reasonable doubt that on or about November 12, 2012, in Harris County, Texas, the defendant, Ali Awad Mahmoud Irsan, did then and there unlawfully, intentionally or knowingly cause the death of Coty Beavers, by shooting Coty Beavers with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about November 12, 2012, in Harris County, Texas, the defendant, Ali Awad Mahmoud Irsan, did then and there unlawfully intend to cause serious bodily injury to Coty Beavers, and did cause the death of Coty Beavers by intentionally or knowingly

committing an act clearly dangerous to human life, namely by shooting Coty Beavers with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about November 12, 2012, in Harris County, Texas, Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan, did then and there unlawfully, intentionally or knowingly cause the death of Coty Beavers, by shooting Coty Beavers with a deadly weapon, namely, a firearm, and that the defendant, Ali Awad Mahmoud Irsan, with the intent to promote or assist the commission of the offense, solicited, encouraged, directed, aided or attempted to aid Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about November 12, 2012, in Harris County, Texas, Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan, did then and there unlawfully intend to cause serious bodily injury to Coty Beavers, and did cause the death of Coty Beavers by intentionally or knowingly committing an act clearly dangerous to human life, namely by shooting Coty Beavers with a deadly weapon, namely, a firearm, and that the defendant, Ali Awad Mahmoud Irsan, with the intent to promote or assist the commission of the offense, solicited, encouraged, directed, aided or attempted to aid Shmou Al Rawab-deh and/or Nasim Irsan and/or Nadia Irsan to commit the offense, if he did, then you will find the defendant guilty of murder of Coty Beavers.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will not find the defendant guilty of the murder of Coty Beavers.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of either murder or both murders.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

An accomplice, as the term is here used, means anyone who, acting with the required culpable mental state, participated with the defendant before, during, or after the commission of the charged offense. It is a person who acts as a blameworthy participant, namely as a party to the charged conduct. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both. A person is not a party or an accomplice by his mere presence alone during the commission of the charged offense, but instead he must commit some affirmative act as a participant in the charged offense.

A person is criminally responsible for an offense committed by the conduct of another if:

- (1) while acting with intent to promote or assist the commission of the charged offense he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. The term "conduct of another" means not only another's commission of the act or omission, but also that the person committing the charged offense had the required culpable mental state when committing it;

You are instructed that a conviction cannot be had upon the testimony of an accomplice unless the jury first believes that the accomplice's testimony is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot

convict unless the accomplice's testimony is corroborated by other evidence tending to connect the defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with the offense.

Therefore, if you believe from the evidence beyond a reasonable doubt that an offense was committed and you further believe from the evidence that the witness, Ahmed Garcia, was an accomplice to the offense, or you have a reasonable doubt as to whether he was or was not an accomplice, as the term "accomplice" is defined in the foregoing instructions, then you cannot convict the defendant upon the testimony of Ahmed Garcia unless you further believe that the testimony of Ahmed Garcia is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant unless you further believe that there is other evidence in the case, outside of the testimony of Ahmed Garcia tending to connect the defendant with the offense charged in the indictment, and then from all the evidence you must believe beyond a reasonable doubt that the defendant is guilty.

An accomplice, as the term is here used, means anyone connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime by unlawful act or omission on their part transpiring either before, at the time of, or after the commission of the offense, and whether or not they were present and participated in the commission of the crime. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both. Mere presence alone, however, will not constitute one a party to an offense.

A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. The term "conduct" means any act or omission and its accompanying mental state.

You are instructed that a conviction cannot be had upon the testimony of an accomplice unless the jury first believes that the accomplice's testimony is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict unless the accomplice's testimony is corroborated by other evidence tending to connect the defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission.

The witness, Shmou Al Rawabdeh, is an accomplice, if an offense was committed, and you cannot convict the defendant upon her

testimony unless you first believe that the testimony of Shmou Al Rawabdeh is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant unless you further believe that there is other evidence in the case, outside of the testimony of Shmou Al Rawabdeh, tending to connect the defendant with the offense committed, if you find that an offense was committed, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission, and then from all the evidence you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him.

You are further instructed that one or more accomplices cannot corroborate each other; but such corroborative evidence, if any, must be from some other source than said accomplices, Shmou Al Rawabdeh and Ahmed Garcia, if you believe Ahmed Garcia is an accomplice, as hereinabove charged.

You are further instructed that any evidence that any witness has been convicted in any case or cases was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the credibility of the witness and the weight to be given his or her testimony, and you will not consider the same for any other purpose.

You are further instructed that if there is any evidence before you in this case regarding the defendant's committing an alleged offense or offenses other than the offense alleged against him in the indictment in this case, you cannot consider such evidence for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offense or offenses, if any, and even then you may only consider the same in determining the motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment and for no other purpose.

A Grand Jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that he has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all reasonable doubt concerning the defendant's guilt.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict "Not Guilty."

A Grand Jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that he has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all reasonable doubt concerning the defendant's guilt.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict "Not Guilty."

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your Foreperson. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto and signing the same as Foreperson.


During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

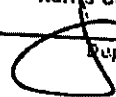
No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreperson and shall be submitted to the court through this officer. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Your verdict must be by a unanimous vote of all members of the jury.

Following the arguments of counsel, you will retire to consider your verdict.


Jan Krocker, Judge 7/26/2018
184th District Court
Harris County, TEXAS

FILED
Chris Daniel
District Clerk
JUL 25 2018
Time: 13:34
Harris County, Texas
By: 
Deputy

CAUSE NO. 1465609

THE STATE OF TEXAS § IN THE 184TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
ALI AWAD MAHMOUD IRSAN § JANUARY TERM, A. D., 2018

CHOOSE ONE

"We, the Jury, find the defendant, Ali Awad Mahmoud Irsan, not guilty."

FILED
Chris Daniel
District Clerk
JUL 26 2018
Time: 17:05
By: [Signature]
Harris County, Texas
Deputy

Foreperson of the Jury

(Please Print) Foreperson

"We, the Jury, find the defendant, Ali Awad Mahmoud Irsan, guilty of capital murder, as charged in the indictment."

Foreperson of the Jury T

(Please Print) Foreperson 7/26/2018

"We, the Jury, find the defendant, Ali Awad Mahmoud Irsan, guilty of the murder of Gelareh Bagherzadeh."

Foreperson of the Jury

(Please Print) Foreperson

"We, the Jury, find the defendant, Ali Awad Mahmoud Irsan, guilty of the murder of Coty Beavers."

Foreperson of the Jury

(Please Print) Foreperson

"We, the Jury, find the defendant, Ali Awad Mahmoud Irsan, guilty of the murder of Gelareh Bagherzadeh and guilty of the murder of Coty Beavers."

Foreperson of the Jury

(Please Print) Foreperson