

CAUSE NO. 1465609

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

Members of the Jury:

By your verdict returned in this case you have found the defendant, Ali Awad Mahmoud Irsan, guilty of the offense of capital murder, which was alleged to have been committed on or about January 15, 2012 and on or about November 12, 2012, in Harris County, Texas. In order for the Court to assess the proper punishment, it is necessary now for you to determine, from all the evidence in the case, the answers to certain questions, called "Special Issues," in this charge. The Court instructs you in answering these "Special Issues" as follows:

The mandatory punishment for the offense of capital murder of which you have found the defendant guilty is death or confinement in the Texas Department of Criminal Justice, Institutional Division, for life without parole. Under the law applicable in this case, if the defendant is sentenced to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for life without parole, the defendant will not be eligible for release on parole.

In determining your answers to the questions, or special issues, submitted to you, you shall consider all the evidence submitted to you in this whole trial, which includes that phase

of the trial wherein you were called upon to determine the guilt or innocence of the defendant, and this punishment phase of the trial wherein you are now called upon to determine the answers to Special Issues submitted to you by the Court. However, in this punishment phase of the trial you should not consider the instructions given you in the first phase of trial that relate to the law of parties and the responsibility of parties for the acts of others in the commission of offenses. You shall consider only the conduct and state of mind of this defendant in determining what your answers to the Special Issues shall be.

You shall consider all evidence submitted to you during the whole trial as to the defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You are instructed that when you deliberate on the questions posed in the special issues, you are to consider all relevant mitigating circumstances, if any, supported by the evidence presented in both phases of the trial, whether presented by the State or the defendant. A mitigating circumstance may include, but is not limited to, any aspect of the defendant's character, background, the personal moral culpability of the defendant or circumstances of the crime which you believe could make a death sentence inappropriate in this case. If you find that there is a mitigating circumstance or circumstances in this case, you must decide how much weight the circumstance or circumstances deserve, if any, and thereafter, give effect and consideration to the circumstance or circumstances in assessing the defendant's personal culpability at the time you answer the special issue.

You are instructed that mitigating evidence, if any, may be considered by you in answering any of the special issues under consideration. If you determine, when giving effect to the mitigating evidence, if any, that a life sentence without parole rather than a death sentence, is an appropriate response, let your answers to the special issues reflect that.

You are further instructed that you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling in considering all the evidence before you and in answering the special issues.

In arriving at the answers to the Special Issues submitted it will not be proper for you to fix the same by lot, chance, or any

other method than by a full, fair and free exchange of the opinion of the individual jurors.

Special Issue No. 1

The State must prove Special Issue No. 1 submitted to you beyond a reasonable doubt, and you shall return a Special Verdict of "YES" or "NO" on Special Issue No. 1.

In deliberating on Special Issue No. 1 you shall consider all the evidence admitted at the guilt or innocence stage and the punishment stage of trial, including evidence of the defendant's background or character, or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer Special Issue No. 1 "YES" unless you agree unanimously.

You may not answer Special Issue No. 1 "NO" unless ten (10) or more jurors agree.

Members of the jury need not agree on what particular evidence supports a negative answer to Special Issue No. 1.

It is not required that the State prove Special Issue No. 1 beyond all possible doubt; it is required that the State's proof excludes all reasonable doubt concerning the defendant.

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You are instructed that if you return an affirmative finding, that is a "YES" answer, to Special Issue No. 1, and only then, are you to answer Special Issue No. 2.



Special Issue No. 2

The State must prove Special Issue No. 2 submitted to you beyond a reasonable doubt, and you shall return a Special Verdict of "YES" or "NO" on Special Issue No. 2.

In deliberating on Special Issue No. 2 you shall consider all the evidence admitted at the guilt or innocence stage and the punishment stage of trial, including evidence of the defendant's background or character, or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer Special Issue No. 2 "YES" unless you agree unanimously.

You may not answer Special Issue No. 2 "NO" unless ten (10) or more jurors agree.

Members of the jury need not agree on what particular evidence supports a negative answer to Special Issue No. 2.

It is not required that the State prove Special Issue No. 2 beyond all possible doubt; it is required that the State's proof excludes all reasonable doubt concerning the defendant.

You are instructed that if you return an affirmative finding, that is a "YES" answer, to Special Issue No. 1 and Special Issue No. 2, and only then, are you to answer Special Issue No. 3.

Special Issue No. 3

You may not answer Special issue No. 3 "NO" unless you agree unanimously, and you may not answer Special Issue No. 3 "YES" unless ten (10) or more of you agree to do so.

You need not agree on what particular evidence supports an affirmative finding on Special Issue No. 3.

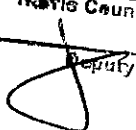
In answering Special Issue No. 3, you shall take into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant. You shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

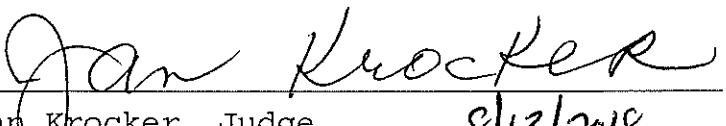
During your deliberations upon the Special Issues, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

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.

After argument of counsel, you will retire and consider your answers to the Special Issues submitted to you. It is the duty of your Foreperson to preside in the jury room and vote with you on the answers to the Special Issues submitted.

You are the exclusive judges of the facts proved and the credibility of the witnesses and the weight to be given to their testimony, but you are bound to receive the law from the Court which has been given you and you are bound thereby.

**FILED**  
Chris Daniel  
District Clerk  
AUG 13 2018  
Time: 09:46  
Harris County, Texas  
By:  Deputy

  
Jan Krockner, Judge  
184th District Court  
Harris County, TEXAS  
8/13/2018



VERDICT

SPECIAL ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant, Ali Awad Mahmoud Irsan, would commit criminal acts of violence that would constitute a continuing threat to society?

ANSWER

We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "YES."

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Foreperson of the Jury

8.14.2018

**FILED**  
Chris Daniel  
District Clerk  
AUG 14 2018  
Time: 13:50  
Harris County, Texas  
By: Deputy

OR

We, the jury, because at least ten (10) jurors have a reasonable doubt as to the probability that the defendant, Ali Awad Mahmoud Irsan, would commit criminal acts of violence that would constitute a continuing threat to society, determine that the answer to this Special Issue is "NO."

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Foreperson of the Jury

In the event that the jury has answered Special Issue No. 1 in the affirmative, and only then, shall the jury answer Special Issue No. 2 to be found on the following page.

VERDICT

SPECIAL ISSUE NO. 2

Do you find from the evidence beyond a reasonable doubt that Ali Awad Mahmoud Irsan, the defendant himself, actually caused the death of Gelareh Bagherzadeh and Coty Beavers, on the occasion in question, or if he did not actually cause the death of Gelareh Bagherzadeh and Coty Beavers, that he intended to kill Gelareh Bagherzadeh and Coty Beavers, or that he anticipated that the human life of Gelareh Bagherzadeh and the human life of Coty Beavers would be taken?

ANSWER

We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "YES."

\_\_\_\_\_  
Foreperson of the Jury

8/14/2018

**FILED**  
Chris Daniel  
District Clerk

AUG 14 2018

Time: 13:50  
Harris County, Texas

By:   
Deputy

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OR

We, the jury, because at least ten (10) jurors have a reasonable doubt that Ali Awad Mahmoud Irsan, the defendant himself, actually caused the death of Gelareh Bagherzadeh and Coty Beavers, on the occasion in question, or that he intended to kill Gelareh Bagherzadeh and Coty Beavers, or that he anticipated that the human life of Gelareh Bagherzadeh and the human life of Coty Beavers would be taken, determine that the answer to this Special Issue is "NO."

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Foreperson of the Jury

In the event that the jury has answered Special Issue No. 2 in the affirmative, and only then, shall the jury answer Special Issue No. 3 to be found on the following page.



OR

We, the jury, because at least ten (10) jurors find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, find that the answer to this Special Issue is "YES."

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Foreperson of the Jury

After the jury has answered each of the Special Issues under the conditions and instructions outlined above, the Foreperson should sign the verdict form to be found on the last page of this charge.

