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Case Name: *[Ali Awad Mahmoud Irsan v. The State of Texas](#)*

- **OFFENSE:** Capital Murder
- **COUNTY:** Harris
- **CCA. CASE No.** AP-77,082 **DATE OF OPINION:** February 26, 2025
- **DISPOSITION:** Conviction & Sentence Affirmed
- **OPINION:** [Judge Scott Walker](#) **VOTE:** 9-0
- **TRIAL COURT:** 184th D/C
- **LAWYERS:** [Allen Isbell](#) (Defense); [Alan Curry](#) (State)

(Background Facts): Appellant was born in the Middle Eastern country of Jordan in 1957. He came to the United States as a student in 1979, married United States citizen Robin Jacobs in 1980, and became a naturalized United States citizen in 1986. Appellant and Jacobs had four daughters: Nasemah, Nadia, Nesreen, and Nada. In 1992, during an extended stay in Jordan, Appellant took a second wife, a fifteen-year-old Jordanian girl named Shmou Alrawbdeh. At the time, Appellant was still married to Jacobs. Although Appellant’s marriage to Alrawbdeh would have been illegal in the United States, it was legal in Jordan. After marrying Alrawbdeh, Appellant remained in Jordan for around seven months, during which time he impregnated Alrawbdeh with their first child, Nasim. Appellant returned to the United States in the middle of 1993. Alrawbdeh joined Appellant in 1995, when she moved into the Conroe, Texas house Appellant shared with Jacobs, Nasemah, Nadia, Nesreen, and Nada. Jacobs ultimately left Appellant, never to return, a few months after Alrawbdeh arrived. Alrawbdeh and Appellant had seven more children between 1996 and 2011. When Appellant immigrated to the United States, he brought with him certain beliefs, evidently commonplace in Jordan but unorthodox to the American way of thinking. Specifically, Appellant believed that if a young woman married a man of her choosing rather than a man of her family’s choosing, she would bring tremendous shame, embarrassment, and dishonor upon her family and her father in particular. Appellant also believed that a father so dishonored could “clean” his honor by killing the offending daughter and the man she wanted to marry. In the years leading up to the instant murders,

Appellant openly and forcefully defended such “honor killings” in front of his family and neighbors. For instance, Appellant told his daughters that if one of them married anyone other than a Sunni Muslim Jordanian of his choosing, he would “put a bullet between” her eyes and the eyes of the man she wanted to marry. In June 2011, while Appellant was on a trip to Jordan, Appellant’s third daughter, Nesreen moved out of Appellant’s house and into the house Coty Beavers shared with his twin brother, Cory, and their mother, Shirley McCormick.

Ed Note (Three Killings): The jury heard evidence of three killings in which Appellant was involved. In this prosecution, Appellant was accused of killing Gelareh Bagherzadeh and Coty Beavers during different criminal transactions but pursuant to the same scheme or course of conduct. The jury also heard evidence of 1999 killing. **(Amjad Alidam)** Before trial, the State notified Appellant, “Pursuant to Rules 404(b) and 609 of the Texas Rules of Criminal Evidence and section 37.07 of the Texas Rules of Criminal Procedure,” that it intended to offer evidence of certain “Prior Convictions and Extraneous Offenses of this Defendant.” Among the “Extraneous Offenses” listed within the State’s notice was an allegation that, “On or about September 19, 1999,” Appellant “committed the offense of murder, by shooting Amjad Alidam with a deadly weapon, namely a shotgun, and causing the death of Amjad Alidam.” The State possessed evidence suggesting that Appellant killed Alidam for marrying Appellant’s eldest daughter Nasemah without Appellant’s permission, conduct that Appellant took as a slight upon his honor.

(Gelareh Bagherzadeh) Coty’s twin brother, Cory, had been dating Gelareh Bagherzadeh, an Iranian woman whom Nesreen knew from school. As Cory and Bagherzadeh’s relationship blossomed, she began to spend more time at McCormick’s house. As a result, Bagherzadeh and Nesreen became close friends. Being a convert from Islam to Christianity, Bagherzadeh gave Nesreen advice and encouragement as Nesreen left her father’s religion behind and converted to Christianity. Bagherzadeh was “proud” and “supportive” of Nesreen as she “emancipated [her]self” from Appellant. Appellant eventually learned about Bagherzadeh’s friendship with, and influence on, Nesreen. At one point in the fall of 2011, Appellant used his daughter Nadia’s phone to speak to Bagherzadeh and angrily called her an “Iranian bitch.” After this exchange, Appellant added Bagherzadeh to the list of people he wanted to kill. On the evening of January 15, 2012, Appellant drove himself, Alrawbdeh, and Nasim to McCormick’s house, bringing gloves, masks, guns, and a cord (described as “one of the laces that come off the hoodie of a sweat jacket”). When Appellant saw Bagherzadeh’s car parked in front of McCormick’s house, he told his wife and son, “I guess today’s her day.” Appellant and his companions waited outside McCormick’s house until they saw Bagherzadeh leave the house and get into her car. When Bagherzadeh parked, but did not exit the car, Appellant moved his vehicle directly behind hers. He then exited his vehicle, hoping to get her to lower her window so that he could slip the cord around her neck and strangle her with it. But when Appellant knocked on her window, she did not roll it down; instead, she started to drive off. At that point, Nasim exited Appellant’s vehicle with a .38-caliber firearm, walked to the passenger side of Bagherzadeh’s car, got “very close” to the car, and shot her in the head through the passenger’s side window, killing her. **(Coty Beavers)** Coty married Nesreen in July 2011. In the early morning hours of November 12, 2012, Appellant, accompanied by Alrawbdeh and Nasim, drove to the parking lot of Coty and Nesreen’s apartment complex and set

up surveillance. The trio watched as Coty walked Nesreen to her car to see her off for the day, as was the couple's morning routine. As Coty kissed Nesreen goodbye, Appellant and Nasim snuck over to the building and slipped inside the couple's apartment. Nesreen then drove Coty back to the building; he kissed her again and told her he loved her one last time. When Coty returned to the apartment, Appellant and Nasim were waiting for him. Appellant shot Coty multiple times with a .22-caliber firearm, killing him.

Ed Note: ① In his first two points of error, Appellant accuses the trial court (point of error one) and "prosecution team" (point of error two) of "acquiesc[ing] in defense counsel's race-based exclusion of" a prospective juror. Appellant contends that this acquiescence violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. ② In points of error three through six, Appellant alleges that his trial was plagued by "Islamophobic, racial, and ethnic stereotypes." ③ In points seven and eight Appellant contends that the trial judge violated his constitutional right to the presumption of innocence and the statutory prohibition on improper judicial commentary when the judge suggested, during voir dire, that law enforcement had already "solved" the case. ④ In point of error nine, Appellant argues that the trial judge erred when she admitted GPS evidence "obtained in an unconstitutional search and seizure, violating [Appellant's] Fourth Amendment rights." ⑤ In point of error ten, Appellant argues that the trial court violated his First Amendment rights by "admitting protected and irrelevant evidence about his alleged political beliefs." ⑥ In points of error eleven through fourteen, Appellant asserts that, at the guilt phase, the trial judge erroneously permitted the State to introduce evidence of the extraneous 1999 murder. ⑦ In points of error fifteen and sixteen, Appellant argues that the trial judge erred when she allowed the prosecution to adduce evidence that, more than ten years before Appellant carried out the instant capital murder scheme, he abused, and ultimately tried to kill, his eldest daughter, Nasemah. ⑧ In points of error seventeen and eighteen, Appellant contends that the trial judge erred when she allowed one of the State's witnesses to testify about statements that Appellant's son Nasim made during an out-of-court conversation about Bagherzadeh's murder. ⑨ In point of error nineteen, Appellant contends that the trial judge abused her discretion when, after sustaining Appellant's objections to certain "did you know" questions from the State, she denied Appellant's request for an instruction to disregard those questions. ⑩ In point of error twenty, Appellant argues that the trial judge erred when she allowed the State to introduce evidence that, before murdering Bagherzadeh and Coty, Appellant traded "drugs for guns." ⑪ In point of error twenty-one, Appellant contends that the trial judge erred when, after the State revealed in one of its questions that Appellant had participated in "jail calls," she overruled Appellant's request for an instruction to disregard the State's question. ⑫ In point of error twenty-two, Appellant posits that the trial judge abused her discretion when, in the trial's guilt phase, she "allow[ed] the prosecutor to bring in a highly prejudicial extraneous offense": that Appellant directed two of his sons to smuggle a controlled substance into a correctional facility. ⑬ In points of error twenty-three and twenty-four, Appellant argues that the trial judge committed reversible error when she overruled his objections to certain questions the State asked about Appellant's disciplinary methods. ⑭ In point of error twenty-five, Appellant argues that the trial judge erred to deny his request for a mistrial after a witness testified to an event that Appellant regarded as irrelevant. ⑮ In point of error twenty-six, Appellant argues that the trial judge committed reversible error when she denied

Appellant's request for a mistrial after a witness testified to an out-of-court statement that Appellant regarded as hearsay. ①⑥ In points of error twenty-seven through twenty-nine, Appellant argues that the trial judge mishandled an incident in which, in the middle of trial, a handful of jurors informed the bailiff that they had seen Appellant engage in inappropriate courtroom behavior. Each ground is too fact specific to be of any importance to the bench and bar. Because they offer no insight into existing law and aren't new law, they aren't discussed here.

[§§ 62 Challenges to Prosecution / Vagueness]: In his thirtieth point of error, Appellant submits that the phrase "same scheme or course of conduct," as used in Penal Code Section 19.03(a)(7)(B), is unconstitutionally vague. See *Johnson v. United States*, 576 U.S. 591, 595 (2015) (noting that prosecution under "a criminal law so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement," violates due process). He presents this as an "as applied" challenge to the constitutionality of the capital murder statute.

Holding: In an as-applied challenge, the claimant "concedes the general constitutionality of the statute, but asserts that the statute is unconstitutional as applied to his particular facts and circumstances." Because such an assertion "requires a recourse to evidence, it cannot be properly raised by a pretrial motion to quash the charging instrument." *State ex rel. Lykos v. Fine*, 330 S.W.3d 904 (Tex.Cr.App. 2011)(see §§, [Vol. 19, No. 2](#); 01/17/2011), quoting *Gillenwaters v. State*, 205 S.W.2d 534 (Tex.Cr.App. 2006) *** Here, Appellant claims that he preserved an as-applied challenge to the constitutionality of Penal Code Section 19.03(a)(7)(B), but his only constitutional challenge to that statute came via a pretrial "Motion to Quash the Indictment." Clearly, that motion did not rely on evidence adduced at Appellant's trial. Rather, the motion argued that the statutory language itself "is vague and fails to provide fair notice to an individual that his alleged activity is proscribed by section 19.03(a)(7)(B)." And although Appellant obtained an adverse ruling on this motion, he did not reurge it after the State complied with the trial judge's directive to provide Appellant with some notice as to how it intended "to link these two [murders] together." *** As a result, Appellant procedurally defaulted his contention that Penal Code Section 19.03(a)(7)(B) is unconstitutional "as applied to his particular facts and circumstances." *** At most, Appellant preserved a claim that Section 19.03(a)(7)(B) is unconstitutional on its face, but that is not the nature of Appellant's claim on appeal. In any event, such a claim would be meritless. In *Corwin v. State*, 870 S.W.2d 23 (Tex.Cr.App. 1993), we rejected the theory that the phrase "same scheme or course of conduct" was unconstitutionally vague "as it applie[d] to [the defendant's] own specific conduct."

Sidebars

(David A. Schulman) This case presents some interesting topics of discussion. I firmly believe that the only reason this case resulted in a published opinion was to dispel the possible belief that there was some merit to Appellant's claim that his trial was plagued by "Islamophobic, racial, and ethnic stereotypes." By fully addressing each issue, the Court gives the case a complete public airing and totally rejects the idea that Appellant's claim had any merit. It should be noted that Appellate counsel did yeoman's work in this case.

Although none of the claims raised lead to relief, the depth of issues and level of discussion demonstrates the amount of work and thought that went into production of the briefing

([John G. Jasuta](#)) I, too, cannot understand why this case was published.