

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

John Paul Ortega v. The State of Texas

No. 07-25-00160-CR · No. No. 07-25-00160-CR · Decided April 9, 2026

SUMMARY

The Seventh District Court of Appeals of Texas affirmed John Paul Ortega’s capital-murder conviction arising from the deaths of Iliana Michelle Garza and her unborn child. The court held that the evidence was sufficient to support the jury’s finding that Ortega knowingly or intentionally caused the unborn child’s death. Although the jury charge erroneously included self-defense instructions in the abstract portion but omitted them from the application paragraph, the court concluded that Ortega was not egregiously harmed.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Per curiam; Judy C. Parker, Chief Justice; Doss, Justice; Yarbrough, Justice
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	April 9, 2026
DOCKET	No. 07-25-00160-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ortega appealed his Potter County capital-murder conviction, challenging the sufficiency of the evidence regarding the death of the unborn child and the omission of self-defense instructions from the application paragraph of the jury charge.
STANDARD OF REVIEW	Legal-sufficiency claims are reviewed by considering all the evidence in the light most favorable to the verdict and determining whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. Jury-charge claims are analyzed in two steps: whether the charge was erroneous and, if so, whether the error caused harm. Because Ortega did not timely object, reversal required egregious harm, assessed under the charge as a whole, the arguments of counsel, the entirety of the evidence, and other relevant record factors.

PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication.
PARTIES	John Paul Ortega v. The State of Texas

TOPICS

criminal procedure jury instructions self defense standard of review evidence

PRACTICE AREAS

Texas criminal law criminal appellate procedure jury instructions self-defense
legal sufficiency of the evidence

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to establish that Ortega intentionally or knowingly caused the death of Garza's unborn child, an essential element of capital murder.
2. Whether the trial court's jury charge was erroneous because it included self-defense instructions in the abstract portion but omitted self-defense instructions from the application paragraph.
3. If the jury-charge error was preserved only by the record without a timely objection, whether the omission caused egregious harm.

HOLDINGS

1. The evidence was legally sufficient. Because Ortega knew Garza was pregnant, the jury could reasonably infer that he was aware that killing Garza was reasonably certain to result in the death of her unborn child.
2. The jury charge was erroneous because the trial court's inclusion of self-defense concepts in the abstract portion signaled that self-defense was law applicable to the case, requiring the application paragraph to instruct the jury under what circumstances it should acquit on that ground.
3. The omission of self-defense instructions from the application paragraph did not cause egregious harm.

KEY QUOTATIONS

“A jury-charge-claim analysis involves two steps: First, we determine whether the charge is erroneous. If it is, then we must decide whether the appellant was harmed by the erroneous charge.” (at 7)

“Because the evidence, taken at its most favorable to Appellant, fails to raise a plausible scenario in which Appellant was justified in stabbing Garza, the trial court’s error in including the defense in the abstract portion of the jury charge but omitting it from the application paragraph did not cause egregious harm.” (at 10)

FACTUAL BACKGROUND

Ortega and Garza were in a volatile romantic relationship, and Garza was approximately five and one-half months pregnant with Ortega's child. After meeting in a convenience-store parking lot, Ortega entered Garza's

vehicle and remained inside with her for approximately thirteen minutes; he then exited, left the scene, and Garza fell from the vehicle with a fatal stab wound to her neck. Ortega gave inconsistent accounts during police interviews and at trial, ultimately claiming that Garza first attacked him with a sharp object and that he stabbed her while escaping, but no other weapon was found and the evidence did not show that Garza posed a danger when he stabbed her.

PROCEDURAL HISTORY

A Potter County jury found Ortega guilty of capital murder for causing the deaths of Iliana Michelle Garza and her unborn child during the same criminal transaction. The trial court sentenced him to life imprisonment without the possibility of parole. Ortega appealed to the Seventh District Court of Appeals, which overruled both appellate issues and affirmed.

DISPOSITION

affirmed

CASES CITED

- Roberson v. State, 810 S.W.2d 224, 225 (Tex. Crim. App. 1991) (en banc) (per curiam)
- Hart v. State, 89 S.W.3d 61, 64 (Tex. Crim. App. 2002)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Dunham v. State, 666 S.W.3d 477, 482 (Tex. Crim. App. 2023)
- Martin v. State, 635 S.W.3d 672, 679 (Tex. Crim. App. 2021)
- Garcia v. State, 367 S.W.3d 683, 687 (Tex. Crim. App. 2012)
- In re C.M.M., 503 S.W.3d 692, 702 (Tex. App.—Houston [14th Dist.] 2016, pet. denied)
- Herrera v. State, 526 S.W.3d 800, 810 (Tex. App.—Houston [1st Dist.] 2017, pet. ref'd)
- Estrada v. State, 313 S.W.3d 274, 305 (Tex. Crim. App. 2010)
- Bonilla-Rubio v. State, No. 02-23-00200-CR, 2024 Tex. App. LEXIS 7139, at *13 (Tex. App.—Fort Worth Oct. 3, 2024, no pet.) (mem. op., not designated for publication)
- Eguia v. State, 288 S.W.3d 1, 9-10 (Tex. App.—Houston [1st Dist.] 2008, no pet.)
- Greenleaf v. State, No. 07-24-00303-CR, 2025 Tex. App. LEXIS 9749, at *4-5 (Tex. App.—Amarillo Dec. 18, 2025, no pet.) (mem. op., not designated for publication)
- Alcoser v. State, 663 S.W.3d 160, 165, 171 (Tex. Crim. App. 2022)
- Almanza v. State, 686 S.W.2d 157, 171 (Tex. Crim. App. 1984) (op. on reh'g)
- Cosio v. State, 353 S.W.3d 766, 777 (Tex. Crim. App. 2011)
- Villarreal v. State, 453 S.W.3d 429, 433, 436-40 (Tex. Crim. App. 2015)
- Reeves v. State, 420 S.W.3d 812, 816 (Tex. Crim. App. 2013)
- State v. Barrera, 982 S.W.2d 415, 416 (Tex. Crim. App. 1998) (en banc)
- Mendez v. State, 545 S.W.3d 548, 553 (Tex. Crim. App. 2018)
- Gray v. State, 152 S.W.3d 125, 127-28 (Tex. Crim. App. 2004)

- *Linden v. State*, 347 S.W.3d 819, 823 (Tex. App.—Corpus Christi 2011, pet. ref'd)
- *Sorto v. State*, 173 S.W.3d 469, 475 (Tex. Crim. App. 2005)

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