

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Angel Serna v. the State of Texas

No. 07-25-00227-CR (Tex. App.—Amarillo Mar. 20, 2026) (mem. op.) · No. No. 07-25-00227-CR · Decided
March 20, 2026

SUMMARY

The Seventh District Court of Appeals of Texas affirmed Angel Serna’s conviction and ten-year sentence for aggravated assault of a family member causing serious bodily injury with a deadly weapon. The court held that Serna failed to preserve his constitutional challenge to the exclusion of evidence concerning the complainant’s alleged methamphetamine use and failed to establish ineffective assistance of counsel based on the failure to present additional mitigation witnesses or request a self-defense instruction. The court also held that Serna was not entitled to a hearing on his motion for new trial because he did not demonstrate a reasonable likelihood that the alleged errors affected the outcome.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	March 20, 2026
DOCKET	No. 07-25-00227-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his jury conviction for aggravated assault of a family member causing serious bodily injury with a deadly weapon, challenging the exclusion of evidence, the effectiveness of trial counsel, and the denial of a hearing on his motion for new trial.
STANDARD OF REVIEW	Evidentiary rulings and the denial of a hearing on a motion for new trial are reviewed for abuse of discretion; the decision must fall outside the zone of reasonable disagreement to constitute an abuse. Ineffective-assistance claims are evaluated under the two-prong Strickland standard, requiring deficient performance and a reasonable probability of a different result.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court reversibly erred by excluding evidence of Estrada's alleged methamphetamine use when Serna had not preserved his constitutional right-to-present-a-complete-defense and confrontation arguments.
2. Whether trial counsel rendered ineffective assistance during punishment by failing to call additional mitigating witnesses or request a self-defense instruction.
3. Whether the trial court abused its discretion by failing to hold a hearing on Serna's motion for new trial concerning an interpreter for a witness and alleged ineffective assistance.

HOLDINGS

1. Serna failed to preserve his constitutional claims because his trial objection asserted that evidence of Estrada's drug use was relevant to Serna's state of mind, but did not assert that exclusion violated his constitutional right to present a meaningful and complete defense or his confrontation rights.
2. Serna did not establish ineffective assistance because the record did not overcome the presumption that counsel's decision not to call additional witnesses was strategic, and he did not show a reasonable probability that the additional similar mitigation testimony would have produced a more lenient sentence.
3. Serna did not establish ineffective assistance based on counsel's failure to request a self-defense instruction because the record showed no basis to conclude that the decision was anything other than strategic and did not show that the evidence sufficiently raised the issue.
4. The trial court did not abuse its discretion by failing to hold a hearing on Serna's motion for new trial because the motion did not allege sufficient facts showing both deficient performance and a reasonable likelihood that counsel's alleged failures affected the outcome.

KEY QUOTATIONS

“Appellant’s constitutional right to a meaningful opportunity to present a complete defense arises from the Due Process Clause of the Fourteenth Amendment and the Compulsory Process and Confrontation Clauses of the Sixth Amendment, and is a right subject to procedural default.” (at 3)

“Because the record is silent regarding trial counsel’s strategy, Appellant’s allegation that he provided ineffective assistance is not firmly founded in the record.” (at 6)

“Deciding which defensive issues to request is a strategic decision left to the lawyer and the client.” (at 7)

FACTUAL BACKGROUND

Serna shot his first cousin, Alonso Estrada, in the face while Estrada was in his backyard. Estrada's son witnessed the shooting and struggled with Serna, who then left; police later detained Serna, who admitted shooting Estrada, and recovered the gun at a location he identified. A jury convicted Serna of aggravated assault of a family member causing serious bodily injury with a deadly weapon and assessed a ten-year prison sentence.

PROCEDURAL HISTORY

Following a jury trial in the 364th District Court of Lubbock County, Serna was convicted and sentenced to ten years' imprisonment. His motion for new trial was overruled by operation of law. The court of appeals overruled all three appellate issues and affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- Henley v. State, 493 S.W.3d 77, 82-83 (Tex. Crim. App. 2016)
- Thomas v. State, 723 S.W.2d 696, 700 (Tex. Crim. App. 1986) (en banc)
- Anderson v. State, 301 S.W.3d 276, 280 (Tex. Crim. App. 2009)
- Broxton v. State, 909 S.W.2d 912, 918 (Tex. Crim. App. 1995) (en banc)
- Strickland v. Washington, 466 U.S. 668, 687, 689, 694 (1984)
- Rylander v. State, 101 S.W.3d 107, 110-11 (Tex. Crim. App. 2003) (en banc)
- Smith v. State, 286 S.W.3d 333, 339-41 (Tex. Crim. App. 2009)
- Thompson v. State, 9 S.W.3d 808, 814 (Tex. Crim. App. 1999)
- Bone v. State, 77 S.W.3d 828, 836 (Tex. Crim. App. 2002)
- Landers v. State, 110 S.W.3d 617, 622 (Tex. App.—Houston [14th Dist.] 2003, pet. ref'd)
- Ortiz v. State, 93 S.W.3d 79, 88-89 (Tex. Crim. App. 2002) (en banc)
- Rodriguez v. State, 336 S.W.3d 294, 302 (Tex. App.—San Antonio 2010, pet. ref'd)
- Posey v. State, 966 S.W.2d 57, 63 (Tex. Crim. App. 1998) (en banc)
- Hobbs v. State, 298 S.W.3d 193, 199 (Tex. Crim. App. 2009)

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