

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Jorge Ordonez v. State of Texas

No. 07-25-00080-CR (Tex. App.—Amarillo Dec. 8, 2025) · No. 07-25-00080-CR · Decided December 8, 2025

SUMMARY

The Seventh Court of Appeals of Texas at Amarillo affirmed the judgment adjudicating Jorge Ordonez guilty of possession of less than one gram of methamphetamine and sentencing him to eighteen months’ incarceration and a \$1,500 fine. The court held that Ordonez failed to establish prejudice from the district clerk’s approximately five-and-a-half-year delay in forwarding his notice of appeal, and therefore did not demonstrate a due process violation.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Judy C. Parker; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	December 8, 2025
DOCKET	07-25-00080-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment adjudicating appellant guilty of possession of less than one gram of methamphetamine after revocation of deferred-adjudication community supervision.
PRECEDENTIAL VALUE	published
PARTIES	Jorge Ordonez v. The State of Texas

TOPICS

- appellate procedure
- due process
- procedural due process
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure
- constitutional criminal procedure
- deferred adjudication and community supervision

QUESTIONS PRESENTED

1. Whether the district clerk's approximately five-and-a-half-year delay in forwarding appellant's timely filed notice of appeal violated appellant's due-process rights.
2. Whether appellant was entitled to an opportunity to develop a record concerning prejudice from the appellate delay.
3. What elements appellant had to establish to prove a due-process violation based on appellate delay.
4. Whether the case should be remanded to the trial court to take evidence concerning prejudice from the appellate delay.

HOLDINGS

1. A substantial delay in processing an appeal may violate due process, but appellant failed to establish a due-process violation because he did not show prejudice resulting from the delay.
2. The court declined to remand the case to the trial court to develop a record concerning prejudice from the appellate delay.

KEY QUOTATIONS

“But when a state provides a statutory right of appeal, the appellate process must comport with due-process requirements.” (at 3)

“The prejudice inquiry is the most important factor because a due process violation cannot be established absent a showing of prejudice to the appellant.” (at 3)

FACTUAL BACKGROUND

Appellant pleaded guilty to possessing less than one gram of methamphetamine and was placed on deferred-adjudication community supervision. The State later alleged four violations, and appellant admitted that he tested positive for multiple drugs, failed to complete any of 240 ordered community-service hours, and failed to report to his community-supervision officer. After adjudicating him guilty, the trial court imposed an eighteen-month sentence and a \$1,500 fine; appellant remained free on an appeal bond during the approximately five-and-a-half-year delay in transmitting his notice of appeal.

PROCEDURAL HISTORY

Appellant pleaded guilty in 2018, received deferred adjudication and three years of community supervision, and was later adjudicated guilty after the State alleged four supervision violations. The trial court imposed eighteen months' incarceration and a \$1,500 fine and set an appeal bond. Although appellant timely filed his notice of appeal on September 27, 2019, the district clerk did not forward it to the Court of Appeals until February 11, 2025. The Court of Appeals rejected appellant's due-process claims based on appellate delay and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Coutta v. State*, 385 S.W.3d 641, 651 (Tex. App.—El Paso 2012, no pet.)
- *Sparkman v. State*, 634 S.W.2d 82, 84 (Tex. App.—Tyler 1982, pet. ref'd)
- *Jenkins v. State*, No. 11-00-00343-CR, 2003 Tex. App. LEXIS 7567, at *8-*9 (Tex. App.—Eastland Aug. 29, 2003, no pet.)
- *Colunga v. State*, 527 S.W.2d 285, 288 (Tex. Crim. App. 1975)
- *Reese v. State*, 481 S.W.2d 841, 842-43 (Tex. Crim. App. 1972)
- *Velasquez v. State*, No. 07-25-00093-CR, 2025 Tex. App. LEXIS 8147, at *6 (Tex. App.—Amarillo Oct. 22, 2025, no pet. h.) (mem. op., not designated for publication)
- *McDonald v. State*, 608 S.W.2d 192, 200 (Tex. Crim. App. 1980) (op. on reh'g)
- *Taylor v. State*, 604 S.W.2d 175, 180 (Tex. Crim. App. 1980)
- *Ex parte Martinez*, No. PD-1801-10, 2011 Tex. Crim. App. Unpub. LEXIS 490, at *4 (Tex. Crim. App. June 29, 2011) (Cochran, J., concurring)

OPINION

Jorge Ordonez v. the State of Texas

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-25-00080-CR

JORGE ORDONEZ, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 242nd District Court Castro County, Texas Trial Court No. B3812-1707,
Honorable Gregg Hukill, Presiding December 8, 2025

OPINION

Before PARKER and DOSS and YARBROUGH, JJ. Appellant, Jorge Ordonez, appeals from a judgment adjudicating him guilty of possession of a controlled substance, methamphetamine, in an amount less than one gram¹ and resulting sentence of eighteen months' incarceration and \$1,500 fine. We affirm the judgment of the trial court. 1 See TEX. HEALTH & SAFETY CODE § 481.115(a), (b).

BACKGROUND

We will discuss only those facts necessary to resolve the issues raised by Appellant. Appellant was charged with possession of a controlled substance on July 13, 2017. He pleaded guilty to the offense on May 31, 2018. The trial court deferred adjudication of Appellant's guilt and placed him on community supervision for a period of three years and assessed a \$1,500 fine. On August 21, 2018, the State filed a motion to proceed to adjudication of guilt that alleged that Appellant committed four violations of the terms of his community supervision. A hearing on the State's motion was held on September 19, 2019. Appellant pleaded not true to each violation. After the hearing, the trial court adjudicated Appellant guilty of the offense as alleged in the indictment and pronounced sentence as eighteen months' incarceration and a \$1,500 fine. At that same time, the

trial court set the amount of an appeal bond at \$10,000, which Appellant posted September 27, 2019. That same day, Appellant filed his notice of appeal with the Castro County District Clerk. This notice of appeal was not forwarded to this Court until February 11, 2025. Nothing in the record identifies any reason for the delay in forwarding the notice of appeal. By four issues,² Appellant essentially contends that the excessive delay caused by the district clerk not forwarding his notice of appeal to this Court has violated his due process rights and he proposes how such a violation should be remedied. ² Appellant's issues are (1) the district clerk's failure to forward Appellant's notice of appeal for over five years violated Appellant's due process rights, (2) Appellant has had no opportunity to present his due process violation claim, (3) what are the elements Appellant must prove to establish that his due process rights were violated, and (4) whether this Court should remand the case to the trial court for it to take evidence regarding the denial of Appellant's due process rights. ²

ANALYSIS

There is no Constitutional or Sixth Amendment right to a speedy appeal. *Coutta v. State*, 385 S.W.3d 641, 651 (Tex. App.—El Paso 2012, no pet.); *Sparkman v. State*, 634 S.W.2d 82, 84 (Tex. App.—Tyler 1982, pet. ref'd). But when a state provides a statutory right of appeal, the appellate process must comport with due-process requirements. *Coutta*, 385 S.W.3d at 651. The Texas Court of Criminal Appeals has held that a substantial delay in processing an appeal may constitute a denial of due process. *Jenkins v. State*, No. 11-00-00343-CR, 2003 Tex. App. LEXIS 7567, at *8 (Tex. App.—Eastland Aug. 29, 2003, no pet.) (citing *Colunga v. State*, 527 S.W.2d 285, 288 (Tex. Crim. App. 1975), and *Reese v. State*, 481 S.W.2d 841, 842–43 (Tex. Crim. App. 1972)). However, “not every delay, even an inordinate one, violates a convicted defendant’s due process rights.” *Coutta*, 385 S.W.3d at 651. In determining whether an appellate delay constitutes a violation of due process, we consider four factors: (1) the length of the delay, (2) the reason or justification for the delay, (3) whether and to what extent the appellant demanded a more rapid appeal, and (4) any prejudice resulting to the appellant by the delay. *Id.*; *Jenkins*, 2003 Tex. App. LEXIS 7567, at *8; *Sparkman*, 634 S.W.2d at 84. The prejudice inquiry is the most important factor because a due process violation cannot be established absent a showing of prejudice to the appellant. *Coutta*, 385 S.W.3d at 651; *Jenkins*, 2003 Tex. App. LEXIS 7567, at *9. Courts have identified three types of prejudice that can arise from appellate delay: (1) oppressive incarceration pending appeal, (2) anxiety and concern while awaiting the outcome of the appeal, and (3) impairment of the appellant’s grounds for appeal or of the viability of his defense in case of a retrial. *Coutta*, 385 S.W.3d at 651; In the present case, this Court did not receive Appellant’s notice of appeal until approximately five and a half years after he timely filed it with the trial court’s clerk. The record does not identify any reason or justification for the delay. However, the record also does not demonstrate that Appellant took any action to demand a more rapid appeal. Appellant has failed to establish how he was prejudiced by the delay. Appellant was not incarcerated during the delay as he has been free on an appeal bond since September 27, 2019.

Appellant does not explain how the delay caused him anxiety or concern. Rather, in his brief, Appellant indicates that he simply moved forward in his life as if this case was not pending. Finally, the record does not reflect that the delay has impaired the grounds for Appellant's appeal or the viability of his defenses in the event of reversal and retrial. In its motion to proceed to adjudication, the State alleged that Appellant committed four violations of the terms of his community supervision. Appellant testified that, during the time he was on community supervision, he (1) tested positive for methamphetamine, ecstasy, and marijuana; (2) failed to complete any of the ordered 240 hours of community service; and (3) failed to report to his community supervision officer.³ The trial court had before it sufficient evidence to adjudicate Appellant's guilt based on any one of these admitted violations. See *Velasquez v. State*, No. 07-25-00093-CR, 2025 Tex. App. LEXIS 8147, at *6 (Tex. App.—Amarillo Oct. 22, 2025, no pet. h.) (mem. op., 3 Appellant claimed that he regularly reported to his bail bond company but did not realize he also had to report to his CSO. 4 not designated for publication) (citing *McDonald v. State*, 608 S.W.2d 192, 200 (Tex. Crim. App. 1980 (op. on reh'g)), and *Taylor v. State*, 604 S.W.2d 175, 180 (Tex. Crim. App. 1980)). We further note that Appellant made no attempt to identify any grounds for his appeal, let alone how the delay of his appeal has impaired those grounds. Because Appellant has not established that he was prejudiced by the delay in the processing of his appeal,⁴ we cannot say his due process rights have been denied. *Coutta*, 385 S.W.3d at 651; *Jenkins*, 2003 Tex. App. LEXIS 7567, at *9. We overrule Appellant's four issues.

CONCLUSION

Having overruled Appellant's issues, we affirm the judgment of the trial court. Judy C. Parker Justice Publish. 4 Appellant contends that he has not been afforded the opportunity to put on the record how the district clerk's delay in forwarding his notice of appeal to this Court has caused him prejudice. He seeks a remand to the trial court for this purpose. We note that Appellant cites no authority that would permit us to remand this case to the trial court for this purpose. However, Appellant may develop such a record by filing an application for a writ of habeas corpus. See *Ex parte Martinez*, No. PD-1801-10, 2011 Tex. Crim. App. Unpub. LEXIS 490, at *4 (Tex. Crim. App. June 29, 2011) (not designated for publication) (Cochran, J., concurring) (allegation of due process violation not existing at time of appeal requires filing of writ to develop record). 5