

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)