IN THE MUNICIPAL COURT OF APPEALS

OF THE CITY OF EL PASO, TEXAS

MABEL GARCIA, Appellant

v. 83-MCA-649

STATE OF TEXAS, Appellee

## O P I N I O N

Appellant appeals her conviction in Municipal Court for speeding in a school zone.

Although no brief was filed in this case, and the Motion for New Trial only raises the sufficiency of the evidence, and no statement of facts supports same, this Court has reviewed the file for fundamental error. Gomez v. State, 662 SW2d 443 (Tex.Cr.App. - 1984).

The Court has determined that the complaint in this case is void because it is vague and indefinite, and fails to allege an offense cognizable under the City Ordinance. The complaint only alleges that the Appellant proceeded at a speed in excess of that posted at the school zone, and nowhere alleges what the speed posted was, nor the speed that the Appellant was supposedly travelling at in excess thereof. Such general allegations of an offense are not sufficient to state one.

Therefore, Appellant's conviction is hereby reversed, and the complaint is ordered dismissed.

Signed this 21 day of Jan, 1985.

JUDGE

## J U D G M E N T

This case came on to be heard, the same being considered, because it is the opinion of this Court that there

was error in the Judgment, it is ORDERED, ADJUDGED and DECREED by the Court that the Judgment be in all things reversed and the complaint be dismissed.

Signed this 21 day of Jan, 1985.

JUDGE