

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI, ) ED99366  
 )  
 Respondent, ) Appeal from the Circuit Court  
 ) of the City of St. Louis  
 v. ) 1022-CR06311-01  
 )  
 CEMON BYRD, ) Honorable Julian L. Bush  
 )  
 Respondent. ) Filed: March 11, 2014

Cemon Byrd (Defendant) appeals the trial court’s judgment and sentence after a jury convicted him of robbery in the first degree and armed criminal action. Defendant argues the evidence at trial was insufficient to establish his identity as the perpetrator of these crimes, and he argues the trial court committed error by allowing certain closing argument and testimony.

AFFIRMED.

Division Five Holds: There is sufficient evidence in the record from which a reasonable juror could have found Defendant guilty of first-degree robbery and armed criminal action beyond a reasonable doubt, given Victim’s positive identifications of Defendant, as well as GPS evidence and fingerprint evidence consistent with Defendant’s guilt. The court did not abuse its discretion leading to prejudice of Defendant during the State’s closing argument when it allowed the prosecutor to state possibilities for the whereabouts of the gun used in the robbery. The trial court did not plainly err in allowing questions regarding other stolen cars and testimony that the area surrounding the location of the robbery was a bad neighborhood.

Opinion by: Gary M. Gaertner, Jr., J.  
 Robert M. Clayton III, C.J., and Karl A.W. DeMarce, S.J., concur.

Attorney for Appellant: Deborah B. Wafer  
 Attorney for Respondent: Chris Koster and Gabriel E. Harris

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**