

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	ED102917
)	
Respondent,)	Appeal from the Circuit Court
)	of Cape Girardeau County
v.)	14CG-CR01467-01
)	
ROBERT D. RODRIGUEZ,)	Honorable Michael E. Gardner
)	
Appellant.)	FILED: February 9, 2016

Robert D. Rodriguez (Defendant) appeals from the sentence and judgment entered following a bench trial convicting him of robbery in the first degree. Defendant asserts there was insufficient evidence to support the conviction and the trial court abused its discretion in allowing certain testimony.

AFFIRMED.

Division Two Holds: The trial court believed the victim’s testimony, and we must defer to the trial court’s findings of fact. The victim’s testimony provided sufficient evidence in the record from which the trial court could find each element of robbery in the first degree. Additionally, Defendant failed to preserve his objection to the officer’s testimony that he would have been able to smell a large quantity of marijuana hidden in a vehicle. We conclude the trial court did not plainly err in admitting such testimony.

Opinion by: Gary M. Gaertner, Jr., J.
Philip M. Hess, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Ellen H. Flottman
Attorney for Respondent: Chris Koster and Gregory L. Barnes

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT
HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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