

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

|                                |   |                               |
|--------------------------------|---|-------------------------------|
| STATE OF MISSOURI, Respondent, | ) | No. ED99819                   |
|                                | ) |                               |
| vs.                            | ) | Appeal from the Circuit Court |
|                                | ) | of St. Louis County           |
| STEPHEN CAINES, Appellant.     | ) | Filed: April 15, 2014         |

Stephen Caines appeals from the judgment on his conviction by a jury of driving while intoxicated. Caines challenges the sufficiency of the evidence of intoxication and comments made during the State's closing argument.

AFFIRMED.

Division Two holds: Evidence of speeding, weaving, odor of alcohol, bloodshot eyes, slurred speech and poor performance on field sobriety tests—taken together and coupled with Caines's refusal by his silence and inaction to submit to a post-arrest breath test—was sufficient evidence of intoxication to support the conviction. It was not an abuse of discretion to overrule Caines's objection to the State's closing argument, which drew a reasonable inference about Caines's conduct before his arrest from facts in the record.

Opinion by: Robert G. Dowd, Jr., J  
Lawrence E. Mooney, P.J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Emmett D. Queener

Attorney for Respondent: Kelly Lynn Snyder

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| <p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.<br/>IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND<br/>SHOULD NOT BE QUOTED OR CITED.</b></p> |
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