

**OPINION SUMMARY  
MISSOURI COURT OF APPEALS EASTERN DISTRICT  
DIVISION TWO**

IN THE MATTER OF THE CARE AND )	No. ED90539
TREATMENT OF RICHARD ARNOLD, )	
A/K/A RICHARD D. ARNOLD, A/K/A )	
RICHARD DEAN ARNOLD, A/K/A )	Appeal from the Circuit Court of
RICKY ARNOLD, )	St. Louis County
)	
Appellant, )	Cause No. 06PS-PR03220
)	
)	Honorable B. C. Drumm, Jr.
)	
)	Filed: July 7, 2009

Richard Arnold (hereinafter, “Appellant”) appeals the trial court’s judgment,<sup>1</sup> committing him to secure confinement in the custody of the Department of Mental Health as a sexually violent predator. Appellant raises two points on appeal, claiming the trial court erred in denying his motion to dismiss and challenging the constitutionality of Section 632.495 RSMo (Cum. Supp. 2006).

DISMISSED IN PART AND AFFIRMED IN PART.

Division Two Holds: (1) The denial of a motion to dismiss is not reviewable by this Court. (2) Appellant’s constitutional challenge to the validity of Section 632.495 RSMo (Cum. Supp. 2006) is merely colorable and does not violate his right to substantive due process.

Opinion by: George W. Draper III, J.

Roy L. Richter, P.J., and  
Lawrence E. Mooney, J.,  
concur

Attorney for Appellant: Emmett D. Queener  
Attorney for Respondent: Shaun J. Mackelprang  
Jayne T. Woods

**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.**

<sup>1</sup> Appellant’s brief incorrectly states this is an appeal from a judgment entered pursuant to a jury’s verdict.