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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Martha M. Rivers, Circuit Court Judge

Appellate Case No. 2025-000150
Case No. 2022-CP-02-2323
Case No. 2022-CP-02-2324

Heather Crespo.....Respondent/Appellant,

v.

Rhett Riviere, Josee Riviere, Chase Enterprises, LLC
and R.C. Riviere Properties, LLC Defendants,

AND

Gabriel Crespo Respondent/Appellant,

v.

Rhett Riviere, Josee Riviere, Chase Enterprises, LLC
and R.C. Riviere Properties, LLC, ... Defendants,

Of which

Rhett Riviere, Chase Enterprises, LLC and
R.C. Riviere Properties, LLC, are the Appellants/Respondents,

and

Josee Riviere is the Respondent/Appellant.

**RECORD ON APPEAL
VOLUME FOUR**

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1 Q Who all -- what was -- who were the people that
2 consisted of the family when you were married to him?

3 A It was myself, him, and his stepdaughter -- I mean my
4 stepdaughter, his daughter, Olympia Thieme.

5 Q And what year was she born, do you recall?

6 A Well, she had just turned 18, so...

7 Q 2006?

8 A Right.

9 Q Okay. Do you know Catherine Thomas?

10 A Yes, I do.

11 Q Was Catherine Thomas -- were Catherine Thompson and
12 Rhett Riviere together when you first met him?

13 A Yes.

14 Q And what's your relationship like with Catherine
15 Thomas over the years?

16 A At first, we just met socially. I believe she was the
17 -- when I first met her, she was the social director at
18 Aiken Polo Club. And she had mutual friends of mine, was
19 the way I was introduced to her.

20 Q And did you all -- did you get together with them
21 socially?

22 A Not so much in the beginning with Rhett. It was more
23 of the girlfriends doing things together.

24 Q Right.

25 A And then, once in a while, we would go out for group

JURY TRIAL, VOL. 3

1 dinners, you know, with couples.

2 Q Okay. So your -- your ex-husband knew Mr. Riviere as
3 well?

4 A Yes.

5 Q And have you ever been on Mr. Riviere's boat?

6 A Yes, I have, on several occasions.

7 Q Where was it located?

8 A Lady's Island in Beaufort, South Carolina.

9 Q And did you spend the night on the boat?

10 A Yes, I did.

11 Q Do you remember what years that would have been?

12 A That would have been on -- the first time was 2017 for
13 4th of July. I might have that wrong. It might be 2016,
14 but -- no, it was 2017.

15 Q Okay. And then, you said several times. How many
16 times did you actually spend the night on the boat?

17 A Only two times.

18 Q How many times did you go to the boat?

19 A Three times.

20 Q And did you -- have you ever rented any of
21 Mr. Riviere's properties?

22 A Yes, I have.

23 Q Which ones?

24 A The one at Seahorse Cottage off of Grace.

25 Q Okay. So you can help the jury and help us all

JURY TRIAL, VOL. 3

1 understand, that's the Grace property; right?

2 A Correct.

3 Q Okay. And is that the cottage -- when you say
4 Seahorse Cottage, are you referring about the one right
5 behind the main house?

6 A Yes.

7 Q Okay. And would you take a look at --

8 MR. FEW: -- may I approach, Your Honor --

9 THE COURT: Yes, sir.

10 BY MR. FEW:

11 Q -- Exhibit 20. Oh, there it is. This page with the
12 torn out portion, is that the Seahorse Cottage?

13 A Yes, it is.

14 Q Okay. And then, I'm going to put you on the front
15 page there for the next question. Have you ever done any
16 work -- well, what profession are you in?

17 A I'm an interior designer, and I also do photography
18 and (unintelligible), but primarily an interior designer.

19 Q Have you ever done any interior design work for
20 Mr. Riviere?

21 A Yes, I have.

22 Q And was he -- was that with him and Catherine Thomas?

23 A Yes.

24 Q Okay. Tell the jury about that, please.

25 A So he had a barn on that property that burnt to the

JURY TRIAL, VOL. 3

1 ground. I believe it was one of the oldest barns in the
2 Aiken area. And we got permission through the town to
3 build a small cottage there instead of a barn. And he and
4 Catherine asked me to help them with the design of the
5 kitchen, and I provided them the name on the cabinet
6 builder for that kitchen.

7 Q And approximately what year was it that you did that
8 work?

9 A It was in 2019.

10 Q And then, you -- forgive me for my -- what year -- and
11 you rented. When you rented the Seahorse Cottage, what
12 were the circumstances that led to that?

13 A When I rented that cottage, I had purchased a home to
14 renovate in downtown Aiken that was very close in
15 proximity to that property, and we had to leave the house
16 for 3 months while we were gutting it. And so, my husband
17 had asked Mr. Riviere if we could rent that cottage and
18 live there while we were renovating.

19 Q And who all was there during the rental?

20 A Myself, my now ex-husband, and my stepdaughter,
21 Olympia.

22 Q At some point in time, you were -- had a pretty strong
23 friendship with Catherine Thomas; right?

24 A Yes, I did.

25 Q And how -- you said you all went to dinner with

JURY TRIAL, VOL. 3

1 groups. But tell the jury about your relationship with
2 her, like, how much you all talked, they can understand
3 what it was like.

4 A Yeah. In the beginning of our friendship, we were
5 just social friendship, but then our friendship grew. We
6 had two other girlfriends and we did a lot together. We
7 would go riding in the woods together on our horses, we
8 would have dinners together. And she pretty much talked
9 to me almost every day over the phone.

10 Q Were you familiar with 115 3rd Avenue?

11 A Yes, I was. I was brought there one time to take a
12 look at it for just my opinions on maybe taking out a wall
13 and what they should do with it.

14 Q What was your understanding of what -- was it when
15 they owned the property?

16 A Yes. They had purchased it at that point.

17 Q And what was your understanding of what they had
18 purchased it for?

19 A To use as a rental property.

20 Q And are you aware of any other rentals that they had
21 in Aiken in that 2015 to '19 time period?

22 A Well, they had the house in front of mine, the larger
23 home.

24 Q That's on 785 Grace?

25 A Correct.

JURY TRIAL, VOL. 3

1 Q And then the Seahorse caught, because you rented that
2 one; right?

3 A Right.

4 Q And then --

5 A And then, also he had bought a farm. I don't know if
6 this was a little later on, though. He had bought that
7 little farmette that's a small farm that was off of 302.

8 Q Wagener Road?

9 A Right. And they were renting that out to some people
10 (unintelligible).

11 Q Is at the one -- did you ever go to that property?

12 A Yes.

13 Q What was the purpose of you going there?

14 A Catherine was staying there for a time, and then she
15 wanted me to see it.

16 Q They did not -- did they have a name for that one?

17 A I can't remember if it had a name. No. I don't
18 remember.

19 Q Okay. So tell the jury about the -- well, did you
20 have occasion to go to the kiddie pool party at 785 Grace?

21 A Yes, I did.

22 Q Okay. And what time period was that?

23 A It was in the afternoon. I think I got there maybe
24 around 1:00.

25 Q And what month and what year, if you can remember?

JURY TRIAL, VOL. 3

1 A That was August, and that was in 2019.

2 Q And was there any other reason -- well, what were the
3 reasons for the kiddie party, as best as you can recall?

4 A Well, it was to celebrate Catherine's birthday, but
5 also to kind of let people see the new cottage that had
6 been finished. They were doing the finishing touches,
7 like, that morning on that cottage.

8 Q And did they have a name for that cottage?

9 A I don't recall the name.

10 Q And so, do you recall anything happening the week
11 after that kiddie pool party?

12 A Yes. That evening, something happened. I don't know
13 if you want me to --

14 Q What about later in the week? Do you --

15 A -- later in the week, Catherine had come to me and
16 said that she had some SD cards that she had found when
17 she was cleaning up the new cottage after -- from the
18 party. And she said she had found them in this little
19 drawer.

20 MR. GRIFFIN: Objection; hearsay, Your Honor.

21 THE COURT: Sustained.

22 BY MR. FEW:

23 Q What did you do next?

24 A Well, she asked if I could put them in my computer
25 because she couldn't -- she didn't have the ability with

JURY TRIAL, VOL. 3

1 her computer to load them in.

2 Q And did you do that?

3 A Yes, I did.

4 Q And then, I think I've probably confused everybody in
5 the courtroom about the kiddie pool party. Tell people --
6 tell the jury what people were wearing and -- and how many
7 people were there.

8 A It was a kiddie pool party so, obviously, people were
9 -- some people were dressed and people were in bathing
10 suits. And it was, you know, a lot of kiddie pools.
11 People brought kiddie pools. They had some set up.

12 Q And was there -- there was bathroom facilities in the
13 new cottage?

14 A In the new -- in the new cottage, yes.

15 Q And is that what people went to -- as far as you know,
16 that's what --

17 A Yeah. Part of the party was in the cottage. The food
18 was all set up in the cottage. And then the bathroom that
19 was available was in the cottage.

20 Q Did you use the bathroom in the cottage?

21 A Yes.

22 Q Okay. Let's go back to -- I want you to tell the jury
23 what happened with the SD cards after Catherine called you
24 and told you about it.

25 A She brought them to me my home, and I put the first

JURY TRIAL, VOL. 3

1 card into my computer. And it was encrypted, so meaning
2 that I could not open it. I didn't -- by the way, I
3 didn't know what I was opening, just to make that clear.
4 And then, the second one I opened. and do you want me to
5 describe what I saw?

6 Q Please do.

7 A Okay. So the beginning of the video on that little
8 card was a video of Rhett. And I recognized the
9 3rd Avenue property because I had been there. And he was
10 in a bedroom and he was adjusting a camera, you could
11 clearly see. And he was going back and checking the bed,
12 then, you know, going back and adjusting the camera again.
13 And then, it cut -- cut away from him. And then, the next
14 thing I saw was just a man I didn't know just walking back
15 and forth. And then the third --

16 Q Hold on. The man, was he dressed?

17 A -- he was dressed, yes.

18 Q Okay.

19 A And then the third person was a woman, and she was
20 beginning to undress, and I turned the computer off. And
21 I said, okay, I'm not watching this. And I called my
22 lawyer, Brad Owensby, and told him what had just occurred
23 and would he be able to take Catherine to the police
24 station and help her, because she did not have an
25 attorney.

JURY TRIAL, VOL. 3

1 Q And as far as you know, did she -- did Mr. Owensby
2 assist her?

3 A Yes, he did.

4 Q And then, as far -- do you know at all what happened
5 to those SD cards?

6 A Yes. Well, I had to take -- Attorney Owensby, I had
7 to pick him up -- he lived around the corner from my
8 house -- because he had just had hip surgery, so he
9 couldn't drive. So I had Catherine in my car, Brad
10 Owensby in my car, and I drove them to Aiken Public
11 Safety. And they just got out of my car. We didn't
12 discuss anything before they went in. And they went in.
13 They were in there for a little, and then they came out.
14 And I said, well, what happened? And they said --

15 MR. GRIFFIN: Objection, Your Honor; hearsay.

16 THE COURT: Sustained.

17 BY MR. FEW:

18 Q So how did Catherine Thomas react when you first saw
19 the woman undressing before you shut the computer down?

20 A She was upset.

21 Q And -- all right. Now, with respect to the boat, do
22 you have any knowledge if the boat was ever put up as a
23 rental?

24 A Yes. I don't have direct knowledge, but I was told by
25 Catherine that --

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1 MR. GRIFFIN: Objection; hearsay.

2 THE COURT: Direct, not -- ma'am, you can
3 testify to what you know. In general, there's some
4 exceptions, but you can't testify too much about what
5 other people told you. So I would ask you -- you
6 just said you don't have direct knowledge, and that's
7 why counsel jumps up, because we are asking for your
8 direct knowledge.

9 THE WITNESS: Okay. Well, I guess -- because we
10 were going to go stay there in the summer but he was
11 renting it, so I don't know if that qualifies.

12 BY MR. FEW:

13 Q Okay. All right. Now, the -- do you have any fear
14 that you might have been taped when you were staying in
15 any of Mr. Riviere's property?

16 MR. GRIFFIN: Objection; leading.

17 THE COURT: Yes. You need to reask that
18 question, please, sir. I believe we went over that
19 before.

20 MR. FEW: Apologies. It was poorly -- poorly
21 worded.

22 BY MR. FEW:

23 Q How do you feel knowing that you stayed in these
24 properties?

25 MR. GRIFFIN: Objection on prior grounds, Your

JURY TRIAL, VOL. 3

1 Honor.

2 THE COURT: As to leading, he has to --

3 MR. HARTE: Same -- the same --

4 THE COURT: -- have you -- oh, to the prior
5 grounds part, yes. It is noted that both defense
6 counsel -- each -- for each defendant has objected.
7 And I believe we have handled that already. I will
8 allow the witness to answer. How do you feel having
9 seen these cards and stayed at that -- at one of
10 these properties?

11 THE WITNESS: The way I feel is extremely
12 uncomfortable. My stepdaughter was 11-years old. We
13 were in that cottage for nearly 3 months. They're --

14 MR. HARTE: Objection. May we have a sidebar,
15 Your Honor?

16 THE COURT: What's the nature of your objection,
17 Mr. Harte? Just the statement of what the nature of
18 your objection is.

19 MR. HARTE: It's irrelevant, Your Honor, and
20 it's prejudicial.

21 THE COURT: I think I already ruled on that.

22 MR. HARTE: Highly prejudicial.

23 THE COURT: So I think we're --

24 MR. HARTE: Well, we're --

25 THE COURT: -- good on that.

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1 MR. HARTE: -- getting testimony from this
2 witness that is not responsive to the question.

3 THE COURT: No, I think it's responsive. I
4 appreciate your objection, Mr. Harte. Overruled.

5 THE WITNESS: (Unintelligible.)

6 THE COURT: Yes. Yes, ma'am.

7 THE WITNESS: Yes. Because the reason I'm
8 uncomfortable is because after they went to SLED, I
9 was called by Agent Busby from Sled and he questioned
10 me, and he said do you think --

11 MR. GRIFFIN: Objection, Your Honor.

12 THE COURT: Ms. -- Ms. -- it's hard. I know
13 it's hard.

14 THE WITNESS: I've never done this before.

15 THE COURT: I know. It's very difficult, but
16 you can't -- in general, you can't say what somebody
17 else told you.

18 THE WITNESS: Okay.

19 THE COURT: But you -- you've said that you were
20 called by SLED and you were questioned by SLED.

21 THE WITNESS: Correct. I was called by SLED and
22 questioned by SLED. And I am techie, and I noticed
23 something in the bedroom that didn't seem to belong
24 to anything else. The TV was only in the living
25 room, and we had had problems with the Internet, and

JURY TRIAL, VOL. 3

1 Atlantic Broadband had come out to fix it. And I
2 noticed a modem in the bedroom in the corner in a
3 cupboard, and I had -- it had no, it was just plugged
4 in. It did not have a coaxial cable, because back
5 then, it was coaxial cables. And so, I unplugged it.
6 It was just -- you know, I was paying for utilities
7 while I was there. So to me, I wasn't thinking
8 anything more than this is drawing electricity and I
9 don't want to pay for, so I just unplugged it. And
10 then, a few days later, it was plugged back in.

11 BY MR. FEW:

12 Q Do you have any idea how it got plugged back in?

13 A No.

14 Q Did you have any communications with Mr. Riviere about
15 the modem?

16 A I did. I had told him I was unplugging the modem.

17 Q Okay. One second. I think you may have answered this
18 question. Were you aware that the boat was available to
19 rent?

20 A Yes.

21 Q And -- and how do you -- how did you know that?

22 A Through Catherine Thomas.

23 Q And did you ever have plans to go to the boat, but you
24 couldn't go?

25 A Yes.

JURY TRIAL, VOL. 3

1 Q Okay. And why was that?

2 A Because it was rented by someone who was considering
3 purchasing it.

4 Q And tell the jury about the boat. What's it like?

5 A What do you mean, what's it like?

6 Q Describe the boat for -- for the jury, please.

7 A It's a very large, I would say, yacht. It has two
8 floors. The lower has three berths: the master berth and
9 then the middle berth, and then a smaller berth in the
10 rear. It's a very beautiful, like, classic-type of yacht,
11 and it has a deck on the top where they have a pool, a
12 little -- another kiddie pool. And a very comfortable,
13 very large boat, yacht.

14 Q And to your knowledge, was the boat used for boating?

15 A Primarily, no. It was docked, and they had a smaller
16 boat go out and around the area there.

17 Q Thank you, Ms. Neuhaus. No further questions.

18 A Okay. Thank you.

19 THE COURT: Mr. Griffin?

20 CROSS-EXAMINATION

21 BY MR. GRIFFIN:

22 Q Good afternoon, Ms. Neuhaus.

23 A Good afternoon, Mr. Griffin.

24 Q So it sounds like you unplugged some modem and then,
25 two days later -- or it was plugged back in; is that

JURY TRIAL, VOL. 3

1 right?

2 A Yes.

3 Q And you don't know who plugged it back in?

4 A I don't.

5 Q And you heard -- or you'd gotten a call and answered
6 questions from Lieutenant Busby. You were concerned that
7 maybe you were videotaped, I understand?

8 A Yes.

9 Q Okay. And you reported those concerns?

10 A Yes, I did.

11 Q And there's -- you've never seen or no one has come to
12 you and said, oh, there's a video of and your husband or
13 anybody involved; is that correct?

14 A Well, they thought maybe they had video of me, but it
15 turned out to not be me.

16 Q Right. So there's no video?

17 A Somebody (unintelligible.)

18 Q To your knowledge, there's no video?

19 A Well, to my knowledge, no.

20 Q Okay. Thank you. That's all I have.

21 THE COURT: Thank you, sir. Mr. Harte?

22 CROSS-EXAMINATION

23 BY MR. HARTE:

24 Q Ms. Thieme, you had used the phrase -- in talking
25 about rental properties, you used the phrase a couple of

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1 times --

2 THE WITNESS: I cannot hear him.

3 THE COURT: Mr. Harte, it is very difficult.
4 Can you walk at least to the middle?

5 MR. HARTE: -- sure. I've rarely been told I
6 couldn't be heard. Let me fix that.

7 THE COURT: You have a beautiful, deep voice.

8 MR. HARTE: Well, sometimes it gets a little
9 louder than I would prefer, but you can only control
10 certain things when you reach my age. I heard
11 somebody say 68, and I'm thinking, man, well, I've
12 been (unintelligible).

13 THE WITNESS: Yes. I have an ear infection, so
14 I'm having trouble hearing.

15 MR. HARTE: Well, I'm sorry about that, because
16 I just had one last week.

17 BY MR. HARTE:

18 Q Ms. Thieme, in your testimony --

19 A Neuhaus.

20 Q -- Neuhaus. Sorry. All right. I'll get it right in
21 a minute. Ms. Neuhaus, in your testimony, you referred
22 several times to the rental properties, and you talked
23 about "they," the word "they". Am I correct that you were
24 referring to Catherine Thomas and Rhett Riviere?

25 A Yes.

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1 Q And so, again, I -- I --

2 A Correction. The original one I was in and the larger
3 one in front of me, I only knew as Rhett's properties.

4 Q -- thank you. And with respect to -- let me just
5 think how to say it. I didn't quite hear what you said
6 when you were asked about -- do you actually know Josee
7 Riviere?

8 A No, I do not. I've never met her.

9 Q All right. Thank you.

10 MR. HARTE: That's all I have, Your Honor.

11 THE COURT: Thank you. Anything in redirect?

12 MR. FEW: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. FEW:

15 Q Ms. Neuhaus, the -- the rental properties, do you have
16 knowledge about how they found renters?

17 A Yes.

18 Q And -- and what -- what -- what were they doing?

19 A The were using an online site, VRBO.

20 MR. GRIFFIN: Your Honor, I object. This is
21 outside the scope of either cross-examination that I
22 did or Mr. Harte.

23 MR. FEW: He asked about the properties, Your
24 Honor, Mr. Harte did.

25 THE WITNESS: Well, she showed them to me.

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1 THE COURT: Wait, Ms. Neuhaus. You have to wait
2 on me.

3 THE WITNESS: Oh, I', sorry.

4 THE COURT: I'm trying to look at my notes. One
5 second. My recollection is that Mr. Griffin asked
6 about the -- the unplugging of the -- or the plugging
7 of a device and any knowledge she had on that in the
8 -- whether she knew whether she was videoed. I don't
9 think he asked anything else about rentals, other
10 than the property she stayed in. And I want --

11 MR. FEW: Not, Mr. Griffin, Your Honor,
12 Mr. Harte --

13 MR. MCCULLOCH: I mean, Mr. Harte.

14 MR. FEW: -- is the one who asked her questions
15 about the rental properties, and I'm just following
16 up on that.

17 MR. HARTE: Your Honor, I asked her what she
18 meant by the word "they." that's all I asked. That
19 is not a question about the rental properties. She
20 went on to say something, but I did not say -- I did
21 not ask her anything about the rental properties. I
22 asked her to define the word she used in her
23 examination. That's all.

24 THE COURT: Yeah, I think he did just ask about
25 "they" and about Ms. Josee Riviere, so that is

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1 outside the scope of his cross. I'm going to ask
2 that the jury strike anything -- we're going to
3 strike the testimony as to any online postings of the
4 rentals as to this witness. Anything that's not
5 related to the answer of Ms. Neuhaus is -- is
6 different. Okay? Thank you.

7 MR. FEW: Thank you, Your Honor.

8 THE COURT: That's one of those rules. Anything
9 else?

10 MR. FEW: Not for this witness, Your Honor.

11 THE COURT: Thank you, sir. May we excuse
12 Ms. Neuhaus from her subpoena.

13 MR. FEW: Yes, we can.

14 THE COURT: All right. Thank you. Ms. Neuhaus,
15 thank you for being here. You can just leave that
16 right there. All right. Next witness?

17 MR. FEW: The next witness, Your Honor, is Laura
18 Phillips.

19 THE COURT: All right. We need Laura Phillips.

20 THE CLERK: Ma'am, come over here, please.
21 Place your left on the Bible and raise your right
22 hand.

23 (The witness was sworn in.)

24 THE CLERK: Have a seat in the witness chair.
25 Watch your step. And when you get up there, state

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1 your full name and spell your last name.

2 THE WITNESS: Laura Phillips, P-H-I-L-L-I-P-S.

3 //

4 LAURA PHILLIPS

5 was called as a witness, and having been first duly sworn,
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. FEW:

9 Q Good afternoon, Ms. Phillips. How are you doing
10 today?

11 A Okay.

12 Q We've met once before, didn't we?

13 A Yes.

14 Q And tell the jury what -- where you live?

15 A I live here in Aiken.

16 Q And how long have you lived here?

17 A Oh, gosh, I've lived here probably about 40 years now.
18 I moved here in 1986, the summer of '86, I believe it was.

19 Q And what do you do for living?

20 A I'm a nurse at the hospital.

21 Q What kind of nurse at the hospital?

22 A I work in the recovery room. It's known as the PACU,
23 post-anesthesia care unit.

24 Q Okay. Is that -- is that called critical care?

25 A It is some critical care. We wake people up after

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1 surgery, whether it be a 5-minute surgery or a brain
2 surgery or a lung surgery, or colon, any -- any kind of
3 search you have in Aiken, I wake you up.

4 Q And how long have you been working where you're
5 working there?

6 A Over 34 years. It will be 35 in January.

7 Q And do you know Heather Crespo?

8 A Yes, I do.

9 Q Tell us -- tell us how you know Heather Crespo.

10 A Aiken Regional is now associated with a lot of the
11 nursing schools in the area, and we get senior students
12 their last semester of school doing an internship program,
13 which is more hands-on than then book-learning and
14 simulations. So Heather came to me to do her senior
15 internship program with me.

16 Q Approximately what year would that have been?

17 A That would have been the fall semester of 2021, so
18 September.

19 Q So you met Heather through the intern program?

20 A Yes.

21 Q Okay. And has -- what type of -- how has the
22 relationship evolved since then?

23 A Heather is just one of those people. Sometimes you
24 meet people and you just know you've known them forever
25 will know them forever, as opposed to some people you meet

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1 and you don't even -- never want to spend any more time
2 with them. But her and I just jibed. She was a great
3 student, interested, enthusiastic. We found out we have a
4 lot in common through our animals and our love of nature.
5 And so, we just developed a friendship during that time.
6 And our unit was so impressed with her that when she
7 graduated, we hired her so she could start work as soon as
8 she passed her boards.

9 Q Is that the normal course to getting into critical
10 care nursing?

11 A No. Generally you have to have a year or so of floor
12 nursing -- or maybe not floor, but not critical care
13 nursing.

14 Q So can you tell us when she started working with you
15 not as an intern?

16 A That would have been January of 2022, because she
17 graduated that December of 2021. And she started working
18 as a tech because she was still a graduate nurse. And
19 then, when she passed boards, she came on full-force.

20 Q And you said that you all have some things in common.
21 Tell the jury what some of those things are.

22 A Well, like I said, our love of animals. She has
23 animals, I have animals. Does it matter who I look at
24 when I talk? Okay. She has animals. She has dogs and
25 cats. She has, of course, worked with horses all of her

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1 life. I moved here because of horses, and I used to work
2 with them in Florida. So we knew a little bit about
3 horses, and then the dogs and cats. She actually ended up
4 taking one of her dogs through my dog obedience class that
5 I teach with the Palmetto Dog Club. And we go to yappy
6 hour at the SPCA and we go out to eat, and just kind of
7 hang out together.

8 Q And was the relationship that extensive even in the
9 early parts of 2022?

10 A Yes. Yes. We -- we hit it off. In fact, the person
11 that suggested that she do her internship with us said
12 you're going to love Laura, you guys are going to get
13 along great. So they kind of eased her in my direction,
14 and I was like, sure, and it took very little time, and
15 we've been fast friends ever since.

16 Q And was there any point in time between '22 when you
17 noticed anything change in Heather?

18 A Well, I mean, if it's about this stuff going on, she
19 told me when she was notified that it had been found out
20 that she'd been videotaped without her knowledge and that
21 she that -- that the videotapes were still there, and she
22 was going to have to come to court about it. Which she
23 was distraught, needless to say. It was like I truly
24 believe anybody would be to find out you'd been videotaped
25 against your knowledge. That's just something horror

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1 movies are made out of.

2 Did it interfere with her work? No. She's an
3 absolute professional, and she came to work and did her
4 job. But we definitely talked about it when we were off
5 the clock. She brought up -- and -- and we talked about
6 it at work too. It's a very small unit. We work in one
7 room with four or five people every day, so we talk. We
8 may be there 12 or 14 hours together. The articles in the
9 paper, you know, where she showed us all those. I tend to
10 not watch the news or anything, so that's where I get my
11 news from, my friends at work. And like I said, she was
12 definitely distraught about it, as I was distraught to
13 learn that how long it had been going on and then,
14 suddenly, she's found out that this is happened and --

15 Q Can you describe the -- some of her physical
16 appearances related to what we were just talking about
17 while she was at work?

18 A Well, when -- I mean, when she told me, she -- we
19 broke down and cried because she was just -- she's kinda
20 like me. She gets -- cries when she gets mad and when
21 she's sad both. I don't know if any of you have that
22 problem, but when you get mad you just -- the tears come
23 and that makes you even madder that this had even
24 happened, and that it had been allowed to happen and
25 nothing had been done yet.

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1 And she was hurt too, you know, in just what am I
2 going to do, you know. I'm trying to get my life together
3 here, I've got a brand-new job. You know, your personal
4 life reflects a lot on your work life when you're in a
5 profession as ours. I mean, they were flat out telling
6 her that, you know, if you do anything that does not
7 represent you as a good person, then the hospital doesn't
8 really want you to representing them either. So you know,
9 she was worried about that and just what -- what was going
10 to come of it and what was going to happen.

11 Q She's fortunate to have you as a friend.

12 A Well, I think so. I'm fortunate to have her.

13 Q Thank you. No further questions.

14 THE COURT: Mr. McCullough?

15 MR. MCCULLOCH: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 Q Good afternoon, Ms. Phillips.

18 A Good afternoon.

19 Q I know you've been waiting a bit.

20 A Yeah.

21 Q So, Ms. Phillips, this is not the first time we've
22 met. We met at your deposition.

23 A At the deposition. Yes, sir.

24 Q You haven't had to wake me up?

25 A No, I don't think so.

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1 Q All right. Ms. Phillips, you described a bit for
2 Mr. Few your relationship with -- with her. And of
3 course, it went back to being, I think, her preceptor?

4 A Mm-hmm. Yes.

5 Q Can you tell the jury what that is?

6 A A preceptor is someone in a professional capacity that
7 mentors and teaches and supports and encourages, in our
8 profession, new nurses. I know other positions or jobs
9 have preceptors. But so, basically, I called them my baby
10 nurses because they're fresh out of school.

11 Q So that makes you a mama nurse --

12 A Yes, exactly.

13 Q -- to nursing students?

14 A You want to encourage them, and you try to give them
15 all the opportunities to advance and, slowly but surely,
16 work safely and independently on their own.

17 Q So that was the beginning of what you described, I
18 guess --

19 A Yes.

20 Q -- as a close relationship?

21 A Yes. And we became very close.

22 Q Did Ms. Phillips -- I mean, Ms. Phillips, did Ms.
23 Crespo, to your knowledge, have a lot of friends, do you
24 know?

25 A I think she -- I'm going to put it this way. She

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1 seems to know everybody. I tend to be more of an
2 introvert and don't know a lot of people. I would say she
3 has a -- now, a lot, a few, that's hard to say. I mean, a
4 few good friends are better than a lot of, like, Facebook
5 friends, you know. They're not really friends. But I
6 think she spends a lot more time with me than a lot of
7 people, but she does go out and do things with other
8 nursing friends, horse friends. Not so much the horse
9 people anymore because she kind of distanced herself from
10 that.

11 Q And you're not a horse person?

12 A Not anymore. I do not have horses anymore. But I
13 have been, but not like in the Aiken sense of the word. I
14 moved here with a horse farm from Florida, and I worked on
15 horse farms in Florida. But I've never worked with
16 anybody here in Aiken.

17 Q But you -- once you left the student phase of your
18 life and became a nurse, in fact, you helped her get
19 there, I think?

20 A Yes. I definitely recommend her for the position. I
21 was, like, look, she's settled right in. She is reliable,
22 she is professional, she's smart, she's inquisitive, she
23 would be an excellent addition to our staff. And we need
24 new staff member, and we offered her the job and she took
25 it.

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1 Q And I think you said that she joined the -- is it
2 Aiken Memorial?

3 A Aiken Regional Medical Center.

4 Q Aiken Regional. I'm sorry. Just down the street?

5 A Okay. You're thinking in Greenville. It's off
6 Memorial.

7 Q So you worked the same shifts, sometimes different
8 shifts?

9 A In the beginning, we worked the same shifts because
10 it's easier for new people to work with the same person
11 all the time. So she shadowed my shift. And then, as she
12 worked more independently, she would work with a few other
13 people. Like I said, it is a closed unit and it's a small
14 unit, so we all help each other out. But primarily, she
15 worked in (noise disruption from someone coughing) shift.
16 Eventually, she had her own schedule and I had my own
17 schedule.

18 Q And during this period from 2021 when she arrived, you
19 had a chance to assess her, to see her demeanor --

20 A Mm-hmm.

21 Q -- the way she acted and so forth. And -- and she
22 continued in her employment there with you in that unit
23 through the period of time of this discovery; is that
24 right?

25 A She left in I want to say March, but we had three

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1 people leave all at that same time, so it's hard to --

2 Q Do you know what year that would have been?

3 A -- mm-hmm?

4 Q What year that would have been?

5 A Oh, yeah, that would have been this year --

6 Q Okay.

7 A -- this spring.

8 Q So if the discovery of this video was brought to her

9 attention in July of 2022, your relationship with her

10 would have continued --

11 A Oh, yes.

12 Q -- well before and well after?

13 A Yes.

14 Q Okay. And in the period after the discovery, you had

15 an equal opportunity to continue to work with her?

16 A Yes.

17 Q And during that entire 2021 to 2024 period, you were

18 social friends as well as workmates, I guess --

19 A Yes.

20 Q -- is one way to put it?

21 A Yes.

22 Q Would you describe yourself as her closest friend?

23 A Pretty close now, currently. I mean, in that

24 timeframe, yes.

25 Q And you talked about all manner of things?

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1 A Yes.

2 Q You talked about dogs?

3 A Dogs, cats, ex-husbands.

4 Q Did you talk about divorce?

5 A Yes.

6 Q And I think you previously said that you -- that this
7 divorce that you mentioned that you all talked about was
8 with her second husband?

9 A Currently -- currently. I mean, the one that she was
10 going through at the time.

11 Q Right. And that would have been 2021 to 20 --

12 A Yes. But she had mentioned some things about her
13 divorce from her first husband too. Her daughter and my
14 daughter were very similar and similar in interests, so.

15 Q And all of those things were topics of conversation
16 between you?

17 A Yes.

18 Q And -- and those were things that were troubling to
19 her that were the subject of your conversations?

20 A Yes.

21 Q All right.

22 A Well, not everything was troubling, but --

23 Q Right.

24 A -- but at those particular ones, her ex-husband --

25 Q The second divorce was going on --

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1 MR. FEW: Your Honor, I would ask that
2 Mr. McCulloch let the witness finish her answer.

3 MR. MCCULLOCH: I'm so sorry, Your Honor.

4 THE COURT: Certainly. It is hard for the
5 record, and we tend to get going and we anticipate
6 the question and answer, but we do have to stop and
7 let everybody take a breath. And, Ms. Phillips, I
8 did -- I think you might be a witness too that I will
9 ask you, make sure you listen to the question, take a
10 beat, and then answer, because we have a court
11 monitor here trying to make sure we have a record of
12 everything that's being and sometimes we're very --

13 THE WITNESS: I'm a tad nervous.

14 THE COURT: -- well, it's nerves. But also, we
15 want to get things out, we want to say things, we
16 want to say everything, if it's needed, and -- and we
17 don't want to -- we don't need to rush.

18 THE WITNESS: Okay.

19 THE COURT: Thank you.

20 BY MR. MCCULLOCH:

21 Q So let me go back and ask the question again, and I'll
22 try to take a breath myself. You talked with Ms. Crespo
23 about her first husband --

24 A Yes.

25 Q -- and their divorce?

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1 A And what?

2 Q And their divorce, that process?

3 A Yeah. I mean, not specifics, just that they were and
4 why, and stuff like that.

5 Q Was it difficult, to your recollection, as described
6 by her?

7 A Yeah. I mean, I think any divorce is difficult.

8 Q And that first divorce from her first husband, would
9 that be Mr. Crespo?

10 A Yes.

11 Q All right. And then, you also during that period
12 talked about the second divorce, and that was equally
13 troubling?

14 A Well, that was probably more troubling to her at the
15 time because it was current.

16 Q And -- and you described that she called you or came
17 to you -- I don't recall which it was -- to -- to talk --
18 to tell you that this video incident had occurred
19 involving she and her first husband?

20 A Yes. I don't remember if she told me at work or if
21 she called me or if she came to my house. It was a long
22 time ago.

23 Q And you described her as being effected or distraught?

24 A Yes.

25 Q "Stunned," I think is the word used?

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1 A Yes.

2 Q And -- and -- and -- do you recall, roughly, when she
3 brought that to your attention?

4 A I really can't.

5 Q All right. Do you have a sense or the recollection
6 that it may have been right around the time that it was
7 that she learned that such a thing had occurred?

8 A Oh, I'm sure. Yeah, absolutely. I think it was
9 probably like after she got back from the lawyer's or
10 whoever she had to go see about it. She was, like, you
11 won't believe what just happened to me and what's going
12 on. So, yeah, it was -- if it wasn't that day, it was
13 probably the next.

14 Q And from that point, did you and she talk about that
15 every day --

16 A No.

17 Q -- with any great frequency?

18 A No.

19 Q All right.

20 A Hey, we'd talk about it and she'd go, like, well, now
21 I've got to wait for something else to happen. And then,
22 whenever the next phase happened, you know, she would come
23 back again and she'd be, like, look, here's more in the
24 paper about it and --

25 Q Did she talk with you about bringing this lawsuit?

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1 A No. Like, did she ask me -- I mean, should she or --

2 Q No, no, no, no, no.

3 A -- or what did I think about it or --

4 Q Did she talk with you about filing a lawsuit?

5 A -- she said that the lawyers were filing the lawsuit.

6 It was my understanding that her and several of the other
7 women whose names that were associated with the tapes, as
8 opposed to the anonymous people, were all filing a
9 lawsuit. That was my understanding.

10 Q Did she tell you that she discussed what the lawsuit
11 -- did she tell you that there was a discussion about
12 filing this lawsuit anonymously as a Jane and John Doe
13 rather than having this filed --

14 A No, she didn't say anything about that.

15 Q -- now, on-the-job, you said she was very
16 professional?

17 A Yes.

18 Q Was professional from 2021 before the discovery of the
19 video incident, and equally professional after the
20 discovery of the incident?

21 A Yes. We all leave our home problems at home because
22 we're there dealing with people who are having a lot of
23 problems themselves, you know.

24 Q You said --

25 A So we try not to -- we'll talk about it later amongst

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1 ourselves, but then when we're with the patients, then
2 they're our priority.

3 Q But it's true that you never saw any impact on her
4 work as a result of this incident?

5 A No. I mean, not that she didn't work hard or she
6 called in sick or anything. I could -- just knowing her
7 well enough, I could tell the days she was down and -- as
8 opposed to the days she wasn't.

9 Q Let me come back to that. You never saw an impact on
10 her work that would impact you?

11 A No. I'm going to say no.

12 Q You never saw her leave out of work or say she was too
13 depressed to come to work --

14 A No.

15 Q -- as a result of this incident?

16 A She said she was depressed and how she would like to
17 not come to work, but she still came to work.

18 Q Did she tell you why?

19 A Well, it was in conjunction with all of this. Like,
20 she met with the lawyers the day before and she's, like,
21 you know, I'd really just like to stay home and mope or
22 whatever she said, but you know, I've got to work and I've
23 to take calls and I've got to -- I've got to do what I've
24 got to do.

25 Q You had said previously that you didn't see any change

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1 in her social life during -- from '21 to '24?

2 A Not -- not -- no, not that I'm aware of. We don't
3 have a whole lot of social life. We work long hours and
4 we take calls, and we work nights and weekends and
5 holidays, so nurses don't have huge social lives.

6 Q I think I've asked you previously, if you saw any
7 effect on her weight, weight gain or weight loss?

8 A Well, how about this. She's 50. And everyone that's
9 50 and above -- and 50 or below -- (unintelligible)
10 thinking all that stuff, so everybody tries to lose
11 weight. So if I had noticed her losing weight, I would
12 put it off to that she was trying to lose weight.

13 Q I guess my question is, as a result of this video that
14 was discovered and reported to her, did you ever talk with
15 her or believe that she was having weight problems or mood
16 problems as a consequence of this situation, separate and
17 apart from the other problems she had going on in her
18 life?

19 A I couldn't say. Like I said, weight-wise, I'm not
20 going to watch weight. And I'm not a fashion icon. I
21 don't -- I've got friends that weigh 350 pounds, and I've
22 got friends that are half as big as me. So I don't really
23 pay attention much to people's weight, unless it's mine.
24 When my pants don't fit, then I'm definitely
25 (unintelligible) about it. But her demeanor, I mean,

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1 yeah, there's days when she was really down and days when
2 she wasn't. But -- and usually, it was like after she had
3 a court thing, but also when she had issues with -- you
4 know, her daughter. She has a teenaged daughter, so
5 that's nothing unusual, you know. Anything going on with
6 her ex-husbands, soon to be or in or current.

7 Q So to be fair today, and when you last spoke, you're
8 not able to draw a line of difference between what was
9 causing any mood that you observed as an item solely
10 applicable to this video or her husband raising kids? God
11 knows, we all have that, or a bunch of us have that. You
12 weren't able to do that when we last met, and you're not
13 able to do that today?

14 A No, sir.

15 Q Did she ever express concerns that Mr. Crespo was
16 speaking to the newspapers --

17 A No.

18 Q -- about this video?

19 A No.

20 Q All right. Your Honor, if you'll indulge me one?

21 THE COURT: Certainly.

22 MR. MCCULLOCH: Thank you, Ms. Phillips. It's
23 good to see you again.

24 THE WITNESS: Okay.

25 THE COURT: Mr. Harte?

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1 MR. HARTE: No questions, Your Honor.

2 THE COURT: All right. Any redirect?

3 MR. FEW: No, Your Honor.

4 THE COURT: May this witness be excused from the
5 trial?

6 MR. FEW: Yes.

7 THE COURT: Thank you, Ms. Phillips, for coming.
8 You are excused. Next witness?

9 MS. BARBIER: Your Honor, may we approach
10 sidebar?

11 (Sidebar.)

12 THE COURT: Ladies and gentlemen of the jury,
13 we're going to take a 5 to 10-minute break -- and
14 this one really will be a 5 to 10-minute break,
15 okay -- in order for to get up with the next witness,
16 and then we'll call you back in. We just don't want
17 to make you sit here and watch everything that's
18 going on. If you need to go to the restroom or get a
19 bottle of water, please do so. Do not discuss the
20 case, please.

21 (The jury exited the courtroom.)

22 (Off the record.)

23 (Recess.)

24 (On the record.)

25 THE COURT: Let's bring the jury in. Everyone

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1 take their places, please.

2 (The jury entered the courtroom.)

3 THE COURT: Thank you. Call your next witness.

4 MS. BARBIER: Thank you, Your Honor. The
5 plaintiffs call Rhett Riviere.

6 THE CLERK: Place your left hand on the Bible
7 and raise your right.

8 (The witness was sworn in.)

9 THE CLERK: Please take a seat in the witness
10 chair. Watch your step. State your full name and
11 spell your last name.

12 THE WITNESS: My name is Rhett Riviere, and it's
13 R-I-V -- as in Victor -- I-E-R-E.

14 THE COURT: You may proceed.

15 MS. BARBIER: Thank you, Your Honor.

16 RHETT RIVIERE

17 was called as a witness, and having been first duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. BARBIER:

21 Q Good afternoon, Mr. Riviere. Mr. Riviere, were you
22 and Josee Riviere engaged in a real estate rental business
23 together during the years 2000 to 2012?

24 MR. GRIFFIN: Objection, Your Honor, based on
25 privilege.

JURY TRIAL, VOL. 3

1 THE WITNESS: I refuse to answer the question,
2 pursuant to the Fifth Amendment and upon advice of my
3 counsel.

4 BY MS. BARBIER:

5 Q Mr. Riviere, did you continue in the real estate
6 business after you divorced Ms. Riviere after 2012?

7 A I refuse to answer the question, pursuant to the Fifth
8 Amendment and upon the advice of counsel.

9 Q Mr. Riviere, did you place hidden cameras in these
10 properties without the guests' knowledge or consent?

11 A I refuse to answer the question, pursuant to the Fifth
12 Amendment and upon the advice of counsel.

13 Q Mr. Riviere, are you going to offer the ladies and
14 gentlemen of this jury an explanation as to how these
15 videos found themselves on your electronic devices?

16 A I refuse to answer the question, pursuant to the Fifth
17 Amendment and upon the advice of counsel.

18 Q Mr. Riviere, are you planning to assert your Fifth
19 Amendment to each and every question that I might ask you?

20 A Yes.

21 Q So you're choosing not to answer whether you invaded
22 the most intimate spaces of people's lives without their
23 knowledge; is that right?

24 A I refuse to answer the question, pursuant to the Fifth
25 Amendment and upon the advice of counsel.

JURY TRIAL, VOL. 3

1 Q Did you, in fact, record people in bathrooms and in
2 bedrooms without their consent, where they had every
3 expectation of privacy?

4 A I refuse answer the question, pursuant to the Fifth
5 Amendment and upon the advice of counsel.

6 Q Had you been doing that for at least 19 years?

7 A I refuse to answer the question, pursuant to the Fifth
8 Amendment, and upon the advice of counsel.

9 Q Mr. Riviere, I'm going to show you a video, what's in
10 evidence as Plaintiff's Exhibit 18.

11 THE COURT: Have the witness step down. We're
12 not showing it on this side.

13 MS. BARBIER: Well, Your Honor, before he steps
14 down, I'm going to ask him a few predicate questions
15 before showing this video.

16 THE COURT: Okay.

17 MS. BARBIER: Thank you.

18 BY MS. BARBIER:

19 Q Mr. Riviere, you and Josee Riviere rented the Crespos,
20 Heather and Gabriel Crespo, the cottage located at Two
21 Notch Road -- I think it's 547 Two Notch Road -- in late
22 April of 2001, didn't you?

23 A I refuse to answer the question, pursuant to the Fifth
24 Amendment and upon the advice of counsel.

25 Q You had a lease agreement that was presented to the

JURY TRIAL, VOL. 3

1 Crespos by Josee Riviere, didn't you?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q The Crespos paid Josee Riviere the rent for this
5 property, didn't they?

6 A I refuse to answer the question, pursuant to the Fifth
7 Amendment and upon the advice of counsel.

8 Q And Josee Riviere gave them the keys to this property,
9 didn't you?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon the advice of counsel.

12 Q And while they were there, you videotaped Heather and
13 Gabriel Crespo over a 3-month period for the purposes of
14 yours and others' sexual gratification, didn't you?

15 A I refuse to answer the question, pursuant to the Fifth
16 Amendment and upon the advice of counsel.

17 Q Well, I want to show you this video. It's Exhibit A.
18 Mr. Riviere, would you mind stepping down, please, and
19 standing here where --

20 MS. BARBIER: -- Your Honor, let the record
21 reflect that I will not publish this to the rest of
22 the courtroom.

23 (The video was played.)

24 MR. GRIFFIN: Can he go ahead and sit in this
25 chair? There's no questions that are going to be

JURY TRIAL, VOL. 3

1 answered.

2 THE COURT: She has to show the witness.

3 (The video was stopped.)

4 THE COURT: Please resume your seat.

5 Ms. Barbier, it appears that the screen is still up.

6 Do you want to approach your computer?

7 BY MS. BARBIER:

8 Q Mr. Riviere, that video is 9-and-a-half minutes long,
9 isn't it -- or that collection of videos is 9-and-a-half
10 minutes long, isn't it?

11 A I refuse to answer the question, pursuant to the Fifth
12 Amendment and upon the advice of counsel.

13 Q You videotaped the Crespos while they were engaged in
14 sexual activity. Isn't that what we just saw?

15 A I refuse to answer the question, pursuant to the Fifth
16 Amendment and upon the advice of counsel.

17 Q And you videotaped the Crespos while they were in the
18 bathroom, nude; isn't that right?

19 A I refuse to answer the question, pursuant to the Fifth
20 Amendment and upon the advice of counsel.

21 Q And you know and I know that they had no knowledge
22 they were being videotaped; isn't that right?

23 A I refuse to answer the question, pursuant to the Fifth
24 Amendment and upon the advice of counsel.

25 Q And you watched the Crespos day in and day out for

JURY TRIAL, VOL. 3

1 approximately 3 months, didn't you?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q You were videotaping them while they were engaged in
5 intimacy over a 3-month period, weren't you?

6 A I refuse to answer the question, pursuant to the Fifth
7 Amendment and upon the advice of counsel.

8 Q You were videotaping them while they went to the
9 bathroom, weren't you?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon the advice of counsel.

12 Q You were videotaping them when they were taking off
13 their clothes, when they were putting on their clothes,
14 when they were drying off, when they were getting in
15 shower, weren't you?

16 A I refuse to answer the question, pursuant to the Fifth
17 Amendment and upon the advice of counsel.

18 Q And just like no one else you videotaped the Crespos,
19 nor anybody else, gave you consent to take them, did they?

20 A I refuse to answer the question, pursuant to the Fifth
21 Amendment and upon the advice of counsel.

22 Q They weren't on notice of your illegal acts, were
23 they?

24 A I refuse to answer the question, pursuant to the Fifth
25 Amendment and upon the advice of counsel.

JURY TRIAL, VOL. 3

1 Q You hid your equipment, didn't you, Mr. Riviere?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q And you would agree with me that, particularly in
5 their bedroom and in their bathroom, they had a reasonable
6 expectation of privacy, wouldn't you?

7 A I refuse to answer the question, pursuant to the Fifth
8 Amendment and upon the advice of counsel.

9 Q And you have come into this courtroom and you have
10 manufactured a story that Gina Salatino somehow put the
11 Crespos on notice they were being videotaped; isn't that
12 right?

13 A I refuse to answer the question, pursuant to the Fifth
14 Amendment and upon the advice of counsel.

15 Q You don't have any shame, do you, Mr. Riviere?

16 A I refuse to answer the question, pursuant to the Fifth
17 Amendment and upon the advice of counsel.

18 Q And you don't have one sliver of remorse for what you
19 did to the Crespos or anybody else that you videotaped, do
20 you?

21 A I refuse to answer the question, pursuant to the Fifth
22 Amendment and based upon the advice of counsel.

23 Q And you don't care that not only did you victimize
24 them in 2001, you have re-victimized them throughout this
25 litigation and throughout the time period we've been in

JURY TRIAL, VOL. 3

1 this courtroom, do you?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q You made these videos and these images that you had on
5 your electronic devices available to third parties to
6 view, didn't you?

7 A I refuse to answer the question, pursuant to the Fifth
8 Amendment and upon the advice of counsel.

9 Q Do you recall a Facebook page post that you made where
10 you said you were cutting up with your friends and you
11 said, in talking about one of your cottages, you called it
12 the no-tell-hotel-boatel? Do you remember that?

13 A I refuse to answer the question, pursuant to the Fifth
14 Amendment and upon the advice of counsel.

15 Q You and your friends had a good time watching these
16 videos from your rentals, didn't you?

17 A I refuse to answer the question, pursuant to the Fifth
18 Amendment and upon the advice of counsel.

19 Q You uploaded these videos to their Dropbox accounts so
20 that they could be shared with your friends, didn't you?

21 A I refuse to answer the question, pursuant to the Fifth
22 Amendment and upon the advice of counsel.

23 Q And Josee Riviere was aware that you were videotaping
24 renters, wasn't she?

25 A I refuse to answer the question, pursuant to the Fifth

JURY TRIAL, VOL. 3

1 Amendment and upon the advice of counsel.

2 Q She allowed you to engage in this habit, and she
3 assisted you in getting these properties rented, didn't
4 she?

5 A I refuse to answer the question, pursuant to the Fifth
6 Amendment and upon the advice of counsel.

7 Q She doesn't have any problem with it now, and she
8 didn't have any problem with in 2001, did she?

9 A I refuse to answer the question, pursuant to the Fifth
10 Amendment and upon the advice of counsel.

11 Q In fact, even after this investigation began and all
12 of your properties were searched, you and her are best
13 friends, aren't you?

14 MR. HARTE: Objection, Your Honor.

15 THE COURT: Sustained.

16 MR. HARTE: Thank you.

17 BY MS. BARBIER:

18 Q In fact, the very same week that Mr. Crespo found out
19 that he'd been videotaped, he saw you eating dinner with
20 Josee Riviere celebrating her birthday; isn't that right?

21 A I refuse to answer the question, pursuant to the Fifth
22 Amendment and upon the advice of counsel.

23 Q And Gabriel Crespo had to sit in the same restaurant
24 across from you with his daughter knowing that you and
25 Josee Riviere had videotaped them in 2001 and held onto

JURY TRIAL, VOL. 3

1 those videotapes for 19 years; isn't that right?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q Are you aware that Heather Crespo had to leave this
5 town because she was so embarrassed and humiliated that
6 you had videotaped her?

7 A I refuse to answer the question, pursuant to the Fifth
8 Amendment and upon the advice of counsel.

9 Q Do you have any appreciation for the fact, Mr.
10 Riviere, that this -- Aiken, South Carolina was her home?
11 Do you have any appreciation for that?

12 A I refuse to answer the question, pursuant to the Fifth
13 Amendment and upon the advice of counsel.

14 Q And now, Heather and Gabriel Crespo, they can't go to
15 the grocery store in Aiken without knowing who's seen
16 their video; isn't that right?

17 A I refuse to answer the question, pursuant to the Fifth
18 Amendment and upon the advice of counsel.

19 Q And they can't go to parties or social events or
20 anywhere in Aiken, really, because they might run into
21 you; isn't that right?

22 A I refuse to answer the question, pursuant to the Fifth
23 Amendment and upon the advice of counsel.

24 Q You are aware that the trauma the Crespos are
25 suffering from is severe emotional distress because of

JURY TRIAL, VOL. 3

1 what you did, aren't you?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q And for the last 2 years, Mr. Riviere, you have
5 laughed and you have scoffed and you have chuckled at the
6 Crespo's pain and their humiliation and their
7 embarrassment, just like you sit up there on this witness
8 stand today with that smirk on your face; isn't that
9 right?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon the advice of counsel.

12 Q In fact, do you recall a court hearing where Gabriel
13 Crespo was very emotional and crying and you were laughing
14 at your table? Do you remember that?

15 A I refuse to answer the question, pursuant to the Fifth
16 Amendment and upon the advice of counsel.

17 Q Mr. Riviere, the video that we just watched, you were
18 the person who created that video; isn't that right?

19 A I refuse to answer the question, pursuant to the Fifth
20 Amendment and upon the advice of counsel.

21 Q You edited that video, you spliced that video, you
22 named that video, and you kept it on your computer and
23 multiple computers for 19 years; isn't that right?

24 A I refuse to answer the question, pursuant to the Fifth
25 Amendment and upon the advice of counsel.

JURY TRIAL, VOL. 3

1 Q And to this day, Mr. Riviere, as you sat here and
2 watched that video so casually, you still have possession
3 of that video, don't you?

4 A I refuse to answer the question, pursuant to the Fifth
5 Amendment and upon the advice of counsel.

6 Q Mr. Riviere, I'm going to show you a series of videos
7 in what's been entered as Plaintiff's Exhibit 19. I'd
8 like you to come back down off the stand so we can begin
9 watching those.

10 (The video was played.)

11 BY MS. BARBIER:

12 Q Mr. Riviere, this is you in one of your rental
13 properties on February 9th, 2000, adjusting your camera
14 before a renter comes in to make sure you get the perfect
15 shot. Isn't that you?

16 A (No audible response.)

17 Q Is that you, Mr. Riviere?

18 A (No audible response.)

19 Q Mr. Riviere?

20 A I refuse to answer the question, pursuant to the Fifth
21 Amendment and upon the advice of counsel.

22 Q And, Mr. Riviere, isn't it true that that room that we
23 just saw you walk in and adjust the camera is the same
24 room that you had multiple young girls renting that room
25 and undressing so that you could watch them? Isn't that

JURY TRIAL, VOL. 3

1 true?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q That video, as we can see -- let's see the timestamp
5 -- February 9th of the year 2000, and it's got a timestamp
6 of 1:50. Do you see that?

7 A I refuse to answer the question, pursuant to the Fifth
8 Amendment and upon the advice of counsel.

9 Q And then, at 8:37 that same day, you had a woman in
10 this same room who walks in and takes her clothes off;
11 isn't that right?

12 A I refuse to answer the question, pursuant to the 5th
13 amendment and upon the advice of counsel.

14 Q Your objective in -- in adjusting that camera was to
15 make sure you got the perfect shot of this woman's body;
16 isn't that right?

17 A I refuse to answer the question, pursuant to the Fifth
18 Amendment and upon the advice of counsel.

19 Q And that woman didn't consent to be videotaped, did
20 she?

21 A I refuse to answer the question, pursuant to the Fifth
22 Amendment and upon the advice of counsel.

23 Q She didn't know you were taping her, did she?

24 A I refuse to answer the question, pursuant to the Fifth
25 Amendment and upon the advice of counsel.

JURY TRIAL, VOL. 3

1 (The video was stopped.)

2 MS. BARBIER: Let's look at a video from June
3 6th of that same year.

4 (The video was played.)

5 BY MS. BARBIER:

6 Q Now, this girl can't be 15-years old; is that right,
7 Mr. Riviere?

8 A I refuse to answer the question, pursuant to the Fifth
9 Amendment and upon the advice of counsel.

10 Q And this is the same room where you were on the video
11 adjusting the camera, isn't it?

12 A I refuse to answer the question, pursuant to the Fifth
13 Amendment and upon the advice of counsel.

14 (The video was stopped.)

15 MS. BARBIER: Let's look at a video from April
16 of 2007.

17 (The video was played.)

18 BY MS. BARBIER:

19 Q That's you adjusting the camera, isn't it, Mr.
20 Riviere?

21 A I refuse to answer the question, pursuant to the Fifth
22 Amendment and upon the advice of counsel.

23 Q And that's you on your fancy boat, isn't it?

24 A I refuse to answer the question, pursuant to the Fifth
25 Amendment and upon the advice of counsel.

JURY TRIAL, VOL. 3

1 Q You went in that room, that private bedroom with the
2 adjoining bathroom on that boat, and you adjusted the
3 camera because you knew that a very young girl would be
4 coming in there to change her clothes, didn't you?

5 A I refuse to answer the question, pursuant to the Fifth
6 Amendment and upon the advice of counsel.

7 Q And you did that camera adjustment at 14:53, which is
8 2:53 in the afternoon; correct?

9 A I refuse to answer the question, pursuant to the Fifth
10 Amendment and upon the advice of counsel.

11 Q And then, just as you planned, at 14:55, this poor
12 young girl walks in this room; isn't that right?

13 A I refuse to answer the question, pursuant to the Fifth
14 Amendment and upon the advice of counsel.

15 Q This girl seems upset about something, doesn't she,
16 Mr. Riviere?

17 A A refuse to answer the question, pursuant to the Fifth
18 Amendment and upon advice of counsel.

19 Q Do you want to tell this jury what this young lady is
20 upset about?

21 A I refuse to answer the question, pursuant the Fifth
22 Amendment and upon the advice of counsel.

23 (The video was stopped.)

24 BY MS. BARBIER:

25 Q You didn't just name --

JURY TRIAL, VOL. 3

1 (Noise disruption.)

2 THE COURT: One second.

3 BY MS. BARBIER:

4 Q -- Mr. Riviere, isn't it a fact you didn't just name
5 Heather and Gabriel Crespo's video. There are other
6 people's videos that you also put their names on; isn't
7 that right?

8 A I refuse to answer the question, pursuant to the Fifth
9 Amendment and upon the advice of counsel.

10 Q You made a video of someone named Susie B. and Tim. I
11 want you to review this video and tell me you made this
12 video. This is in the bathroom of the same bathroom that
13 you taped the Crespos in, isn't it?

14 A I refuse to answer the question, pursuant to the Fifth
15 Amendment and upon the advice of counsel.

16 (The video was played.)

17 (The video was stopped.)

18 BY MS. BARBIER:

19 Q Just so we're clear, Mr. Riviere, you didn't have the
20 faces blurred on the videos that resided on your
21 computers, did you?

22 A I refuse to answer the question, pursuant to the Fifth
23 Amendment and upon the advice of counsel.

24 Q The videos were blurred by plaintiffs' counsel in
25 order to protect the privacy of your other victims; isn't

JURY TRIAL, VOL. 3

1 that right?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q Do you recall a video that you named Teresa, Mr.
5 Riviere?

6 A I refuse to answer the question, pursuant to the Fifth
7 Amendment and upon the advice of counsel.

8 Q That woman is sitting on the toilet, isn't she, Mr.
9 Riviere?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon the advice of counsel.

12 Q That's the same bathroom that the Crespos were filmed
13 in, isn't it?

14 A I refuse to answer the question, pursuant to the Fifth
15 Amendment and upon the advice of counsel.

16 Q And you placed the hidden video camera right next to
17 and behind the toilet; isn't that right?

18 A I refuse to answer the question, pursuant to the Fifth
19 Amendment and upon the advice of counsel.

20 Q And by placing it right by the toilet, you gave it the
21 perfect view of people getting in and out of the shower;
22 isn't that right?

23 A I refuse to answer the question, pursuant to the Fifth
24 Amendment and upon the advice of counsel.

25 Q And I'm quite sure that Teresa, as you've named in

JURY TRIAL, VOL. 3

1 this video, has no idea you're filming her, does she?

2 A I refuse to the question, pursuant to the Fifth
3 Amendment and upon the advice of counsel.

4 Q And Susie B. and Tim didn't know they were being
5 filmed either, did they?

6 A I refuse to answer the question, pursuant to the Fifth
7 Amendment and upon the advice of counsel.

8 Q Mr. Riviere, have you been willing to identify any of
9 these victims to law enforcement?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon the advice of counsel.

12 Q Mr. Riviere, do you know anybody named Nicholas and
13 Laura. This is a videotape you made of Nicholas and
14 Laura. That's what you named it; isn't that right?

15 A I refuse to answer the question, pursuant to the Fifth
16 Amendment and upon the advice of counsel.

17 Q And this is a different room in a different rental
18 property, isn't it?

19 A I refuse to answer the question, pursuant to the Fifth
20 Amendment and upon the advice of counsel.

21 Q And you didn't tell Nicholas and Laura when you rented
22 this property that you were going to videotape them, did
23 you?

24 A I refuse to answer the question based on -- pursuant
25 to the Fifth Amendment and upon the advice of counsel.

JURY TRIAL, VOL. 3

1 (The video was played.)

2 (The video was paused.)

3 BY MS. BARBIER:

4 Q Now, Mr. Riviere, isn't it correct that that is just a
5 small sampling of the videos that you named?

6 A I refuse to answer the question, pursuant to the Fifth
7 Amendment and upon the advice of counsel.

8 Q And isn't it true that some of the people that you and
9 Josee Riviere rented to were people that you knew?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon the advice of counsel.

12 Q Did you and Josee know Nicholas and Laura?

13 A I refuse to answer the question, pursuant to the Fifth
14 Amendment and upon the advice of counsel.

15 Q Did you and Susie B. -- did you and Josee know Susie
16 B. and Tim?

17 A I refuse to answer the question, pursuant to the Fifth
18 Amendment and upon the advice of counsel.

19 Q Did you and Josee know Teresa?

20 A I refuse to answer the question, pursuant to the Fifth
21 Amendment and upon the advice of counsel.

22 Q And isn't it correct, Mr. Riviere, that you had a
23 number of videos that were entitled "Unknown Cottage,

24 Unknown Cottage 1, Unknown Cottage 2, Unknown Cottage 3"?

25 Let's take a look at Unknown Cottage 1. This is the same

JURY TRIAL, VOL. 3

1 bathroom the Crespos were being taped in, isn't it?

2 A (No audible response.)

3 Q And this is a 30-minute collection of videos of
4 different people coming in and out of this bathroom that
5 you videotaped without their knowledge; isn't that right?

6 A I refuse to answer the question, pursuant to the Fifth
7 Amendment and upon the advice of counsel.

8 (The video was played.)

9 (The video was stopped.)

10 MS. BARBIER: Mr. Riviere, please resume the
11 witness stand.

12 THE COURT: Ms. Barbier, do you need the screen
13 up anymore?

14 MS. BARBIER: I don't. Your Honor, it's 6:15.
15 Do you want to break?

16 THE COURT: No, I don't want to break. I want
17 to know how much more we've got. Can we take this
18 screen down? Ms. Barbier, do you expect a lengthy
19 continuation of questioning?

20 MS. BARBIER: I do, Your Honor.

21 THE COURT: Then we'll break for the day.

22 MR. HARTE: Your Honor, may we approach?

23 THE COURT: Yes, sir.

24 (Bench conference.)

25 THE COURT: Ladies and gentlemen of the jury,

JURY TRIAL, VOL. 3

1 we're going to break for the day. Mr. Riviere,
2 you're still on the witness stand and you're still
3 under oath. Do not speak to your counsel about any
4 of your testimony until you are released from the
5 stand. Okay? Do not discuss the case with anyone
6 while you are a witness. Thank you, sir. You may
7 step down.

8 Ladies and gentlemen of the jury, please, please
9 do not begin deliberations. Do not make any comments
10 on any of the witness testimony or evidence that you
11 have been presented up to this point. Please, please
12 do not do anything that would be considered premature
13 deliberations. You must keep an open mind, and you
14 must hear all the evidence that's going to be
15 presented in this courtroom before you begin your
16 deliberations. Also, I remind you, do not search for
17 anything that you heard today, any persons' names,
18 anything of that nature. All of the evidence you are
19 to consider comes from this courtroom and from no
20 place else. And also, do not look at any media
21 accounts of anything you may see. I have no idea if
22 there are media accounts out there or not, but you're
23 not to look at them, listen to them. You're not to
24 talk to friends, not to talk to family about what's
25 going on during the court proceedings. Do we

JURY TRIAL, VOL. 3

1 understand each other?

2 (The jury responded in the
3 affirmative.)

4 THE COURT: Thank you. Have a good evening.

5 (The jury exited the courtroom.)

6 THE COURT: We'll begin at 9:00, 9:00. Thank
7 you. Counsel, it's beyond time that the courthouse
8 is to be open. I have been asked if I can be out of
9 here by 6:30. I'd like to make that possible. We
10 can take up any other matters in the morning. Okay?
11 Thank you. Have a good evening.

12 (The proceedings were adjourned
13 until 9:00 a.m. September 19,
14 2024.)

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1 CERTIFICATE OF TRANSCRIBER
2

3 I, Sandra J. Early, a court-approved
4 transcriber, do hereby certify that I transcribed the
5 electronic recording of the foregoing proceedings in
6 Docket Nos. 2022-CP-02-2323 and 2022-CP-02-2324 held
7 on September 18, 2024, before the Honorable Martha
8 Rivers, and that said transcript is true and correct,
9 all to the best of my knowledge and ability.

10 I further certify that I am not related to nor
11 the employee of any of the parties hereto, nor
12 related to or employed by any attorney or counsel
13 employed by the parties hereto, nor interested in the
14 outcome of this action.

15
16
17
18 January 10, 2025

19 *Sandra J. Early*
20

21 Sandra J. Early

22 Transcriber
23
24
25

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1 STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT NO. 2
2 COUNTY OF AIKEN) DOCKET NOS: 2022-CP-02-2323
3 2022-CP-02-2324

4 -----
5 GABRIEL CRESPO and)
6 HEATHER CRESPO,)
7 Plaintiffs,)
8 versus)
9)
10 RHETT RIVIERE; JOSEE RIVIERE;)
11 CHASE ENTERPRISES, LLC; and)
12 RC PROPERTIES, LLC,)
13 Defendants.)
14 -----

14 J U R Y T R I A L
15 VOLUME NO. 4

16
17 DATE: September 19, 2024
18 TIME: 9:01 a.m. to 2:26 p.m.
19 LOCATION: South Carolina Circuit Court No. 2
20 JUDGE: Martha Rivers
21 TRANSCRIBED BY: Sandra J. Early

22 LEGAL EAGLE
23 Post Office Box 5682
24 Greenville, South Carolina 29606
25 864-467-1373
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William Trezza	59	80	91
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E X H I B I T S

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(Exhibits retained by counsel.)

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THE SPEAKER.)

JURY TRIAL, VOL. 4

1 P R O C E E D I N G S

2 THE COURT: We are waiting on one juror who got
3 tangled up today. Do we have a defendant this
4 morning? Mr. Riviere?

5 (Sidebar.)

6 THE COURT: Mr. McCulloch, while we wait on your
7 client, why don't we just discuss some procedural --

8 MR. MCCULLOCH: Yes, Your Honor.

9 THE COURT: -- issues. I think Mr. Harte is on
10 the phone as well, though.

11 MR. MCCULLOCH: Well, I will stop when you're
12 ready. And, Your Honor, we are checking.

13 THE COURT: Oh, sure. No, I know you are. And
14 that I don't -- I just -- he -- and of course, it's
15 up to you whether you want his presence here or not,
16 but I really was interested in many witness we're
17 looking at today, and things of that nature. If the
18 plaintiffs -- I know you have at least four more now;
19 is that correct?

20 MS. BARBIER: Your Honor, we have five, I
21 believe, and I don't know if we're going to get
22 through all of them today. It depends on how the day
23 goes.

24 THE COURT: Okay. So you anticipate at least
25 five witnesses maybe going into Friday?

JURY TRIAL, VOL. 4

1 MS. BARBIER: Tomorrow, yes. Friday is
2 tomorrow; right?

3 THE COURT: It is. I'm doing that myself,
4 especially because Tuesday seemed like Monday for
5 some reason. I don't know why. Maybe because of the
6 way things happened.

7 MR. HARTE: Your Honor --

8 THE COURT: He's on his way? Mr. Griffin I'm
9 just inquiring about time at this point in the trial.
10 And so, the plaintiffs have indicated they may have
11 five rather lengthy witnesses that we would go in to
12 Friday on their case, at the minimum, is what I'm
13 hearing. What do you -- what do you all anticipate?

14 MR. GRIFFIN: I plan to go to the Hootie and the
15 Blowfish concert on Saturday.

16 THE COURT: Where are they playing Saturday?

17 MR. MCCANTS: In Greenville. I'm going with
18 him. Not with him, but I'll be there.

19 THE COURT: Right. You'll be there as well? I
20 will not -- you all can guess where I'll be.

21 MR. GRIFFIN: Yeah. So we have one witness, Ms.
22 Salantino, that we would call, and I don't think that
23 would be very long.

24 THE COURT: Okay. Because I think, initially,
25 you named a potential of five or six, I think, so I

JURY TRIAL, VOL. 4

1 just wanted to make sure what we're thinking at this
2 point.

3 MR. GRIFFIN: Ms. Salatino.

4 THE COURT: Okay. And, Mr. Harte, I think you
5 had -- you have a number of witnesses, potentially,
6 at this stage. I know things can change, obviously.
7 Two? All right.

8 MR. HARTE: Possibly three, no more, Your Honor.
9 And I apologize. I'm trying -- they don't have
10 anybody local. I'm trying to send somebody from my
11 office to see if they could go to his house.

12 THE COURT: That's fine, Mr. Harte.

13 MR. HARTE: Thank you.

14 THE COURT: I appreciate that. I just wanted to
15 be --

16 MR. HARTE: I didn't want you -- I didn't want
17 you to think I was playing Candy Crush or something.
18 Thank you, Judge.

19 MR. GRIFFIN: Yeah. And, Your Honor,
20 Mr. Riviere is not answering his phone, so I asked
21 Mr. Harte if he had someone who could run up to his
22 house to --

23 THE COURT: Certainly.

24 MR. GRIFFIN: -- and apparently, when I sent our
25 jury charges around, I had not accepted all of the

JURY TRIAL, VOL. 4

1 changes, so the redlines, so I'm resending it.

2 THE COURT: Have you all sent them to us?

3 MR. GRIFFIN: We did.

4 THE COURT: Okay.

5 MR. GRIFFIN: I think I sent some at 7:30 or so,
6 and they sent some at 10:30 or 10:00-ish.

7 THE COURT: Last night?

8 MR. GRIFFIN: Yes, ma'am.

9 MR. HARTE: And, Your Honor --

10 THE COURT: I haven't had a chance to look them.
11 I'll look at them today.

12 MR. HARTE: -- well, Your Honor, there is one
13 matter that we could take up out of the presence of
14 the jury.

15 THE COURT: Well, we don't have a defendant
16 either. I'll defer to them as to whether -- we'll
17 give him 5 minutes. Well, we'll give him 'til a
18 little after 9:10, and then we'll start that.

19 MR. FEW: Your Honor, perhaps we could kind of
20 spitball the jury charges a little bit. I know Your
21 Honor had indicated you have your standards, and we
22 submitted just specifics. And I think Mr. Griffin
23 has sent his, like, entire charge in. But this is
24 what -- well, I just thought I'd take advantage of
25 the time. So we've got the negligence claim -- we'll

JURY TRIAL, VOL. 4

1 have damages charges on that -- invasion of privacy
2 -- there will be damages charges on that --
3 intentional infliction of emotional distress with
4 damages charges as well. Constructive fraud is our
5 next claim. And then the UTPA and then negligence
6 per se. One of the things that -- we need to charge
7 the part of the 40-57-20 and 30, which is the realtor
8 code that says you have to be licensed to do this,
9 because that's where it establishes, and that is
10 what's been violated.

11 And then, the other thing that I really want to
12 speak about is punitive damages because, obviously,
13 that's not going to be in the initial charge. And so,
14 we didn't submit any damages -- any charges to Your
15 Honor on punitive damages at this point. I figured we
16 would do that later. I can do it later this evening
17 or -- but also, the thing that needs to -- we have in
18 our charges -- I don't think they have in theirs -- is
19 explaining to the jury the difference between special
20 damages and general damages, because that's -- that's
21 going to be a really important thing here. So we have
22 that in our charge, and I don't think they have it in
23 theirs.

24 THE COURT: Okay.

25 MR. FEW: So that's just sort of an outline of

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1 where we may be when it comes down to the specifics
2 of the charge. But if Your Honor wants to -- if
3 you -- if we could get back maybe your general
4 charges with the elements plugged in, we'll go to
5 work on that tonight and then get together with
6 opposing counsel and, hopefully, say this is what we
7 all agree upon.

8 THE COURT: Okay. That sounds like a plan.

9 MR. GRIFFIN: Yeah. I've looked through what
10 they've sent compared to what we've sent, and we're
11 really not far off. There may be gaps, as Wes says.
12 And I think we can get pretty close working together,
13 but we're not there yet, and we just exchanged it
14 this morning, the last ones.

15 THE COURT: Okay.

16 MR. GRIFFIN: And I just resent a clean version
17 around to everyone --

18 MR. FEW: Did they have --

19 MR. GRIFFIN: -- and it's redlined.

20 MR. FEW: -- did they have their charge on the
21 statute of limitations, and we have one as well, and
22 I don't think they're materially different. But it
23 may be we need a charge on, like, on their
24 affirmative defenses in general because Mr. Riviere
25 has only asserted three. And I don't think if you

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1 fail to plead an affirmative defense, you can't argue
2 it or suggest it in your close.

3 THE COURT: Okay. I'm -- we're -- I mean, I'm
4 not going to get into any of this because I haven't
5 looked at what you've all submitted, but thank you
6 for alerting me to what you anticipate to be the--
7 the issues.

8 Mr. Harte, were you able to send that brief you
9 mentioned last night? I haven't --

10 MR. HARTE: Your Honor, I do not -- I do not
11 have a brief on that point, Your Honor. I do send
12 some -- I did send -- but I do -- I am prepared to
13 argue the issue of the application of the Fifth
14 Amendment to my clients, Your Honor.

15 THE COURT: Okay. And I'm sorry, I misspoke.
16 It was buried in my e-mail. I do see that, Mr. Rhett
17 Riviere's request to charge, but I have not had an
18 opportunity to look at those this morning.

19 MR. HARTE: And, Your Honor, did you receive the
20 Josee Riviere Rhett -- request to charge?

21 THE COURT: I received Rhett Riviere's.

22 MR. HARTE: Not mine?

23 THE COURT: I don't see it in my e-mail. If you
24 sent it to --

25 MR. HARTE: I think I sent it --

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1 THE COURT: -- Ms. Washington and --

2 MR. HARTE: -- I probably send it to you --

3 THE COURT: Mr. Platanis --

4 MR. HARTE: -- I probably sent it to your law
5 clerk.

6 THE COURT: -- and that's what we're checking on
7 right now.

8 MR. HARTE: Yeah.

9 THE COURT: If I don't -- if we don't have it by
10 lunch, just make sure we talk about that and that we
11 get it. I thought I saw Mr. Riviere back there. No?
12 Not yet?

13 MR. MCCULLOCH: He's on his way.

14 MR. GRIFFIN: I did receive a text, and he said
15 9 minutes away, and that was about -- that was at
16 9:08, so in 5 minutes he should be here.

17 THE BAILIFF: He's not outside.

18 THE COURT: I was just discussing with somebody,
19 you know, the beauty of -- I think you all have
20 referred to Aiken as such a small town. I'm -- I'm
21 from a really small town. This was not a small town
22 in my book. And being from a really small town, I
23 even lived in a smaller town for 15 years, so the
24 fact that we have traffic to get to work is
25 disturbing to me.

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1 MR. FEW: Where -- where -- where did you grow
2 up and where were you living?

3 THE COURT: I grew up in Williston, and I lived
4 in Elko.

5 MS. BARBIER: Elko? Yeah, so small.

6 THE COURT: We had one flashing light. It was
7 fabulous. I could have ridden my golf cart to the
8 office if I could have figured out a way to pick my
9 children in the rain.

10 (Sidebar.)

11 (Off the record.)

12 (On the record.)

13 THE COURT: Come to the witness stand. And I
14 apologize if I'm not pronouncing your name correctly.
15 I'm -- I'm doing that to a lot of folks. But as I --
16 you weren't in here when I said I'm -- I'm a
17 small-town gal and I don't always get these names
18 correctly. Yes, sir, Mr. McCullough, you have a
19 point?

20 MR. MCCULLOCH: Your Honor, can I raise a brief
21 issue?

22 THE COURT: Yes, sir.

23 MR. HARTE: Your Honor, this comes about as a
24 result of the proposed jury instructions submitted
25 last night by the plaintiffs. During the dialogue

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1 with Mr. Riviere yesterday, there were a number of
2 questions asked and, of course, he's asserted the
3 Fifth across the board. But the problem, Your Honor,
4 that we see is the questions are about different
5 addresses, different people, many of whom are
6 unknown. We do not know whether they were consensual
7 videos or not. Certainly, the inference is I would
8 have to concede, may weigh against that possibility,
9 but that's a duty on the plaintiff. But the Court --
10 we respect your ruling -- has allowed those questions
11 to be asked, subject to our pretrial motion in
12 limines and, God knows, what has been described as my
13 ad nauseam obsession about renewing those things. We
14 have followed the rule and not objected perpetually,
15 but --

16 THE COURT: No. Well, let me explain. The ad
17 nauseam comment was as to hearing about 21,000 videos
18 and being presented to the jury, or arguments in
19 implicating that that is being presented when that
20 has not been presented. We've only had these
21 arguments outside the presence of the jury, and the
22 jury has not been told there are 21,000 videos. That
23 was the comment as ad nauseam. As I said before, any
24 of you can stand up and make your objections as you
25 feel. Do not feel restrained by the Court in making

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1 a proper objection.

2 MR. MCCULLOCH: Your Honor, we -- we respect
3 your rulings and don't feel constrained whatsoever.
4 My -- we are proceeding subject to our objections and
5 not -- not having me or Mr. Griffin jump up every
6 time we hear something that we believe has been
7 objected to. But the adverse inference charge is a
8 decision that this Court will have to make. Whether
9 it's given or what form and fashion it's given. But
10 it raises this issue, Your Honor. During the
11 discussions or the questions yesterday, there was a
12 question about you changed -- something along the
13 order of you adjusted the camera on the boat and then
14 you let a 15-year-old girl come in to undress, isn't
15 that true, to which he responded the Fifth Amendment
16 invocation. There may be questions asked today to
17 elicit and to trap him into -- I say trap, but it's
18 his voluntary decision to invoke the Fifth, and I
19 understand that, Your Honor.

20 But these questions that this is a 15-year-old,
21 if these are 15-year-olds, then Ms. Barbier has been
22 walking around with child pornography as
23 (unintelligible), and now the Court has exhibited
24 child pornography. And the problem with that is, it
25 is a question predicated on a fact not at issue, and

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1 it will never be an issue. They don't know who that
2 person is. They sure as heck don't know her name.
3 They don't know where that boat was at the time the
4 video was made. It could have been in South America.
5 And so, the problem is giving an adverse interest to
6 things that are just not in issue. If today
7 Ms. Barbier says, well, Mr. Riviere, isn't it true you
8 killed John F. Kennedy in 1963? I invoke the Fifth
9 Amendment. Do they get an adverse inference about
10 that? I mean, it's all about character. It's all
11 about propensity. It's all about character
12 assassination now by the use of adverse interest. And
13 so we continue to object. I just wanted to register
14 that objection, Your Honor.

15 THE COURT: I did not hear the 15-year-old girl.
16 Is that what was said?

17 MR. MCCULLOCH: Yes.

18 MS. BARBIER: No, Your Honor. I said she can't
19 be 15, isn't that right, Mr. Riviere, or something
20 like that. How old is she? He asserts the Fifth.

21 MR. MCCULLOCH: I -- I don't --

22 MS. BARBIER: I don't remember exactly what it
23 was because, obviously, I'm not there and, you know,
24 I don't -- I mean, everything is not exactly
25 scripted.

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1 THE COURT: I did note, Ms. Barbier, that you
2 did say young girl many, many times in your
3 questioning.

4 MS. BARBIER: Well, and that's obvious from the
5 videos. So I don't know why I wouldn't be allowed to
6 ask him how old this young girl is, or how old this
7 girl -- or whatever. That's just -- that just goes
8 with the territory here and the fact that Mr. Riviere
9 chose to challenge this in court and assert his Fifth
10 Amendment. There's -- you know, that was his
11 decision.

12 THE COURT: That does kind of spark my memory a
13 little bit Mr. McCulloch. I think -- and we'd have
14 to go back and look, but I do recall she probably did
15 say that as more specific indication she looks like
16 she can't be 15, or something like that of that
17 nature.

18 MR. MCCULLOCH: Your Honor, my recollection an
19 officer of the court is that she made the
20 representation.

21 THE COURT: Yes, sir.

22 MR. MCCULLOCH: The question was -- was a
23 leading question that she's 15 and you blah, blah,
24 blah. The reporter could tell us. But it raises a
25 problem.

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1 THE COURT: Yes, sir.

2 MR. MCCULLOCH: And -- and so, the problem is,
3 of course, whether that's within or without your
4 ruling. I suppose to complete my record, I should
5 move for a mistrial, so I do move for a mistrial.
6 But secondarily, I rose at the beginning to say to
7 you it's an adverse inference that they will
8 ultimately seek, which we now know from their jury
9 instructions that is the problem.

10 THE COURT: It is the problem. I understand
11 that. Thank you for making note of that on the
12 record. I will say that I was concerned about the --
13 the statements as to young girl because everyone here
14 has said that there is no evidence that any of these
15 persons on these videos are less than 18-years of
16 age.

17 MS. BARBIER: Your Honor, I have to say they
18 have made the representation that none of these girls
19 in the videos are underage. We don't know how old
20 they are.

21 THE COURT: Okay.

22 MR. MCCULLOCH: Which -- which, of course, makes
23 my point, Your Honor. But -- but now, there are
24 going to be questions today that will be leading
25 questions stating a fact not an issue and nowhere

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1 supported and, in fact, in some instances -- let's
2 take dissemination of these videos via -- on the
3 Internet. If there was such evidence -- and there is
4 no evidence, we know from discovery. The Court does
5 not know. The Court does know now that these police
6 witnesses, despite this aggressive and complete
7 multiyear investigation, would have testified there
8 was evidence of dissemination. None. So is she
9 allowed now to say, well, isn't it true, Mr. Riviere,
10 that you disseminated this, you put it on a Dropbox
11 -- no evidence of what was ever on the Dropbox -- but
12 you deleted it from the Dropbox? No evidence. There
13 was evidence of annual deletions from a Dropbox that
14 you may or may not hear, but that establishes in and
15 of itself nada. I don't even know if the Dropbox --
16 I suspect it didn't exist in 2001. But you know, the
17 point is that I suppose you could speculate and say
18 this was disseminated at some point. Are we going to
19 hear isn't it true, Mr. Riviere, that you showed
20 these videos at boy night at the tennis club, because
21 that's an allegation that was inquired into in the
22 deposition process. Is it fair now to draw an
23 adverse inference because he asserts the Fifth to a
24 fact that he may or may not know is absolutely
25 specious? I believe it to be specious.

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1 THE COURT: Mr. McCulloch, but for the fact he's
2 asserting the Fifth, wouldn't she be allowed to ask
3 that question?

4 MR. MCCULLOCH: She would, Your Honor, except I
5 would be objecting.

6 THE COURT: On what grounds?

7 MR. MCCULLOCH: Well, because there just --
8 there's no basis for the question. There is no basis
9 for the question.

10 THE COURT: I think she would be allowed to ask
11 that question, but for the fact that he's asserting
12 the Fifth, so I'll allow her to continue her
13 questioning. I think the whole problem with
14 asserting the Fifth is the fact that the attorney may
15 end up "testifying," quote/unquote, more than you
16 would otherwise like. But the fact that your client
17 is choosing not to answer those questions is not
18 something I can remedy. Mr. Harte?

19 MR. HARTE: Your Honor, yesterday, it was
20 represented that I was shown as an active participant
21 in criminal matters relating to Rhett Riviere. I
22 went on the public index and confirmed that I am
23 shown as inactive on those cases, and I would pass
24 that up to the Court and ask that it be marked as an
25 exhibit. If I may, Your Honor?

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1 THE COURT: Is there any objection to Mr. Harte
2 putting that into the record?

3 MS. BARBIER: I've never seen that, but --

4 THE COURT: It's a public record.

5 MS. BARBIER: -- yeah.

6 MR. FEW: Wait. So what does inactive mean?

7 THE COURT: It means he's not on the case
8 anymore.

9 MR. HARTE: It means I'm no longer on the case.
10 That's exactly what it means.

11 MR. FEW: I think it means that the clerk marked
12 him. It doesn't mean that he's been relieved as
13 counsel. I mean, we -- when we withdraw, we have to
14 get an order to be relieved.

15 THE CLERK: That's correct.

16 MR. MCCULLOCH: Well, let's swear the clerk
17 since he's standing there.

18 MR. FEW: Well, I think he's -- is that a the
19 state -- this case or is it in the Court of Appeals?
20 I mean, he's representing him on numerous matters.

21 THE COURT: I mean, do you all think this is
22 going to make any difference?

23 MR. HARTE: Well, Your Honor, I just object.
24 Just like Mr. -- see -- see, here's the thing about
25 it. These are lawyers who are the best in the state

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1 and yet, they do a schoolgirl's thing by throwing in
2 he represents them in many matters. That is a
3 totally false statement, and Mr. Few either knows it
4 or should know it.

5 THE COURT: Outside the presence of the jury.
6 Mr. Harte, have you filed a notice of withdrawal from
7 these cases? Have you gotten an order withdrawing as
8 the attorney?

9 MR. HARTE: I have not gotten an order -- order
10 relieving me because I've been preparing for this.
11 And so, but -- at -- you know -- but I represent to
12 you as an officer of the court that I have nothing to
13 do with those cases.

14 THE COURT: I understand. If you want me to
15 sign that order for you, I will.

16 MR. HARTE: Fine. Then we will have it over
17 here before the end of the day, Your Honor.

18 THE COURT: Thank you, sir. Does that resolve
19 that point?

20 MS. BARBIER: I think that's resolved, although
21 I would say I would prefer not to be referred to as a
22 schoolgirl.

23 MR. HARTE: I was actually referring to Mr. Few
24 on that one, Your Honor.

25 MS. BARBIER: Okay.

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1 MR. HARTE: I didn't have Ms. Barbier --

2 MS. BARBIER: I have a pretty thick skin, Your
3 Honor.

4 MR. HARTE: -- but Ms. Barbier, unfortunately --

5 MS. BARBIER: I have a pretty thick skin, Your
6 Honor, but I just have worked at this 30 years, and
7 so I'd prefer not to be called that. Thank you.

8 MR. HARTE: -- well --

9 THE COURT: Mr. Harte, I can tell you as a woman
10 on the bench, we do have to be careful about such
11 references.

12 MR. HARTE: -- well, the one I -- the gentleman
13 -- or the person who last spoke was Mr. Few, and I
14 did not intend to -- and Ms. Barbier, unfortunately,
15 gave us proof that she's not a schoolgirl with a
16 25-year-old daughter. And I admire her for having --

17 THE COURT: Thank you, sir.

18 MR. HARTE: -- having gotten such an
19 accomplished daughter. But, Your Honor, I do -- I
20 don't want -- you know, I tend to be a little
21 colorful. But the bottom line is, Your Honor, I
22 object to these throwaway lines that are done --
23 they're not only done here, they're done in front of
24 the jury, and I object to it. It's unprofessional
25 and it's improper.

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1 THE COURT: Thank you, sir.

2 (Sidebar.)

3 THE COURT: Can we bring in the jury? I'll let
4 everybody know, I intend to let the jury go to lunch
5 today. We had a lengthy day yesterday, so.

6 (The jury entered the courtroom.)

7 THE COURT: Good morning. You may recall
8 Mr. Riviere was on the witness stand yesterday.
9 We're continuing that. Thank you. Ms. Barbier?

10 MS. BARBIER: May it please the Court? Thank
11 you, Your Honor.

12 DIRECT EXAMINATION (Cont'd.)

13 BY MS. BARBIER:

14 Q Mr. Riviere, the videos that these jurors were forced
15 to watch yesterday, that's just a tiny sample of the
16 people that you secretly recorded; isn't that right?

17 MR. GRIFFIN: Objection, Your Honor.

18 THE COURT: I'm going to -- I'm assuming your
19 objection is based on the pretrial rulings?

20 MR. GRIFFIN: Yes, ma'am.

21 THE COURT: All right. I'm going to overrule
22 your objection this time and caution Ms. Barbier on
23 questioning.

24 THE WITNESS: I refuse to answer the question,
25 pursuant to the Fifth Amendment and upon the advice

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1 of counsel.

2 BY MS. BARBIER:

3 Q Can you please tell this jury, Mr. Riviere, how many
4 people you secretly recorded?

5 A I refuse to answer the question, pursuant to the Fifth
6 Amendment and upon the advice of counsel.

7 Q Mr. Riviere, isn't it a fact that even though several
8 of your properties were searched, there was a lot of stuff
9 that -- that SLED didn't find; isn't that right? You had
10 a good laugh about that, didn't you?

11 A I refuse to answer the question, pursuant to the Fifth
12 Amendment and on the advice of counsel.

13 Q Mr. Riviere, would you agree with me that the Crespos
14 and the other people that rented from you and Josee
15 Riviere, they trusted you didn't they?

16 A I refuse to answer, pursuant to the Fifth Amendment
17 and upon the advice of counsel.

18 Q And you and Josee Riviere chose to exploit them,
19 didn't you?

20 A I refuse to answer, pursuant to the Fifth Amendment
21 and upon the advice of counsel.

22 Q You started dating Josee Riviere in January 2000;
23 isn't that right?

24 MR. HARTE: Objection.

25 THE COURT: Mr. Harte, what's the basis of your

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1 objection?

2 MR. HARTE: I have expressed that in camera,
3 Your Honor. I was under the impression you didn't
4 want me to restate those grounds in the presence of
5 the jury. I'll be happy to do so on a sidebar, if
6 you're so inclined, but --

7 THE COURT: No, sir. If you're merely just
8 noting your objection and you don't have a new
9 objection, then I'll overrule that. Thank you.

10 MR. HARTE: All right. Thank you, Your Honor.

11 THE WITNESS: I refuse to answer, pursuant to
12 the Fifth Amendment and upon the advice of counsel.

13 BY MS. BARBIER:

14 Q And you started dating her in January of 2000, and
15 these videos that we saw started in February of 2000;
16 isn't that right?

17 A I refuse to answer, pursuant to the Fifth Amendment
18 and upon advice of counsel.

19 Q In fact, the very first person that you sent a text
20 message to when SLED started searching your houses was
21 Josee Riviere; isn't that right?

22 MR. HARTE: Objection.

23 THE COURT: Yes, sir. Is this based upon our
24 pretrial rulings?

25 MR. HARTE: Well, and, Your Honor, additional

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1 grounds.

2 THE COURT: Okay. I'll ask the jury to step out
3 for a minute and we'll take care of this matter.
4 Thank you.

5 (The jury exited the courtroom.)

6 THE COURT: Mr. Riviere, you remain on the
7 stand, if that's okay. Oh, you're standing for the
8 jury? Thank you. Yes, sir, Mr. Harte?

9 MR. HARTE: Your Honor, all of these questions,
10 particularly -- and -- and many of them from
11 yesterday, which I had -- and I want the record to
12 reflect that I objected to any questions asked of him
13 that related to Josee Riviere because it was made
14 known prior to his taking the stand that he would
15 assert his Fifth Amendment rights. Now, Your Honor,
16 a person -- the only person who can assert a Fifth
17 Amendment right for someone is that person
18 themselves. My client has a constitutional right to
19 determine whether she will assert the Fifth or wave
20 that. She has already waived that. She testified in
21 full in deposition, and she will testify in full
22 here. Now, I will concede, Your Honor, if she had
23 not testified in full in deposition or was not going
24 to take the stand and testify in full here, then
25 perhaps -- although there is no law to this effect in

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1 South Carolina, and I do not think that it would
2 apply even then -- perhaps the Court could consider
3 applying an inverse -- an adverse -- adverse a
4 consideration against Josee Riviere. But the reality
5 is that -- and -- and Ms. Barbier asked one question
6 in the very beginning and it was essentially, wasn't
7 Josee Riviere involved in this with you.

8 In truth and in fact, had that been where she
9 stopped, I don't think I would object. I think that
10 was possibly -- that was probably the only appropriate
11 question that she asked. She then went on, Your
12 Honor, to tick off activities which were particularly
13 tied -- when they get tied to the videos, horrendous.
14 And every time she asked, as he has done throughout
15 his deposition, he took the Fifth Amendment. The jury
16 is hearing that over and over again and then, they're
17 shown those videos.

18 Your Honor, Rule 403 prohibits the introduction
19 of evidence which is unduly prejudicial and its
20 prejudice outweighs its probative value. The Fifth
21 Amendment privilege is a personal privilege. It is
22 not what -- you can't assert it for me, Mr. McCulloch
23 can't assert it for me, an attorney -- my own attorney
24 can't assert it. In all of the cases throughout the
25 United States when a defendant says I'm going to take

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1 the Fifth Amendment or decides he's not going to take
2 the stand, he is -- the Court must question that
3 person himself. The lawyer can't say he is going to
4 take the Fifth.

5 The effect of what they're doing is to create an
6 inference that could arise only if Josee Riviere takes
7 the Fifth Amendment. I will concede, if she were to
8 have refused in her deposition or if she appears here
9 and takes the Fifth Amendment, or even if she doesn't
10 testify at all, then the judge -- the Court -- I mean,
11 the jury could draw not -- not a Fifth Amendment
12 inference if she doesn't testify. But the reality is
13 in this case, she hasn't waived the Fifth, she's not
14 going to -- she hasn't taken the Fifth. She's not
15 going to take the Fifth. She's testified fully. They
16 asked every question they wanted to ask -- answered
17 every question, and she's going to do the same here.

18 These questions are highly prejudicial. And,
19 Your Honor, I think two things should happen. One is,
20 Ms. Barbier should be instructed to stop it. The
21 second thing that should happen is that a cautionary
22 charge be given to this jury that only Ms. Riviere can
23 exercise that Fifth Amendment privilege and,
24 therefore, no adverse inference may be taken against
25 her where she has not exercised that Fifth Amendment

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1 privilege. There is no law in South Carolina that
2 creates the right to enforce an adverse inference
3 against the person who does not personally exercise
4 the Fifth Amendment privilege. And, in fact, Your
5 Honor, in the case of State versus Hernandez, which is
6 a Florida District Court case, the Court --

7 THE COURT: I don't have that in front of me.
8 Give me the name again, please.

9 MR. HARTE: State versus Hernandez, Your Honor.
10 Just a moment. I thought I had --

11 THE COURT: That's okay. Just spell it for me.

12 MR. HARTE: H-E-R-N-A-N-D-E-Z.

13 THE COURT: Okay, Hernandez. Thank you.

14 MR. HARTE: And in just a moment, Your Honor,
15 I'll give you the cite or I'll -- I thought I had
16 e-mailed it, but perhaps not.

17 THE COURT: Mr. Harte, you may have. I think
18 I -- we said in the beginning that I hadn't had a
19 chance to look at that yet.

20 MR. HARTE: Yes, ma'am.

21 MS. BARBIER: Your Honor, I'd like the record to
22 reflect that the question that Mr. Harte has objected
23 to was when he started dating Josee Riviere: He
24 started dating her in January os 2000; is that
25 correct? Ms. Riviere testified in her deposition

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1 that she started dating him in January of 2000. That
2 question doesn't even come close to the rising of a
3 level of -- of a 403 issue.

4 THE COURT: I think he also objected to the
5 question of -- or didn't you send her a text message
6 when you learned of the search warrant.

7 MR. HARTE: Yeah, that's the one. I objected to
8 that one. And that ties back into all of those other
9 questions that she asked. And, Your Honor, let me --
10 let me make clear what my -- my position is. You now
11 have had the opportunity to see the videos. You --
12 you can see how prejudicial those are. You can
13 observe the jury's reaction to those, to everyone's
14 reaction to it. That's number one. Number two,
15 prior to that, over my objection, put on the record
16 in the conference sidebar, Ms. Barbier asked a series
17 of questions about Josee Riviere, all of which would
18 directly link her to those videos, although they have
19 as yet presented no evidence that does link her to
20 those videos. As to all of those questions,
21 Mr. Riviere took the Fifth Amendment.

22 Now, Your Honor, the -- the -- the court in the
23 State versus Hernandez -- United States versus
24 Hernandez -- and I'll -- I'll get this for you, they
25 refused to apply a codefendant's Fifth Amendment

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1 privilege.

2 THE COURT: Yes, sir. I'm listening.

3 MR. HARTE: Refused to apply the Fifth -- the --
4 the adverse interest against the codefendant because
5 they said any adverse inference must not be unfairly
6 prejudicial, confusing, or cumulative. An adverse
7 inference cannot alone stand for a finding against
8 the defendant. That's not -- we're not to that point
9 just yet. But it goes on to say, the Court may draw
10 an adverse inference only if the Court can also
11 identify independent evidence corroborating. There
12 is no such evidence in this case. To allow her and
13 to allow those questions to stand on the record is
14 first of all, it's contrary to the intent and purpose
15 Rule 403. It's highly prejudicial. It violates her
16 constitutional right to determine whether she will or
17 will not exercise her Fifth Amendment privilege. It
18 ignores the fact that she has already waived that
19 Fifth Amendment privilege by testifying in full in
20 deposition. I assert, as an officer of the court,
21 that she will testify in this case.

22 For all of those reasons, Your Honor, and
23 because there is no evidence corroborating her
24 involvement with these videos, I move that all of that
25 testimony be stricken and the jury be instructed that

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1 they may not draw an adverse inference against Josee
2 Riviere based on Rhett Riviere's exercise of his Fifth
3 Amendment privilege.

4 THE COURT: Thank you, sir. Ms. Barbier?

5 MS. BARBIER: Your Honor, I would like to put a
6 few things on the record about that. Ms. Riviere
7 also testified in her deposition that on the day that
8 his houses were searched, she received a text message
9 from him along with a video of the police surrounding
10 his house from the Ring doorbell camera. Okay?
11 Every question that I have asked related to Josee
12 Riviere I have a good faith basis to ask. I'm not
13 pulling questions out of the air to say isn't it true
14 you and Josee went to, you know, Carowinds together.
15 I'm asking questions about things that she's
16 testified to and that there's evidence to support.

17 And Mr. Harte produced hundreds of pages of text
18 messages between Josee Riviere and Rhett Riviere. both
19 from the phones and from Facebook. And in reading
20 those text messages, I'm allowed to ask both him and
21 her about those messages. And we have alleged, Your
22 Honor, that they were in business together, that
23 they -- this was a joint venture in managing and
24 operating these rental properties, and everything I'm
25 asking is completely fair game. Everything has a

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1 good-faith basis. Just because Mr. Harte doesn't like
2 the timeline and doesn't like the optics of it for his
3 client, you know, that's not a basis for me not to be
4 able to ask him logical questions that flow from both
5 her testimony and the evidence that we've gathered in
6 this case.

7 THE COURT: Mr. Griffin, Mr. McCulloch, do you
8 all have anything on this point?

9 MR. GRIFFIN: No, Your Honor.

10 THE COURT: Thank you, sir.

11 MR. HARTE: May I -- may I just respond to that,
12 Your Honor?

13 THE COURT: Briefly, Mr. Harte. I want to --

14 MR. HARTE: This will be very brief. There's a
15 big difference between being allowed to ask the
16 question -- which I believe since she knows he's
17 going to take the Fifth is improper -- and allowing
18 the jury to draw an adverse inference from it.

19 THE COURT: I agree with you.

20 MR. HARTE: If -- if she is allowed -- if she is
21 allowed to ask the question, I object to that. But
22 if she is allowed to ask those questions, then based
23 on the arguments that I've already made -- I'm not
24 going to repeat it -- I am entitled to have -- or,
25 more to the point, you Josee Riviere is entitled to

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1 have an instruction to the jury that, while they may
2 -- well, you don't even have to say -- I just want to
3 simply say that I've got a charge here for it, Your
4 Honor, that -- that the fact that one defendant takes
5 the Fifth Amendment cannot be used to affect or
6 create an adverse inference as to another defendant.

7 THE COURT: Thank you, sir. I think you're
8 right. There is a big difference between asking the
9 question and then whether the Court charges on the
10 inference. I appreciate you passing this charge up
11 separately. I did ask counsel and noted that I was
12 interested in that charge in particular yesterday.
13 I'm going to allow the line of questioning at this
14 time, and I will note your arguments and we will take
15 them up again. I'll look at the case and the other
16 cases that you've provided when we get to how to
17 instruct the jury. I'm not going to give them
18 quote/unquote a "curative instruction" or a
19 preemptive instruction on this point at this time.

20 MR. HARTE: All right. Then, Your Honor, just
21 so the record will be clear, I am compelled by that
22 set of fact to move for a mistrial because the
23 evidence which is being put forward to the jury
24 violates Rule 403 and it violates my client's
25 constitutional right to control her own Fifth

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1 Amendment privilege. And I -- and, Your Honor --

2 THE COURT: Mr. --

3 MR. HARTE: -- and, Your Honor, on the -- on the
4 grounds that the evidence that has been presented,
5 including those videos, is cumulatively so highly
6 prejudicial to my client, along with the refusal to
7 grant a severance, creates an environment where my
8 client cannot possibly receive a fair hearing, a fair
9 deliberation by the jury, and I move that the case
10 against Josee Riviere be declared a mistrial.

11 THE COURT: Thank you, sir. And that is denied
12 for -- thank you. Let's proceed. Bring the jury
13 back in.

14 MR. HARTE: Your Honor, to be clear, my
15 objection against any questions related to Josee
16 Riviere will run throughout.

17 THE COURT: They will run throughout, Mr. Harte.
18 You do not have to stand up for each time --

19 MR. HARTE: Thank you, Your Honor.

20 THE COURT: -- for each question regarding your
21 client.

22 MR. HARTE: Thank you, Your Honor.

23 (The jury entered the courtroom.)

24 THE COURT: Thank you. You may proceed.

25 MS. BARBIER: Thank you, Your Honor.

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1 BY MS. BARBIER:

2 Q Mr. Riviere, isn't it a fact that you listed Josee
3 Riviere as a witness in a related lawsuit about your
4 hidden cameras, and you indicated that she would testify
5 that the Bluetooth speaker and a hidden camera was facing
6 toward the hallway. Isn't that right?

7 MR. GRIFFIN: Objection, Your Honor.

8 THE COURT: I'm sorry. Yes, sir, Mr. Griffin?
9 Let's do a sidebar real quick.

10 (Sidebar.)

11 THE COURT: Okay. The witness is not required
12 to answer that question. Please move forward.

13 BY MS. BARBIER:

14 Q Mr. Riviere, is it a fact that you informed certain
15 realtors in town that you would give a discount to pretty
16 girls?

17 A I refuse to answer, pursuant to the Fifth Amendment
18 and upon advice of counsel.

19 Q And do you recall telling two girls that rented one of
20 your properties that they didn't even need to pay for the
21 third night, you'd let them stay for free? Do you recall
22 that?

23 A I refuse to answer, pursuant to the Fifth Amendment
24 and upon the advice of counsel.

25 Q Mr. Riviere, is it a fact that you had a Dropbox

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1 account?

2 A I refuse to answer, pursuant to the Fifth Amendment
3 and upon the advice of counsel.

4 Q And you understand, Mr. Riviere, that Dropbox is a
5 Cloud account that is used to share files, don't you?

6 A I refuse to answer, pursuant to the Fifth Amendment
7 and upon the advice of counsel.

8 Q And you, in fact, used that account to share videos
9 and images that you collected from your rental properties
10 with your buddies; isn't that right?

11 A I refuse to answer, pursuant to the Fifth Amendment
12 and upon the advice of counsel.

13 Q And after the investigation into you began, you made
14 mass deletions from that Dropbox account, didn't you?

15 A I refuse to answer, pursuant to the Fifth Amendment
16 and upon the advice of counsel.

17 Q Did you make those deletions or did Josee Riviere make
18 those deletions?

19 A I refuse to answer, pursuant to the Fifth Amendment
20 and upon the advice of counsel.

21 Q Mr. Riviere, do you recall that your lawyers produced
22 a lot of documents in this case?

23 A I refuse to answer, pursuant to the Fifth Amendment
24 and upon the advice of counsel.

25 Q And you had a bank account, an account with Bank of

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1 America, didn't you?

2 A I refuse to answer, pursuant to the Fifth Amendment
3 and upon advice of counsel.

4 Q And in those bank records, you concede that you
5 purchased all kinds of media streaming software and all
6 kinds of hidden cameras and Bluetooth devices; isn't that
7 right?

8 A I refuse to answer, pursuant to the Fifth Amendment
9 and upon advice of counsel.

10 Q Mr. Riviere, do you recall an incident when the Aiken
11 Police in 2017 came to your house in April of 2017?

12 A I refuse to answer, pursuant to the Fifth Amendment
13 and upon the advice of counsel.

14 Q And when the police came to your house, you informed
15 them that Ms. Thomas was upset about some pictures that
16 she had seen on a website. Do you remember that?

17 A I refuse to answer, pursuant to the Fifth Amendment
18 and upon advice of counsel.

19 Q In fact, she was angry because you had uploaded some
20 images to a website; isn't that right?

21 A I refuse to answer, pursuant to the Fifth Amendment
22 and upon the advice of counsel.

23 Q She was so angry that you guys got into a physical
24 altercation; isn't that correct?

25 A I refuse to answer, pursuant to the Fifth Amendment

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1 and upon advice of counsel.

2 Q And you also had another friend who was very upset
3 about a video she saw on Tumblr; isn't that right?

4 A I refuse to answer, pursuant to the Fifth Amendment
5 and upon advice of counsel.

6 Q And the video on Tumblr was -- took place in your --
7 in one of your -- your properties, didn't it?

8 A I refuse to answer, pursuant to the Fifth Amendment
9 and upon advice of counsel.

10 Q Isn't it a fact, Mr. Riviere, that these videos and
11 the innocent people like the Crespos are out there and
12 exist for everyone or anyone to see forever because of the
13 actions that you've taken? Isn't that right?

14 A I refuse to answer, pursuant to the Fifth Amendment
15 and upon advice of counsel.

16 Q And, in fact, when your voyeurism progressed to a more
17 sophisticated level, you even got an app on your phone so
18 that you could watch your cameras stream directly to your
19 phone, didn't you?

20 A I refuse to answer, pursuant to the Fifth Amendment
21 and upon advice of counsel.

22 Q And you signed up for Airbnb because Airbnb was the
23 perfect way to facilitate your crimes; isn't that right?

24 A I refuse to answer, pursuant to the Fifth Amendment
25 and upon advice of counsel.

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1 Q Mr. Riviere, you used a company's, Chase Enterprises,
2 LLC a South Carolina and RC Riviere Properties, LLC, to
3 facilitate your illegal videotaping of people, didn't you?

4 A I refuse to answer, pursuant to the Fifth Amendment
5 and upon advice of counsel.

6 Q And according to the South Carolina Secretary of
7 State's website, you formed RC Riviere Properties, LLC on
8 February 16th of 2000, right after you started dating
9 Josee Riviere. Do you remember that?

10 MR. HARTE: Objection.

11 THE COURT: So noted.

12 BY MS. BARBIER:

13 Q You formed it for the purpose of operating and
14 managing your rental properties with Josee Riviere; isn't
15 that right?

16 A I refuse to answer, pursuant to the Fifth Amendment
17 and upon advice of counsel.

18 MR. HARTE: Your Honor, may it please the Court,
19 my objection runs throughout as to this questioning
20 in that fashion.

21 THE COURT: Yes, sir. Thank you.

22 BY MS. BARBIER:

23 Q You used, Mr. Riviere, 785 Grace Avenue and 115
24 3rd Avenue and 547 Two Notch Road and 1011 South Boundary
25 Street and 446 Marion Street and your yachts and your

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1 other boats, you used all of those properties to illegally
2 videotape people, didn't you?

3 A I refuse to answer, pursuant to the Fifth Amendment
4 and upon advice of counsel.

5 Q Isn't it true, Mr. Riviere, that the name of your
6 yacht Knee-Deep? Knee-Deep.

7 A I refuse to answer, pursuant to the Fifth Amendment
8 and upon the advice of counsel.

9 Q And all of those properties had hidden cameras on
10 them, didn't they?

11 A I refuse to answer, pursuant to the Fifth Amendment
12 and upon advice of counsel.

13 Q Now, let's go back to RC Riviere Properties. Josee
14 Riviere has received a lot of money from RC Riviere
15 Properties, hasn't she?

16 A I refuse to answer, pursuant to the Fifth Amendment
17 and upon advice of counsel.

18 Q And, in fact, to this day, RC Riviere Properties, LLC
19 has an outstanding loan to Josee Riviere --

20 MR. HARTE: Objection --

21 BY MS. BARBIER:

22 Q -- on its financials, doesn't it?

23 MR. HARTE: -- relevance.

24 THE WITNESS: I refuse to answer, pursuant to
25 the Fifth Amendment and upon advice of counsel.

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1 THE COURT: Thank you, Mr. Harte. I am allowing
2 the question.

3 MR. HARTE: Thank you.

4 BY MS. BARBIER:

5 Q How much money have you given Josee Riviere from RC
6 Riviere Properties, LLC?

7 A I refuse to answer, pursuant to the Fifth Amendment
8 and upon advice of counsel.

9 Q To this day, you still provide her with money, don't
10 you?

11 A I refuse to answer, pursuant to the Fifth Amendment
12 and upon advice of counsel.

13 MR. HARTE: Your Honor, I -- I object in the
14 most strenuous way. This continuing litany is not
15 proper. It does not -- he is not allowed under the
16 constitution to assert his Fifth Amendment privilege
17 as to my client, and she knows that --

18 THE COURT: Sir, Mr. Harte --

19 MR. HARTE: -- and she is questioning --

20 THE COURT: -- Mr. Harte, as you know, we did
21 discuss that previously, and I have already ruled on
22 that. I'm allowing the question. I appreciate your
23 objections, and they're going to run throughout for
24 the record. Thank you.

25 MR. HARTE: -- actually, Your Honor, you

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1 indicated you would reserve that until the time to
2 decide charges.

3 THE COURT: Sir, I allowed the questions.

4 MR. HARTE: I understand you allowed the
5 questions, Your Honor --

6 THE COURT: Thank you, sir.

7 MR. HARTE: -- but I object -- I am
8 continuing --

9 THE COURT: -- I understand.

10 MR. HARTE: -- I object to the fact --

11 THE COURT: Mr. Harte, I understand.

12 MR. HARTE: -- but, Your Honor -- but I object
13 -- what I object to --

14 THE COURT: No, sir. No more -- no more
15 argument on that point. I thank you. I think we put
16 it all on the record outside of the presence of the
17 jury and that has been said. So let --

18 MR. HARTE: -- the objection, though -- the
19 objection --

20 THE COURT: Mr. Harte --

21 MR. HARTE: -- Your Honor, goes to relevance and
22 to the constitutional right of my client.

23 THE COURT: -- I understand that you are
24 asserting that point. I have ruled on that. I am
25 allowing the question. Thank you very much. Your

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1 objections will run out throughout the line of
2 questioning regarding your client, Josee Riviere.

3 The question is allowed. Thank you.

4 BY MS. BARBIER:

5 Q Mr. Riviere, according to the South Carolina Secretary
6 of State's website, you also formed Chase Enterprises, LLC
7 on February 6th, 2000. Do you recall that?

8 A I refuse to answer, pursuant to the Fifth Amendment
9 and upon the advice of counsel.

10 Q And you formed it for the purpose of you and Josee
11 Riviere to buy and sell rental properties; isn't that
12 right?

13 A I refuse to answer, pursuant to the Fifth Amendment --

14 MR. HARTE: Your Honor, I object. There's no
15 foundation laid for that, Your Honor.

16 THE COURT: Mr. Harte, you have objected. Thank
17 you.

18 MR. HARTE: But this is different, Your Honor.
19 She is asserting into her questions --

20 THE COURT: Mr. Harte, please be quiet.

21 MR. HARTE: -- facts that are not in evidence.

22 THE COURT: Mr. Harte, please be quiet. Will
23 the jury leave the room for a second? We'll take up
24 -- Mr. Harte is indicating he has another objection,
25 and so we'll take that up for him. Thank you.

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1 (The jury exited the corridor).

2 THE COURT: Mr. Harte, what is the basis of this
3 objection?

4 MR. HARTE: She has no good-faith basis for the
5 statement that my client is involved with RC Riviere
6 Company or the other Chase Enterprises or Mr. Riviere
7 in a business in rentals and selling or renting
8 property. She has -- my client -- she has no
9 evidence -- there is not one single whit of evidence
10 to establish that. That question is not based on any
11 fact whatsoever.

12 THE COURT: Thank you, sir. Ms. Barbier?

13 MS. BARBIER: Your Honor, Ms. Riviere is on the
14 financials of RC Riviere Properties, LLC as a debtor.
15 She is -- all -- there is plenty of testimony and
16 evidence. Gabriel Crespo has testified that Josee
17 Riviere was with Rhett Riviere when they showed the
18 property to the Crespos. They -- she was the one who
19 handed him the lease agreement. She was the one who
20 accepted their rent check.

21 THE COURT: And that testimony hasn't come in to
22 the case yet, but you're saying from the depositions.

23 MS. BARBIER: That's why I have a good faith
24 basis, Your Honor.

25 THE COURT: Yes, ma'am.

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1 MR. HARTE: Excuse me, Your Honor. I could not
2 quite hear what Ms. Barbier said. Did she say that
3 Ms. Riviere delivered the lease or typed the lease?
4 I didn't -- I -- I couldn't hear what she said. What
5 did she say?

6 THE COURT: I'm not sure which, but it goes to
7 the Crespo deposition, which I believe you have. And
8 her potential involvement is they're trying to prove
9 it. I'm going to allow the question. Mr. Harte, I'm
10 going to let your objection run throughout. I will
11 caution you, please, don't make your argument while
12 the jury is in the presence.

13 MR. HARTE: Thank you, Your Honor. Your Honor,
14 let me just be clear on this, because it's just --
15 when -- when a lawyer says -- knowing that the Fifth
16 Amendment is going to be asserted, when she says
17 Josee Riviere was involved in the business of buying
18 and selling properties, leasing properties -- plural,
19 plural --

20 THE COURT: Mr. Harte, the question is not
21 allowed because he's asserting the Fifth Amendment.
22 The question is allowed because he's a hostile
23 witness and she can lead that question. Whether or
24 not he asserts the Fifth Amendment is his privilege,
25 just as it is your client's privilege when she has

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1 the opportunity to testify.

2 MR. HARTE: Thank you, Your Honor.

3 THE COURT: Okay? Thank you, sir.

4 MR. FEW: Your Honor, can I talk about something
5 unrelated very quickly?

6 THE COURT: Excuse me.

7 (Sidebar.)

8 THE COURT: Guys, can we take a break? It's
9 10:05. Let's just take a 10-minute break to let
10 everybody go to the bathroom. Thank you.

11 (Off the record.)

12 (Recess.)

13 (On the record.)

14 THE COURT: Please be seated. Also, we had a
15 discussion in the sidebar about -- basically about
16 the fact that this is this case and that's what we're
17 trying and that's what we're going to relate to. Ms.
18 Barbier, you had some references to illegal activity
19 and criminal activity. I would ask that you think of
20 a different way to say that. As I understand it,
21 Mr. Riviere has not been convicted of a crime. Here
22 he comes. Okay. Well, again, I can say it again to
23 Mr. Harte. But I would ask -- because we're in civil
24 court, it's wrongful acts.

25 MR. MCCULLOCH: I'm just certain he's going to

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1 want to have his say.

2 THE COURT: Yes, sir. Yes, sir, he will.
3 Hopefully, he's walking back in the door. You all
4 can sit, sit, sit. I don't know if that's what you
5 were intending to talk about.

6 (Sidebar.)

7 THE COURT: Mr. Harte, I'm sorry I took the
8 bench and just started talking. What I said was,
9 during the line of questioning, I heard a reference
10 to illegal acts and I heard a reference to crimes,
11 and had a sidebar in which we discussed the other
12 potential litigation and actions faced by Mr. Rhett
13 -- am I saying it -- is it Riviere or Rivera?

14 THE WITNESS: It is Riviere. Through my life,
15 I've heard that too. It's not Rivera.

16 THE COURT: Not Rivera. Okay. I gotcha. Or
17 Riviera.

18 THE WITNESS: Riviere is right, Riviera, no.

19 THE COURT: Riviere, not Riviera. Not Riviera.
20 Okay. So like the coast, but Riviere. Thank you.
21 Mr. Riviere, has not -- has not been convicted of any
22 crimes and he may have litigation out there. We want
23 to restrict the jury's knowledge and understanding of
24 this case to the evidence presented here, as we
25 instructed the jury that that's their job. So I have

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1 asked Ms. Barbier to refrain from any further
2 references of that notation. If needed, I would talk
3 to the jury, not in the middle of her questioning
4 about that. I will let her get through her
5 questioning, and then we will address that issue. Is
6 there anything else counsel wants to say on that
7 point? Move for a mistrial, perhaps? I don't know.
8 I'm not going to grant it at this time. But I
9 understand that she may at some point in time. Yes,
10 or Mr. Harte?

11 MR. MCCULLOCH: I'll go ahead on my part and
12 note the mistrial request, which you respectfully
13 received.

14 THE COURT: All right. I did.

15 MR. HARTE: And -- and, Your Honor, I will ask
16 that that mistrial request continue throughout the
17 case from this point forward, because it's only going
18 to get worse. And I would request that when the jury
19 -- when -- when -- when and if you reach the
20 conclusion that the prejudice has grown so great that
21 my client cannot receive a fair trial, then I would
22 ask you to take whatever action you deem appropriate.
23 Thank you, Your Honor.

24 THE COURT: Thank you, Mr. Harte. I will note
25 that request. It is again denied. I understand why

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1 you -- why you continue to make it, and I do not have
2 any objection to you continuing to do so outside the
3 jury. I would remind all counsel, I did ask you at
4 the beginning of the trial, if you have an objection
5 to stand, state the nature of your objection, and
6 then we'll determine whether the jury can remain in
7 the room or not. Please do not argue your point in
8 front of the jury. And, Mr. Harte, that is why I
9 continued to speak over you earlier, so -- to prevent
10 that.

11 MR. HARTE: I understand, Your Honor. And I
12 apologize for my --

13 THE COURT: Your zealous advocacy. I
14 understand, Mr. Harte.

15 MR. HARTE: -- well, Your Honor, you and I have
16 known each other for a while, and I'm doing my very
17 best to control my aggressive tendencies.

18 THE COURT: Thank you, sir.

19 MR. HARTE: Thank you.

20 THE COURT: Anything else?

21 MR. HARTE: Not from me, Your Honor.

22 THE COURT: Anyone else? Let's bring the jury
23 back in.

24 (The jury entered the courtroom.)

25 (Sidebar.)

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1 THE COURT: Okay. Quiet down. Ms. Barbier,
2 please continue.

3 MS. BARBIER: Thank you, Your Honor.

4 BY MS. BARBIER:

5 Q Mr. Riviere, isn't it true that Chase Enterprises
6 would make Josee Riviere's car payment?

7 A I refuse to answer, pursuant to the Fifth Amendment
8 and upon the advice of counsel.

9 Q Isn't it true, Mr. Riviere, that in 2021, after the
10 investigation into you had begun, you conveyed 785 Grace
11 Avenue property to Cam-Ash Holdings for \$5?

12 A I refuse to answer, pursuant to the Fifth Amendment
13 and upon advice of counsel.

14 Q Mr. Riviere, the ladies and gentlemen of this jury are
15 going to be asked at the end of this trial to decide
16 whether or not you and Josee Riviere are civilly
17 responsible. Do you understand that?

18 MR. GRIFFIN: Objection to the nature of the
19 question, Your Honor.

20 THE COURT: I'm sorry. The nature of the
21 question?

22 MR. GRIFFIN: Yeah, asking him --

23 THE COURT: -- goes to the ultimate fact?

24 MR. GRIFFIN: -- what the jury is going to be
25 deciding at the end of the trial.

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1 THE COURT: I'll allow -- excuse me, I'm getting
2 choked up. I'll sustain your objection. Ms.
3 Barbier, move on. That's the ultimate determination
4 for the jury.

5 BY MS. BARBIER:

6 Q I want to go through each cause of action with you,
7 Mr. Riviere, and ask you about these causes of action.
8 Isn't it true that you committed the tort of invasion of
9 privacy against Gabriel and Heather Crespo?

10 A I refuse to answer, pursuant to the Fifth Amendment
11 and upon the advice of counsel.

12 Q Isn't it true you intruded into their private affairs,
13 that it was an intentional intrusion, and that it was
14 substantial and it was unreasonable? Isn't all of that
15 true?

16 A I've refuse to answer, pursuant to the Fifth Amendment
17 and upon the advice of counsel.

18 Q Isn't it true that you also committed the tort of
19 intentional infliction of emotional distress against
20 Gabriel and Heather Crespo? Isn't that true?

21 A I refuse to answer, pursuant to the Fifth Amendment
22 and upon the advice of counsel.

23 Q You intentionally inflicted severe emotional distress
24 on the Crespos, and you were certain that such distress
25 resulted from your conduct; isn't that right?

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1 A I refuse to answer, pursuant to the Fifth Amendment
2 and upon the advice of counsel.

3 Q And you would agree with me that your conduct was so
4 extreme and so outrageous that it exceeded all possible
5 bounds of decency and that it must be regarded as
6 atrocious and utterly intolerable in our society; is that
7 right?

8 A I refuse to answer, pursuant to the Fifth Amendment
9 and upon the advice of counsel.

10 Q And you would agree with me, Mr. Riviere, that Heather
11 and Gabriel Crespo have suffered from severe emotional
12 distress as a result of your actions such that no
13 reasonable person should have to endure what they've had
14 to endure? You'd agree with that; right?

15 A I refuse to answer, pursuant to the Fifth Amendment
16 and upon the advice of counsel.

17 Q You have also been sued -- you and Josee Riviere have
18 been sued for the torts of negligence and gross
19 negligence. And isn't it true that both you and Josee
20 Riviere were negligent and you were grossly negligent in
21 the course of being a landlord to Gabriel and Heather
22 Crespo?

23 A I refuse to answer, pursuant to the Fifth Amendment
24 and upon the advice of counsel.

25 Q You both owed them a duty as their landlord to

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1 guarantee them privacy --

2 MR. HARTE: Objection.

3 BY MS. BARBIER:

4 Q -- and to respect their privacy; isn't that right?

5 MR. HARTE: Objection.

6 THE COURT: One second. Hold on. Mr. Harte,
7 the nature of your objection?

8 MR. HARTE: Asked the witness to express an
9 opinion as to the law.

10 THE COURT: I'll sustain that objection. Ladies
11 and gentlemen of the jury, as you've heard me say
12 many times before, you are the ultimate finder of
13 fact in the determination based upon the law that I
14 give you. The plaintiffs have alleged these causes
15 of action. The plaintiffs are asking this witness if
16 he agrees that he committed these causes of action,
17 but no one can take it out of your hands that you are
18 the ones to determine the facts in this case. So
19 based upon the law that I give you, we will give you
20 (unintelligible). Ms. Barbier, I would ask that you
21 move swiftly through this line of questioning if you
22 continue to go down this path.

23 MS. BARBIER: Your Honor, did you want me to ask
24 him about the causes of action?

25 THE COURT: I would prefer you not to, no. I

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1 think that's something for the judge and the jury to
2 determine.

3 MS. BARBIER: Thank you. I'll proceed.

4 BY MS. BARBIER:

5 Q Mr. Riviere, I want to ask you about an incident that
6 happened on February 27th of this year. Do you recall
7 February 27th?

8 A I refuse to answer, pursuant to the Fifth Amendment
9 and upon the advice of counsel.

10 Q Do you recall being at the Dollar General store in
11 Prosperity, South Carolina?

12 MR. GRIFFIN: Objection, Your Honor. We would
13 like to approach.

14 THE COURT: Certainly. Lets go, just sidebar.

15 (Sidebar.)

16 MS. BARBIER: Thank you, Your Honor.

17 THE COURT: Thank you, ma'am. Please proceed.

18 BY MS. BARBIER:

19 Q Mr. Riviere isn't it true you showed up late for court
20 today?

21 A I refuse to answer, pursuant to the Fifth Amendment
22 and upon the advice of counsel.

23 Q And isn't it true you've showed up late for court on
24 multiple days?

25 A I refuse to answer --

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1 MR. GRIFFIN: Objection, Your Honor; relevance.

2 THE COURT: I'm not sure how that's relevant to
3 the proceedings.

4 MS. BARBIER: My next question was going to be,
5 isn't it true --

6 THE COURT: Let's have a sidebar.

7 (Sidebar.)

8 BY MS. BARBIER:

9 Q Mr. Riviere, this is your opportunity to tell this
10 jury whether or not you have any remorse whatsoever for
11 all the people that you've victimized over the years.

12 A Is there a question?

13 Q Do you have any remorse for that?

14 A I refuse to answer, pursuant to the Fifth Amendment
15 and upon the advice of counsel.

16 MS. BARBIER: I don't have any other questions,
17 Your Honor.

18 THE COURT: Thank you, ma'am.

19 MR. GRIFFIN: We have no questions.

20 THE COURT: Thank you, Mr. Griffin. Mr. Harte?

21 MR. HARTE: No questions, Your Honor.

22 THE COURT: Thank you. Mr. Riviere, you may
23 step down -- or Riviere. Be careful stepping down.
24 Next witness?

25 MR. FEW: May it please the Court, Your Honor,

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1 the plaintiff calls --

2 MR. MCCULLOCH: Your Honor, could we take a --
3 excuse me. I apologize for interrupting -- when
4 we -- after this witness, could we take a break?

5 THE COURT: Certainly. We just took a break,
6 though. Can we go straight -- is it okay --

7 MR. MCCULLOCH: And I want to proceed now, but
8 there's something I want to put on the record.

9 THE COURT: Later.

10 MR. MCCULLOCH: Yes, if allowed.

11 THE COURT: I understand. I understand. Please
12 make a note of that. I'll try to make a note as
13 well. And, ladies and gentlemen, you know we discuss
14 a lot of things when you all are out of the room.
15 We're trying to keep you all in here as much as we
16 can to get through this. So we all work together in
17 timing these things. Okay. Mr. Few, I'm not sure I
18 heard the name of the witness. Who are you --

19 MR. FEW: Well, Your Honor, Mr. McCulloch
20 interrupted me. Bill Trezza.

21 MR. MCCULLOCH: Abject apologies, Mr. Few.

22 THE COURT: Bill?

23 MR. FEW: Trezza.

24 THE COURT: Okay. Come for Mr. Trezza.

25 THE WITNESS: Yes, ma'am.

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1 THE CLERK: Place your left hand on the Bible
2 and raise your right hand.

3 (The witness was sworn in.)

4 THE CLERK: Please take a seat in the witness
5 stand.

6 THE WITNESS: Thank you.

7 THE CLERK: State your full name for the Court
8 and spell your last name.

9 THE WITNESS: My name is William John Trezza.
10 My last is spelled T-R-E-Z-Z-A.

11 THE COURT: Thank you, sir. Your witness.

12 MR. FEW: Thank you, Your Honor.

13 WILLIAM TREZZA

14 was called as a witness, and having been first duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FEW:

18 Q Mr. Trezza, good morning. How are you doing today?

19 A I'm doing well. Thank you.

20 Q And you and I just met in the hallway; correct?

21 A That's correct.

22 Q And you live in Modoc?

23 A I do.

24 Q A little bit away from here, so we appreciate you
25 being here. What exactly do you do for a living, Mr.

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1 Trezza? And I know you said you're hard -- you hear
2 better out of your left ear; right?

3 A Yeah, yeah. I do have a hearing disability, so I'm
4 listening carefully.

5 Q Tell the jury what it is that you do for a living.

6 A I'm a private practice psychotherapist. I work with
7 individuals and couples and families, and practiced in
8 this capacity for about 45 years.

9 Q And what kind of an educational background or degrees
10 do you have? Tell the jury about that.

11 A My initial degree is a bachelor's degree in psychology
12 from Pearson University, and my subsequent degree is a
13 masters degree in social work with a clinical focus from
14 West Virginia University. So my eternal degree is an MSW,
15 master of social work.

16 Q Have you written papers or been on the speaking
17 circuit, or anything like that?

18 A No, I have not published. I focus predominately on
19 clinical service provision. And I've been in
20 administration in the mental health system over the years
21 as well where I trained other clinicians.

22 Q So you've been in this same type of what I would call
23 a counseling field for 45 years; is that accurate?

24 A Yes, sir.

25 Q And what's the name of the place of the -- where you

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1 currently work? Is it a business with other people, or
2 are you in by yourself?

3 A No. It's sort of a Marcus Welby practice. I'm a sole
4 practitioner at this point and semiretired. I'm
5 practicing 100 percent telehealth now.

6 Q And is there any particular type of patients that you
7 work with?

8 A The widest variety. I have worked significantly with
9 trauma over the years. I worked for the South Carolina
10 Department of Mental Health for about 17 years or so, and
11 the department tasked me with being a go-team leader. As
12 a team leader, I would lead teams of mental health
13 professionals, sometimes up to ten mental health
14 professionals, doctors, nurses counselors. We responded
15 to Hurricane Hugo in Charleston, Hurricane Andrew in -- in
16 Florida, school shootings, industrial shootings, and
17 things like that, and with trauma response. So I did that
18 a lot for the South Carolina Department of Mental Health,
19 not so much in my private practice.

20 Q And let me ask you, do you know this gentleman right
21 here?

22 A Yes, I do.

23 Q And what's his name?

24 A Gabriel, Gabriel Crespo.

25 Q And how do you know Gabriel?

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1 A Well, we met -- I guess it was probably about 12 or 13
2 years ago when he and Heather came in together to meet
3 with me in my practice to talk about some marital and
4 family issues.

5 Q Okay. And then, have you had occasion to see him
6 again in the last few years?

7 A I had one contact with Gabriel on August 1st, '22.

8 Q Okay. And what -- I know you all could
9 (unintelligible) the uses. How did he present? So tell
10 the jury, how did he present that day?

11 A Well, coming in for couples is not something that
12 Gabriel tends to prefer to do, but he was very
13 collaborative and open and shared with me some of what he
14 was facing following the discovery of the events that have
15 lead to this -- to this hearing.

16 Q And by events, give a general description of what you
17 understood that to be.

18 A He was extremely humiliated and -- and upended in
19 discovering that he and Heather had been videotaped some
20 years prior in their intimate life with one another, their
21 private conversations and their private time together,
22 their intimate relationship in the bedroom, the bathroom.
23 That he was tremendously shaken up by that and trying to
24 figure out how to manage the situation and to manage some
25 of the physical and emotional stresses that he was going

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1 through.

2 Q And do you -- I know in your field there's levels of
3 diagnoses that are given. Were you able to give him a
4 diagnosis at that point?

5 A Yes, sir. My diagnosis was post-traumatic stress
6 disorder acute. Acute, meaning that this was in the
7 earliest phases or weeks of the trauma that he suffered.

8 Q And then, help the jury explain -- I believe from --
9 you said -- well, the psychological impact on -- on
10 Gabriel.

11 A Yeah. Gabriel explained to me the many different ways
12 that this affected him. The psychological impact, of
13 shock, of humiliation. Humiliation was a very significant
14 trigger for him. The disbelief, the loss of the sense of
15 security in his world, the fact that this had occurred
16 such a long time ago. And -- and you know, that who knows
17 what else has occurred. It really shook his sense of
18 security. Emotionally, he was really, really down and out
19 about the impact. He didn't know how to really make sense
20 about how this is going to play out in his future. He was
21 very concerned about that.

22 Socially, he basically indicated he was avoiding even
23 walking down the street, you know, for fear that there
24 were others in his community and in his town you were
25 aware of these videos and whom he repeatedly came back to

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1 worrying that they would be laughing at him. And that
2 humiliation was very difficult for him. Culturally,
3 Gabriel is proud Argentinian athlete and horseman with
4 worldwide exposure. And he was concerned about, you know,
5 the future of running into people who were aware of this.
6 Last night, I -- I Googled his name. And The State
7 newspaper part of the --

8 THE COURT: No. No, sir. Let's not get into
9 that. Only answer the questions that have been
10 asked. Thank you.

11 THE WITNESS: Thank you.

12 BY MR. FEW:

13 Q Yeah, continue on. And you were talking about his
14 social and cultural impacts.

15 A Yeah. He also had familial trauma in that when he was
16 learning of the -- when he had a phone call that was
17 telling him of the discovery of these videos from he said
18 an attorney in Columbia who was prosecuting other related
19 cases, his daughter was in the other room, Leah, who at
20 that time was about 17-years old, and she could overhear
21 what he was going through in terms of his own emotional
22 reaction at that point. He kind of explained that he felt
23 like he failed her, that you know, that he ended up
24 exposing her to this darker side of life, and that it
25 upended the family to a certain extent at that time as

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1 well. So he was really worried about Leah.

2 THE COURT: Thank you. Mr. Few, I want to take
3 a quick break, if you don't mind.

4 MR. FEW: Sure, Your Honor.

5 THE COURT: Thank you. Ladies and gentlemen of
6 the jury, please step out. I need to take a quick
7 break.

8 (The jury exited the courtroom.)

9 THE COURT: Mr. Trezza --

10 THE WITNESS: Yes?

11 THE COURT: -- you cannot speak about any
12 prosecutions, any other cases in this matter, and the
13 jury is not to know of any publicity that's going on
14 in this matter. So you need to limit your testimony
15 and do not bring up anything else. The witness
16 referred to other prosecutions, not specifically
17 against Mr. Riviere, but did say he heard something
18 about other prosecutions in this area, as I recall,
19 something of that nature.

20 MR. MCCULLOCH: That's correct, Your Honor.

21 MR. GRIFFIN: I believe he said related cases,
22 from what I wrote down.

23 MR. MCCULLOCH: And, Your Honor, I would now
24 ask, you know, it's pretty clear there's programming
25 of witnesses. It's one thing to talk with a witness

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1 and give them an idea of what questions you're going
2 to ask. It's another thing to implant inadmissible
3 testimony. I would ask you to ask the witness about
4 his discussions with the plaintiffs' counsel and
5 whether he was -- it was suggested to him to give
6 that answer.

7 THE COURT: No, sir. You could -- you could not
8 see it, but when Mr. Trezza answered the first
9 question with The State newspaper, Mr. Few visibly
10 cringed. It was very clear to me that he did not
11 anticipate that answer. And as to the prosecutions,
12 I don't think he anticipated that answer either. And
13 I understand that you couldn't see it, so you may
14 feel like these folks have been programmed. Mr.
15 Trezza did provide counseling. I'm not going to get
16 into the discussions with counsel further than that.
17 And -- and it's possible that he heard about
18 prosecutions from Mr. Crespo. However, we cannot
19 talk about anything else, any other litigation, any
20 other potential prosecution in this case.

21 THE WITNESS: Thank you for your guidance, Your
22 Honor.

23 THE COURT: Anything else, Mr. McCulloch?

24 MR. MCCULLOCH: Well, Your Honor, this of course
25 is a perfect opportunity for me to raise again, to

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1 articulate our motion for a mistrial. I move for a
2 mistrial on the grounds that the thrust and effort
3 try this is a criminal case has occurred and
4 reoccurred. Notwithstanding the Court's instruction
5 to the plaintiffs' counsel, this witness now has done
6 it again, rung the bell. And -- and frankly, there
7 is -- even though the rule requires me to propose to
8 the Court some curative instruction, I don't believe
9 there's a curative instruction that you can give this
10 jury that will satisfy and solve the problem. You
11 cannot un-ring the bell of repetitive efforts to make
12 this a criminal case, to tell the jury about a
13 prosecution, now other prosecutions. This witness
14 has accomplished -- whether it was unintentional or
15 whether was motivated for some ill purpose, it is the
16 duty of the plaintiffs' lawyers to instruct witnesses
17 what they cannot get into. That apparently was not
18 done, or this witness disregarded that. But we move
19 for a mistrial because he's -- this is a criminal
20 trial, not a civil trial.

21 THE COURT: Mr. McCulloch, I agree with you that
22 we have had more information than I would have
23 desired in this regard. It has not been the
24 cleanness of civil trials. I'm going to continue to
25 deny the mistrial at this time. I'll ask the

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1 plaintiffs' counsel again, before the witnesses come
2 into this courtroom, please instruct them they are
3 not to say anything regarding prosecution, criminal
4 or other potential illegal acts, you know, crimes,
5 anything of that nature. This is unusual in that the
6 criminal trial is proceeding subsequent to any civil
7 trial, and we have to be cognizant of that nature.

8 MR. MCCULLOCH: And, Your Honor, I appreciate
9 that ruling. I would only note for the record --

10 THE COURT: I know. We have some argument on
11 the other side.

12 MR. MCCULLOCH: -- I'm sorry.

13 MR. FEW: Well, Your Honor, I have a distinct
14 memory -- and I was looking through my notes, which
15 are now a transcript from the opening statements --
16 that there was an acknowledgment that Mr. Riviere had
17 settled these other cases. I mean, I'm pretty I
18 heard -- in addition, opposing counsel has asked, I
19 believe, some of the witnesses about Gabriel Crespo
20 talking to the media. It's been mentioned in here.
21 And then, our complaint alleges illegal acts. And
22 that's -- and we're having to prove that an illegal
23 act is absolutely an unfair act under the unfair
24 trade practices act. So -- and -- but I give my
25 apologies to the Court. I would have interrupted the

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1 witness when he first said Google. I really thought
2 he was going to talk about Gabriel's polo exploits,
3 not a news article.

4 THE COURT: One second.

5 MR. FEW: Yes. It was in Mr. Griffin's opening
6 statement. He talked about Gabriel speaking to the
7 media.

8 MR. MCCULLOCH: I don't know what -- what, in
9 fact, he's suggesting is improper, Your Honor.

10 THE COURT: I think the -- the -- Mr. Few, I'm
11 not as concerned -- I'm asking the witness not to
12 talk about the media account. But I believe the
13 motion for the mistrial is about repetitive comments
14 as -- this is his -- his argument now. I'm not --
15 the Court is not saying this -- that deem this a
16 prosecutorial case in the sense of crimes or -- is
17 this correct? Am I stating -- I want to make sure
18 that -- that's what we're talking about, the
19 mistrial, not that he brought up The State newspaper
20 in a Google.

21 MR. MCCULLOCH: Right. But, Your Honor, this
22 has been and continues to be a criminal prosecution.
23 We think that the thrust of the questions have either
24 blatantly suggested it or inferred it. We now have
25 this witness. And moments ago at sidebar -- and

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1 apologize, I don't know whether our reporter was able
2 to pick up sidebar conversations.

3 THE COURT: Certainly.

4 MR. MCCULLOCH: The question asked of the
5 witness -- asked of Mr. Riviere about an incident in
6 February. It was objected to immediately. We had
7 sidebar and explained to you, Your Honor, you aren't
8 going to allow that to be gone into. The point of
9 that and the danger and the difficulty of that is
10 that it's further sustenance of this idea that he is
11 running amok in the community, that he's committing
12 offenses. And -- and the plaintiffs said before the
13 jury came in, Your Honor, we intend to ask him about
14 a February incident in which he was accused of taking
15 a photograph of persons behind in some convenience
16 store. I've seen the video. There's no criminal
17 charge, there's no nothing. It's the inference that
18 hangs in the air with a question being asked, even
19 though not answered. The point is, there is an
20 accumulation of effort, and it's not by accident.
21 And it's that --

22 THE COURT: Yes, sir. But I did rule on that
23 though, we didn't get in. And the only statement
24 that came out was Dollar General.

25 MR. MCCULLOCH: -- but it suggests --

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1 THE COURT: And you all knew what was, and you
2 all know the suggestion, but the jury does not, so I
3 don't think we need to get into that.

4 MR. MCCULLOCH: -- no, Your Honor, but my point
5 is, it's part of an accumulation of influential
6 prejudicial questions that we have to get up and
7 object to and then it looks like we're withholding.
8 But the accumulation is that he is a criminal, that
9 he has -- that he's being prosecuted and that he's
10 continuing to offend again and again. That's the
11 basis of the mistrial.

12 THE COURT: Now, in this case, the acts that are
13 complained of in the civil court happen to be
14 criminal acts, but that doesn't preclude them from
15 complaining of them in a civil court; correct?

16 MR. MCCULLOCH: Well, I think the fact that the
17 investigation is in evidence over our objection
18 certainly would support an inference that it's being
19 investigated as a criminal matter. They're going --

20 THE COURT: No, I'm just asking the point. In
21 -- in -- in any legal action, the fact that the acts
22 are -- are a wrong -- potentially a wrongful act to
23 be determined by the jury and also potentially are a
24 crime to be brought in criminal court, that doesn't
25 preclude the civil action from going forward.

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1 MR. MCCULLOCH: I think you're correct. But --
2 but I -- it doesn't open the door to the criminal
3 charges in the case.

4 THE COURT: Thank you, sir. And we did limit
5 the introduction of the investigation as to the
6 foundation of how they came to find the SD cards,
7 which is one of the matters in -- in dispute as to
8 this, based upon your statute of limitations defense
9 in this case. Mr. Trezza, we're not going to -- as
10 to your testimony, though, please do not refer to
11 anything as being a prosecution or a crime. I would
12 ask that you all instruct your other witnesses
13 further to -- to do so. I am going to deny the
14 motion for mistrial at this time.

15 MR. FEW: Your Honor, just for the record, I
16 want to say that, again, unfair trade practices,
17 capable of repetition. The essences of our complaint
18 there it that this was a voyeurism enterprise and
19 that it continues. And that -- that relates to the
20 February --

21 THE COURT: And that's an illegal act.

22 MR. FEW: -- and in the February matter, the
23 thing that opposing counsel doesn't like is the
24 facts. Okay? The young lady was so disturbed.
25 There's an incident report. She has pictures of

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1 Mr. Riviere pulling his boat outside of the parking
2 lot. That's how disturbed she was by it. So but
3 that's -- that's another matter.

4 THE COURT: That's the Dollar General incident
5 we're talking about.

6 MR. FEW: That's the Dollar General.

7 THE COURT: We're not talking about Mr. Trezza
8 here.

9 MR. HARTE: Your Honor -- Your Honor has ruled
10 on that, and the rule is quite clear that attorneys
11 should not continue to argue.

12 THE COURT: Well, I think they are placing their
13 arguments on the record here, Mr. Harte, because
14 Mr. McCullough did ask to make sure we placed it on
15 the record. I asked that -- I think you had stepped
16 away from the sidebar at that point -- and I asked
17 that we wait until we had a break from the jury.

18 MR. HARTE: All right. Thank you, Your Honor.

19 THE COURT: So I'm going to allow Mr. Few to
20 place his -- that's in an abundance of caution,
21 because we don't know if this mic is picking up
22 everything we say because there's, like, six of us
23 huddled around the side mic.

24 MR. FEW: And so, Your Honor, our -- our -- you
25 know, the -- the rationale for that is it was a

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1 relevant act and continued voyeurism by the
2 defendant. He would have been charged under the same
3 statute for that young lady, if the prosecutors chose
4 to do it. Apparently, thus far, they have not. But
5 those are the -- the acts that we're complaining of,
6 and it's the same thing. And so, the Court has --
7 you know, we have to be able to put that case up and
8 Your Honor has to put guardrails on it so that we get
9 enough but not being too cumulative. And so, all of
10 that evidence --

11 THE COURT: That is issue we're struggling with,
12 Mr. Few.

13 MR. FEW: -- sure.

14 THE COURT: Thank you. Anything else? All
15 right. Let's bring the jury back in. Do you have
16 any questions, Mr. Trezza?

17 THE WITNESS: Excuse me?

18 THE COURT: Do you have any questions? Do you
19 understand?

20 THE WITNESS: I do understand, and I apologize.

21 THE COURT: Thank you.

22 THE WITNESS: Different world here.

23 THE COURT: Yes, sir.

24 (The jury entered the courtroom.)

25 THE COURT: Okay. Mr. Few, please continue.

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1 BY MR. FEW:

2 Q Mr. Trezza, before I forget, I'm assuming you -- you
3 charged Mr. Gabriel Crespo for your services?

4 A Yes, sir, I did.

5 MR. FEW: May I approach, Your Honor?

6 THE COURT: Yes, sir.

7 BY MR. FEW:

8 Q I'm going to show you what's been marked as
9 Plaintiff's Exhibit 17. And take a look at that and tell
10 me if you recognize it.

11 A Yes, sir. I produced it.

12 Q Okay. And tell the jury what that is, please.

13 A This is a statement, a bill for a psychiatric
14 diagnostic exam delivered on 8/1/22 at a cost of \$125 for
15 the visit.

16 MR. FEW: Your Honor, the plaintiff would move
17 Exhibit 17 into evidence.

18 (Plaintiffs' Exhibit 17 was moved
19 for admission into evidence.)

20 MR. MCCULLOCH: No objection.

21 THE COURT: Any objection?

22 MR. HARTE: No objection.

23 THE COURT: Thank you. So moved.

24 (Plaintiffs' Exhibit 17 was
25 admitted into evidence.)

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1 BY MR. FEW:

2 Q And, Mr. Trezza, looking at that, I believe is the
3 date of service, I see an 8/1/2022. Would be a date of
4 the service?

5 A That's correct.

6 Q Okay. And then, frequently, your patients will fill
7 out screening forms and other -- like, you know, when we
8 go to the doctor, we have to fill out all of our insurance
9 information.

10 A Yes, sir.

11 Q But in your field, from what I understand, sometimes
12 you'll give them a form to go through and check through to
13 help you make more efficient use of your time with them;
14 is that right?

15 A That's correct, a number of screening devices.

16 Q Did you use any screening devices?

17 A Yes, I did; trauma screening forms.

18 Q Okay. Go ahead. Explain to the jury what -- what the
19 purpose of the trauma screening forms is because, as I
20 understand it, sometimes you just identify trauma and
21 sometimes you identify the source of the trauma. So let
22 them understand what the purpose of the trauma screening
23 forms were that you used.

24 A Yes, sir. The forms tend to look at identifying
25 characteristics reported by, in this case, Mr. Crespo, of

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1 the degree to which he exhibited symptoms that are
2 consistent with providing a trauma diagnoses. In this
3 case, it looked at things like whether there are
4 flashbacks, was he reexperiencing the event, you know, was
5 it something that was intrusive at this point, did it lead
6 to avoidance behavior, you know, do the symptoms lead for
7 an individual to change their way of being in the world
8 such that they avoid people, places, things, to his
9 detriment? It takes a look at the degree to which there
10 are physiological responses that are consistent with
11 trauma that one may experience with, you know, heartbreak,
12 breathing, appetite, sleeping, energy levels.

13 And the fourth area, that assesses the psychological
14 and emotional realm. You know, what's the degree to which
15 it may lead to sadness, depression, anxiety, panic and
16 similar stuff. And so, there are four key areas. It also
17 identifies what the trauma, was there a specific trauma in
18 life. And so, Mr. Crespo filled those out head of time
19 for me covering all of those areas. There's probably
20 about five pages of responses.

21 Q Was it one -- one trauma screen form or was it
22 different -- different modules of --

23 A There were different modules. Some of them focused
24 more specifically on the physiological response, and some
25 that focused more on behavioral response, like had he ever

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1 witness behaviors reliving the event.

2 Q Does an event like this that Mr. Crespo and Ms. Crespo
3 have experienced, does it affect their brain?

4 A Well, there's a lot of research on that, and trauma
5 can affect neurological function. And even the
6 orthography, or the structure of the brain. Whether
7 that's playing a role in this case, I --I have no idea.

8 Q Did Mr. -- did you find that he was suffering from
9 nightmares or sleeplessness, or anything like that?

10 MR. MCCULLOCH: Objection, Your Honor; leading.

11 THE COURT: Please rephrase your question.

12 BY MR. FEW:

13 Q Do you recall the -- some of the -- any symptoms that
14 Mr. Crespo may have told you about that he was
15 experiencing after learning of the videotaping?

16 A Yes, sir. Mr. Crespo described intestinal distress,
17 that he had a loss of appetite, he had lost some weight.
18 He described early and mid-phase sleep problems, meaning
19 that it was hard for him to fall asleep and more difficult
20 for him to stay asleep in and around those times. He
21 described a significant amount of distractibility, that
22 this was on his mind recurrently, it was very, very hard
23 for him to shake. He described an increase in pain, that
24 -- that he has some pain sites, that he's wrestling with
25 chronically, but that was a lot worse for him. He

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1 described irritability, that he had a lower tolerance for
2 frustration and was more quick to frustration, whether
3 that was internalized and just feeling terrible, or
4 whether, you know, it was more of a (unintelligible), you
5 know. But those -- those are some examples.

6 Q Do these types of thought disruptions go away?

7 A Sir?

8 Q Do these types of thought disruptions that you just
9 described for the jury go away for someone in those
10 circumstances?

11 MR. MCCULLOCH: And, Your Honor, that calls for
12 speculation. Since we're dealing with one visit, I
13 don't think he has a foundational basis for any such
14 opinion as to (noise disruption from someone
15 coughing) as to this patient at least.

16 THE COURT: As to this patient, he may -- I
17 don't -- I don't know if he had one physical visit or
18 telehealth visit. Mr. Few, why don't you explore
19 that a little further before...

20 MR. MCCULLOCH: Thank you.

21 BY MR. FEW:

22 Q Mr. Trezza, is there -- after, like, five years, does
23 -- do these thought disruptions just go away in patients
24 that you've seen in the past?

25 A It is very hard to predict. You know and I could not

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1 predict that from the standpoint of my initial assessment.
2 Some folks accommodate and learn to cope, and some don't.
3 Life circumstances can renew triggers. We really can't
4 predict that. It's a unique individual experience working
5 through trauma.

6 Q Thank you, Mr. Trezza. That's all the questions I
7 have.

8 A Yes, sir.

9 THE COURT: Mr. McCulloch?

10 CROSS-EXAMINATION

11 BY MR. MCCULLOCH:

12 Q Mr. Trezza, good morning still. You indicated you've
13 seen Mr. Crespo -- well, let me ask you this. Are you in
14 this community? Do you live in this community?

15 A I did. I -- I left about 20 years ago.

16 Q And you knew or you testified that you had prior
17 counseling experience with Mr. Crespo; is that correct?

18 A That's correct, sir.

19 Q A decade or more ago. I'm sorry. I'm trying to speak
20 up.

21 A Yeah, thank you very much. It was probably about 12
22 years ago, sir.

23 Q And that was when he and Mrs. Crespo were going
24 through a divorce?

25 A They were dealing with some life circumstances and

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1 stresses that were related to that. I don't really recall
2 where he was with regard to divorce filings or the process
3 of that.

4 Q And how many times back then did you see Mr. Crespo
5 with are without Mrs. Crespo?

6 A Probably four occasions. The bulk of my visits were
7 with Mrs. Crespo, and some of them were as a couple.

8 Q So people tend to see you when they have a continuing
9 need to see you?

10 A Yeah, they were invited to. Yes, sir.

11 Q Did you extend that same invitation to Mr. Crespo?

12 A Yes, sir.

13 Q Now, you had only one appointment with Mr. Crespo --

14 A Yes, sir.

15 Q -- and that was August 1st, according to your records;
16 is that correct?

17 A That's correct.

18 Q Well, August 1st was roughly two weeks after -- as
19 Mr. Crespo no doubt reported to you -- two weeks after
20 this -- the discovery of this video was reported to him;
21 is that about right?

22 A Yes, sir.

23 Q And you mentioned this self-referral. Well, the
24 self-referral is a form you have and you provide to a
25 patient?

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1 A I'm not sure what you're referring to as a
2 self-referral form. I -- I don't believe that I --

3 Q I'm sorry. I may have -- an intake form is what --

4 A -- yes, sir; name, address, things like that.

5 Q -- all right. But there's a document that you
6 referenced, and I forget how Mr. Few referenced it for
7 you, but it is a questionnaire. Let's call it -- do you
8 know the questionnaire?

9 A Yes, sir; inventory.

10 Q Oh, thank you. I'll call it that. And the inventory,
11 was that provided to Mr. Crespo prior to his appointment
12 with you, or did he fill it out once he arrived?

13 A No, just prior, probably the night before.

14 Q I'm sorry?

15 A Probably the night before.

16 Q And would that have been gotten to him by fax or -- he
17 didn't -- he didn't come to your office to do that?

18 A It was telehealth. I was able to distribute it to
19 him, and he returned back to me electronically.

20 Q Now, was this appointment telemedicine, or was it in
21 person?

22 A It was telehealth.

23 Q So you were not physically together?

24 A That's correct.

25 Q All right. So how do you do that, by telephone?

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1 A No. I -- I have a -- a certified telehealth system,
2 encrypted, protected. It enables us to share
3 informations, charts, those kinds of things. We -- it's
4 video and audio in realtime.

5 Q So I'm familiar Zoom. Would this be like a Zoom
6 conference where you're -- you're both on a computer
7 looking at each other and talking to each other?

8 A Similar, but more secure and with other features.

9 Q And -- and do you think that your evaluation of a
10 patient would be better if you were physically in their
11 presence and able to observe things like body language and
12 so forth?

13 A I was very comfortable with my ability to observe and
14 appraise and assess.

15 Q Well, I understand you're comfortable, but that's not
16 my question. My question is, wouldn't you believe that it
17 would be more -- more informational, would equip you in a
18 better way to evaluate someone if you were physically with
19 them?

20 A Well, when you say "someone," if it were children --

21 Q A patient.

22 A -- if it there were a family, yeah, I would prefer
23 face-to-face. Even a couple, I would prefer face-to-face.
24 But when working with an individual, I really have all of
25 the stimuli, all of the observations there in front of me,

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1 and we're engaged. I'm not looking for interaction
2 between individuals, responses from others. It's
3 eye-to-eye. I don't see a -- necessarily a benefit in
4 this circumstance generally speaking. There are in
5 certain circumstances.

6 Q But you're in telemedicine, so you don't ever see
7 patients physical now?

8 A Not at this time.

9 Q Okay. Now, you reported and testified that he was --
10 that he, Mr. Crespo, was -- well, let me ask you this
11 before I leave the questionnaire phase. As a consequence
12 of your -- I think I'm going to call it a Zoom. What
13 would you call it? Your -- I'm going to call it a Zoom
14 conference. What would you call it?

15 A Telehealth, a telehealth conference.

16 Q Okay. So, all right, you had a telehealth conference
17 of an hour of duration?

18 A Hour and a half.

19 Q An hour and a half. And as a result of that, and
20 based on your observations and your conclusions, did you
21 send him for additional testing?

22 A Not additional testing, no, sir.

23 Q Now, this questionnaire is something the patient fills
24 out?

25 A Yes. Can I respond a little further?

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1 Q Well, it depends on what you're -- if you're answering
2 my question in a more full and complete fashion, yes.

3 A Yes, sir. With the question, did I refer for more
4 testing, we identified what might be some of the
5 indicators of the need for medical intervention. We
6 talked a bit about further disruptions in sleep or further
7 disruptions in appetite or continued loss of weight being
8 indicators of a reason to connect with a primary care
9 provider at that point, to consider a medical
10 intervention. We talked about counseling alternatives and
11 what was available. But it was in his hands to determine
12 whether he was going to take that step or not.

13 Q Well, you can't make a person go anywhere, can you?

14 A No.

15 Q Okay. So you didn't specifically refer him to anyone?

16 A No, sir.

17 Q All right. You didn't order up additional -- well, my
18 question to you about the questionnaire was, the patient
19 fills that out, the patient tells you -- they answer your
20 questions?

21 A And we do -- they answer my questions, that's correct,
22 sir. And we utilize that over the course of the interview
23 to qualify them to check about frequencies, severity,
24 intensity, impact. So again, it was an outline for the
25 assessment that we did.

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1 Q But my question is, in reviewing his questionnaire and
2 the responses, you have to kind of rely on what responses
3 he gave you?

4 A Well, I don't know what in psychotherapy doesn't rely
5 upon the responses of the individual in the session.

6 Q Psychotherapy has a number of other kinds of tests;
7 the MMPI. I mean, there are legions of tests and
8 protocols that people such as you can provide a request to
9 patient to do; right?

10 A It's not indicated. It wasn't indicated in this
11 circumstance. It wasn't necessary.

12 Q So acute PTSD, which is your opinion --

13 A Yes, sir.

14 Q -- didn't indicate anything other than a 1-and-a-half
15 hour meeting?

16 A That's correct. He met all of the criteria for a
17 trauma-related disorder.

18 Q Yeah. As he reported, he met all of the criteria?

19 A And he reported and I observed over the course of the
20 clinical interview.

21 Q Now, he reported anxiety and some other things you
22 testified about?

23 A Yes, sir.

24 Q Did he weep during your interview, because you don't
25 note that in any of your records.

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1 A There were expressions of anger and frustration.

2 Q My question was, did he weep in your interview?

3 A I wouldn't say weep.

4 Q Okay. Well, that's because you wouldn't say it
5 because it didn't happen?

6 A Yeah.

7 Q Okay. He was angry?

8 A Angry, and -- and in turmoil. He was really concerned
9 about humiliation and the effect upon his daughter of
10 overhearing the discussion that took place.

11 Q Well, let me ask you about the embarrassment. Did he
12 reach out and contact you, or did someone on his behalf
13 reach out and schedule this appointment?

14 A Mr. Crespo contacted me directly, sir.

15 Q Now, your interview with him revealed -- or he
16 indicated to you that -- that his embarrassment in part
17 was because the other -- because I think he reported
18 feeling tremendous embarrassment as he believed many
19 others were aware of his exposure as a result of voyeurism
20 and resultant court proceedings. Do you recall that?

21 A Yes, I do, sir.

22 Q And did he report in that interview that there was
23 absolutely no evidence then or now that this video that,
24 unfortunately, we have seen has ever been seen -- been seen by
25 any other in public or the Internet or anything? Did he

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1 report that to you?

2 A I -- I don't recall hearing any discussion about that,
3 sir.

4 Q Did he report to you that he had lawyers at that point
5 in time?

6 A He did indicate that he had gone -- he did indicate
7 that he was moving forward with proceedings.

8 Q Did he tell you that he was going to bring a lawsuit
9 and have the option of either filing it as a John Doe and
10 his wife filing as Jane Doe to preserve and avoid
11 publicity, or that he was going to file it in his name and
12 her name?

13 A There was no discussion about what process he was
14 going to follow, sir.

15 Q Did report that he himself had or intended to speak to
16 the press, to the newspapers or whatever?

17 A No, sir.

18 Q Did he report he had asked his -- that he asked the
19 lawyers to keep his identity anonymous or nonpublic?

20 A We had no discussion about that, sir.

21 Q All right. And in your report, you concluded -- this
22 is under clinical impression and intervention. Do you --
23 do you have that with you?

24 A No, sir.

25 Q Do you need it, or do you --

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1 A Go ahead.

2 Q -- you reported that Mr. Crespo may encounter
3 complications in his adjustment to trauma, however, it is
4 more likely he will accommodate to his situation and
5 recover his emotional, psychological, and behavioral
6 stability. Do you recall that?

7 A Yes, sir.

8 Q Is it reasonable for us to conclude that your
9 prediction was true?

10 A Well, sir, it's really hard to predict how an
11 individual is going to proceed. Most folks resolve
12 trauma, but a significant proportion of individuals end up
13 impacted adversely by it over a long term duration, and
14 there's no real clear way of predicting who is going to
15 end up on, you know, either resolved or unresolved.

16 Q That was not my question. My question was, is it
17 reasonable for this jury to conclude that your prediction
18 that he would achieve -- "it is more likely he will
19 accommodate to his situation and recover his emotional,
20 psychological, and behavioral stability." That was your
21 prediction, and your prediction was true, isn't it?

22 A Well, sir, if you consider more likely to a
23 prediction, which I don't, you know, there's just more
24 likely, but it's not a prediction.

25 Q All right. Well, your office and your television

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1 setup continue to be on your computer. You continue to be
2 on and you continue doing business as a telemedicine
3 counselor; correct?

4 A Well, I'm only serving former clients whom I've
5 previously seen face-to-face at this point.

6 Q Well, Mr. Crespo saw you for an hour and a half on
7 August the 1st of 2022.

8 A Yes, sir.

9 Q Since that one hour and a half -- and your bill is
10 \$125 -- to your knowledge, he never saw any other
11 counselor, he never saw doctors, assistance, he never
12 requested medications, never, in fact, contacted you
13 again, did he?

14 A Well, I don't know what he did or didn't do, but I
15 know that he did not contact me further, no.

16 Q So we can reasonably assume that he achieved
17 psychological -- emotional and psychological and
18 behavioral stability because he never called you again, as
19 you recommended, if he had any problem of a continuing
20 nature.

21 A Some folks internalize significantly. They tough it
22 out on their own. And they're not doing well, but they're
23 not, you know, necessarily out there making that aware.
24 So I don't know if it predicted that outcome for
25 Mr. Crespo.

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1 Q But you recommended to him that if he had a continuing
2 problem, he should contact you or seek other help, and he
3 did not do that.

4 A Sir, you are aware of that. I'm just hearing it for
5 the first time.

6 Q Okay. All right.

7 MR. MCCULLOCH: One second, Your Honor.

8 THE COURT: Sure.

9 MR. MCCULLOCH: That's all, Your Honor, for this
10 witness. Thank you.

11 THE COURT: Thank you, sir. Mr. Harte?

12 MR. HARTE: No questions, Your Honor.

13 THE COURT: Thank you, sir. Any redirect?

14 MR. FEW: Yes, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. FEW:

17 Q Mr. Trezza, is there some reason that you evolved your
18 practice into doing -- using telehealth?

19 A Yeah. My wife passed away in the last year and a half
20 or so. It really led me to reconsider myself, what I was
21 going to do professionally on my own, and I decided to
22 semi-retire. I live about 45 miles away from my downtown
23 Aiken office, and so I reclaimed a couple of hours a day
24 in travel time by operating telehealth. The COVID crisis
25 initially moved me in the direction of telehealth. And I

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1 decided upon my wife's passing that I was going to
2 continue in that capacity until I eventually wrapped up my
3 practice.

4 Q And Mr. Trezza, you know John Harte, don't you?

5 A Yes, sir.

6 Q You all spoke out in the hallway?

7 A Yes, sir.

8 Q And he asked you about some children that he wanted to
9 refer to you, didn't he?

10 A Yes, sir.

11 Q And I believe I heard you tell him that that wouldn't
12 be appropriate for the kind of telehealth that you do for
13 the very reason that you just described?

14 A Yes. That's what I said, and that's my opinion.

15 MR. FEW: Thank you, Your Honor. No further
16 questions.

17 MR. HARTE: May it please the Court, Your Honor,
18 I move to strike that last part. I don't know what
19 that has to do with this case at all. We're not
20 dealing with children here.

21 THE COURT: Thank you, sir. I'll allow it as --
22 for what it's worth. Is Mr. Trezza, can he be
23 excused?

24 MR. FEW: Yes, he can.

25 MR. MCCULLOCH: He can for our part, Your Honor.

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1 Thank you.

2 THE COURT: Thank you. Mr. Harte, you have no
3 objection to Mr. Trezza being excused from these
4 proceedings?

5 MR. HARTE: No, Your Honor. I have no
6 objection.

7 THE COURT: Thank you for coming today. You are
8 excused from court.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: Thank you. Can we take a 10-minute
11 break -- bathroom break? You all may have had a
12 longer bathroom break than we did, so if we can do
13 that, and then we'll proceed to the next witness. I
14 hope we can go to, like, 12:30 or so before lunch,
15 maybe 1:00, and then take a lunch break. I'm going
16 to allow you all to leave the courthouse today for
17 lunch and stretch your legs. It may be a short
18 lunch, though, so I will -- we'll take that up at the
19 appropriate time, though. Okay?

20 (The jury exited the courtroom.)

21 MR. HARTE: Your Honor, as soon as they're gone,
22 I have a matter to take, if you may -- if I may.

23 THE COURT: Do it quickly, Mr. Harte. I really
24 do have to go use the bathroom.

25 MR. HARTE: It's going to be very quickly, Your

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1 Honor. I move to have that last testimony stricken
2 because, first of all, it's highly inappropriate for
3 one lawyer to overhear a conversation that's not on
4 the record. Secondly, it was not responsive to
5 anything that was put into the evidence by the
6 cross-examination.

7 THE COURT: Thank you, sir. I'm going to deny
8 the motion. I think he just overheard you in the
9 hallway. I don't think that was an attorney-client
10 privilege or anything of that nature. And also, I
11 think it was responsive to the line of questioning
12 that Mr. McCulloch got into, is the difference
13 between telehealth and why -- what was the purpose --

14 MR. HARTE: Well, Your Honor --

15 THE COURT: -- of when he did and did not do
16 telehealth. It just worked out that way.

17 MR. HARTE: -- Your Honor, I want it on the
18 record that it was offensive and it shows a complete
19 lack of professional courtesy.

20 THE COURT: So noticed. Thank you, Mr. Harte.

21 (Off the record.)

22 (Recess.)

23 (On the record.)

24 MR. FEW: Your Honor, during the break, I was
25 talking to Mr. Harte, and he was telling me how

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1 offended he was about how the testimony just came
2 about --

3 MR. HARTE: I object to this.

4 MR. FEW: -- in the court.

5 MR. HARTE: This is irrelevant in this case.

6 THE COURT: I don't know. You brought it up,
7 Mr. Harte.

8 MR. FEW: It is absolutely relevant because in
9 response to that, he says that he is going to put an
10 e-mail into evidence where he and I discussed
11 settlement discussions.

12 MR. HARTE: I have not -- Your Honor, I have not
13 offered that at this time. There is nothing to
14 object to. I have not made any offer whatsoever. My
15 conversations out there --

16 THE COURT: He's -- he's -- he's doing --

17 MR. FEW: I'm -- I'm --

18 THE COURT: -- doing a motion to -- regarding a
19 statement of you said or what you did. To me, that's
20 the same thing as a pretrial issue, so.

21 MR. FEW: And he said he was going to do it, so
22 -- because he was offended. So I'm just letting the
23 Court know it was pursuant to Rule 408. There were
24 settlement negotiations, and they're not admissible.

25 MR. HARTE: And if I decide to admit it, Your

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1 Honor, I will argue its admissibility. I am not
2 offering it at this time.

3 THE COURT: Well, you understand I'm not going
4 to allow any settlement negotiations to come into
5 court.

6 MR. HARTE: I understand that. I understand
7 that, Your Honor, and I would not offer it if I
8 didn't. Your Honor, let me say this very nicely,
9 very nicely. I don't mind lawyers who argue their
10 cases aggressively because that's what I do. I don't
11 like dirty tricks, and I don't like games. I have an
12 opinion about what Mr. Few did. I'm entitled to my
13 opinion. I said what I said on the record and I'm
14 not going any further. I will make whatever
15 determination about whatever evidence I'm going to
16 produce and then when I produce it, that side can
17 argue and you can decide. I haven't -- I have not
18 offered anything. I've told -- I -- but I am serious
19 that I think they opened the door for a lot of stuff
20 that would not otherwise be admissible, but I am not
21 offering anything just now.

22 THE COURT: Yes, sir. All right. And I will
23 state that that conversation was between you and a
24 witness, it was not between you and any client that
25 you represent currently or any client that you

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1 represented in the past in regards to this case. It
2 could be current clients that you have about somebody
3 else. I don't know. We don't know. That wasn't put
4 in. And -- and as to that, you have noted that you
5 were offended. I would caution the Court is not
6 inclined to accept any documents, e-mails, or
7 witnesses regarding conversations as to settlement
8 negotiations, pursuant to the rules. I am also very
9 carefully trying to prevent any attorney from
10 becoming a witness in this case, and I would like to
11 continue to do so.

12 MR. HARTE: May it please the Court? Mr. Few,
13 of course, made himself a witness, but that's beside
14 the point. The point, Your Honor, is that the
15 conversation was not accurately reported. He did not
16 -- he could not hear the entire -- but you know what,
17 Your Honor, it's in the record. You've ruled. I
18 think we're wasting hour time. I'm going to sit
19 down, if it's okay with you.

20 THE COURT: Thank you, sir. Are we ready to
21 proceed?

22 MR. BEASLEY: Yes, ma'am.

23 THE COURT: Let's bring the jury in.

24 (The jury entered the courtroom.)

25 MR. HARTE: Your Honor, I'm passing up the order

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1 to be relieved at this time.

2 THE COURT: Oh, thank you, sir.

3 (Sidebar.)

4 THE COURT: Mr. Harte, just to put it on the
5 record, you did give your client notice of this
6 order?

7 MR. HARTE: Yes, ma'am.

8 THE COURT: And there's no objection?

9 MR. HARTE: No objection. Well, you can ask
10 them. He's represented. He's here.

11 THE COURT: I understand. Mr. Griffin, I'm
12 going to pass it to you next. Do you want to
13 consent? I've already signed it based upon that,
14 but... Your next witness?

15 MR. BEASLEY: Your Honor, the plaintiff calls
16 Josee Riviere.

17 THE CLERK: Please place your left hand on the
18 Bible and raise your right hand.

19 (The witness was sworn in.)

20 THE CLERK: Please have a seat in the witness
21 stand. State your full name for the Court and spell
22 your last name, please.

23 THE WITNESS: Josee Riviere, R-I-V-I-E-R-E.

24 //

25 //

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1 JOSEE RIVIERE

2 was called as a witness, and having been first duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. BEASLEY:

6 Q Good morning, Ms. Riviere. I don't think we've
7 actually ever met. I'm Ryan Beasley and, I'm sure as you
8 know at this point, I represent Gabriel and Heather
9 Crespo.

10 A Yes, sir.

11 Q You moved to Aiken in what year?

12 A 1999 or very early 2000.

13 Q And did you meet Rhett Riviere prior to that year?

14 A I met him in 1999, I think.

15 Q That's the first time you ever met him?

16 A I think so.

17 Q Okay. And did you and Rhett start a relationship at
18 that time?

19 A Not until January, I think, of 2000.

20 Q But you were both still married; correct?

21 A I was still married. He was not.

22 Q He wasn't married to Chris Riviere and with his two --
23 with her two children?

24 A No, he was not.

25 Q Okay. And so you started dating Rhett Riviere in

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1 January of 2000?

2 A Yes, sir.

3 Q And as you saw yesterday, the first videos were dated
4 as early as February of 2000.

5 A Yes, I saw that.

6 Q Okay. Wouldn't you agree that the bulk of those
7 videos that were found occurred during the course of your
8 marriage?

9 A Yes, it would appear so.

10 Q And there were no videos of Chris Riviere in those
11 videos was there?

12 A Not that anybody has told me.

13 Q And you've been married to Rhett Riviere for 12 years;
14 is that right?

15 A I was married to him for 12 years, yes.

16 Q And you were informed that videos were seized from his
17 house in roughly, what, 2019; is that correct?

18 A I believe so.

19 Q Okay. And you were informed that four separate search
20 warrants were executed on his properties; is that correct?

21 A I wasn't aware of how many, no --

22 Q Okay.

23 A -- but I was aware of the search warrants, yes.

24 Q Well, when these houses were searched, you were one of
25 the first people Rhett Riviere texted; isn't that correct?

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1 A I'm not sure if I was one of the first.

2 Q But you got a text from him. In fact, it was a Ring
3 camera video; is that right?

4 A He sent me a -- I guess it's a copy attached of the
5 Ring -- of his Ring video that they have outside your
6 houses of officers going around the house. Yes, he did.

7 Q Did you respond to Mr. Riviere about that text?

8 A I don't remember what I said, I mean, other than that
9 would be a horrific thing to be happening. But I don't
10 remember what I said, no.

11 Q It wasn't a big deal?

12 A Well, it's a big deal, but I don't remember exactly
13 what I said.

14 Q You didn't -- you didn't say anything, or you said
15 something?

16 A I don't know what I said.

17 Q Okay.

18 A In the text, I don't recall what I said in the text.
19 However, I was (unintelligible).

20 Q Well, after seeing that video of officers searching
21 the properties and learning about these videos -- and this
22 is a man that you've been married to for 12 years -- you
23 didn't ask him anything about the videos?

24 A We had been divorced for then 7 years.

25 Q So you didn't ask him about the videos?

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1 A I didn't ask him about the videos.

2 Q Okay. Well, isn't it true that during this timeline
3 of 2019, you were actually trying to reconcile with Rhett
4 Riviere; is that right?

5 A No, sir, not at all. I had a boyfriend, and I had had
6 one for quite a long time.

7 Q Isn't Deirdre Vaillancourt one of your best friends?

8 A She is.

9 Q So you would disagree with her when she said in 2019,
10 you were trying to reconcile?

11 MR. FEW: Objection.

12 THE WITNESS: I don't believe she said that --

13 MR. HARTE: Objection, Your Honor.

14 THE WITNESS: -- she was.

15 THE COURT: Hold on a second. Yes, sir,
16 Mr. Harte?

17 MR. HARTE: The Witness Vaillancourt did not use
18 the term "reconcile" in the context of a romantic
19 reconciliation, and she explained that while she was
20 on the stand. The question assumes facts that are
21 not only not in evidence, but are contrary to the
22 witness's testimony.

23 THE COURT: I will let the jury determine their
24 recollection. I think they are taking notes as well
25 as to what a witness did or did not say. I'll allow

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1 the plaintiff to continue.

2 MR. BEASLEY: Thank you, Your Honor.

3 BY MR. BEASLEY:

4 Q Ms. Riviere, and so maybe it was in 2022? Would that
5 be a more recent year that you started trying to reconcile
6 with Rhett Riviere?

7 A I have never tried to reconcile, as of today, with
8 Rhett Riviere.

9 Q So is it fair to say in 2022, you would go to dinner
10 with Rhett Riviere?

11 A Maybe occasionally, with other people.

12 Q You would drink wine with Rhett Riviere?

13 A I wouldn't drink wine, no.

14 Q Are you aware that you produced text messages in this
15 case?

16 A Yes.

17 Q And those text messages, there are only 6 months worth
18 of text messages, but would you agree they were from
19 November of '22 to April of '23?

20 A Yes, I would agree.

21 Q And would you agree that those are hundreds of text
22 messages?

23 A Probably, yes.

24 Q And they are every day, all day, during those 6
25 months?

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1 A Well, I have texted other people as well.

2 Q And during all those text messages and all those
3 conversations, all those dinners, all those meetings, you
4 never asked him about the videos?

5 A Anything that I may have said with him about the
6 videos, he firmly denied.

7 Q Okay. He would even send you dirty jokes on these
8 text messages, wouldn't he, and you laughed?

9 A I don't recall.

10 Q Do you recall in your deposition last year describing
11 Rhett Riviere as a kind and generous man?

12 A Well, when I thought I knew him, he was a kind and
13 generous man, yes.

14 Q Well, would a --

15 A The sicko who took these -- whoever took these videos
16 is not that person.

17 MR. GRIFFIN: Objection, Your Honor. Under Rule
18 608, the question. I object on the grounds 608.

19 THE COURT: Yes, sir. Do you want to make
20 further argument on that?

21 MR. GRIFFIN: Just character evidence. I don't
22 want to be opening the door for something against us
23 by what he's asking.

24 THE COURT: Yes, sir. And let's move on from
25 this questioning, Mr. Beasley.

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1 MR. BEASLEY: Yes, Your Honor.

2 BY MR. BEASLEY:

3 Q But you testified in your deposition that you never
4 asked Rhett Riviere about any videos; isn't that correct?

5 A I may have said that, but when I heard about them --
6 when I heard -- when I was being sued, I clearly stated
7 loudly and vehemently that I was enraged and upset and he
8 denied that he had anything to do with it. And I had
9 to -- we'd been friends just like that for -- and I didn't
10 like to -- I wanted to believe him, I guess. That's all.

11 Q You also testified in that deposition that you don't
12 recall the Crespos renting the Two Notch Road cottage;
13 isn't that right?

14 A I don't recall that, but I obviously -- given
15 everything that's come to light, I know they did.

16 Q And you also testified that you never gave them -- you
17 never picked up a rent check and you never gave them a
18 lease agreement.

19 A No, I don't remember doing it at all.

20 Q And you don't -- and you also testified that you don't
21 recall them visiting or staying there whatsoever?

22 A Visiting, yes. Coming by to with a horse, I would see
23 Heather frequently and we rode together. She's a
24 wonderful girl.

25 Q Well, at that time, you denied even knowing the

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1 Crespos, didn't you?

2 A That's not true. I never denied knowing the Crespos.
3 I had met them. We -- I rode with her. I had met them
4 at, I believe, mutual friends nearby that had a barn
5 party. At polo, I knew of them. And it's a small town,
6 you know.

7 Q So -- so you do remember now about picking up the rent
8 check and taking them a lease agreement?

9 A No, sir.

10 Q You don't remember unlocking the door and letting them
11 into --

12 A No, sir.

13 Q -- the cottage?

14 A No, sir.

15 Q You don't remember changing the light bulbs?

16 A No, sir. I'm too short.

17 Q You agree that in 2001 --

18 MR. HARTE: May it please the Court, the witness
19 has not completed her answer.

20 THE WITNESS: I'm sorry. That was --

21 MR. BEASLEY: -- I thought she did.

22 THE WITNESS: -- unnecessary.

23 BY MR. BEASLEY:

24 Q You would agree that in 2001, you had horses located
25 on that property where the cottage was located?

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1 A I had horses in that barn. It had a bathroom and a
2 tack room. Yes.

3 Q And so, is it fair to say that you would be there
4 daily, at least two to three times a day, feeding and
5 tending the horses and riding them?

6 A In the barn, yes.

7 Q Okay.

8 THE COURT: Ms. Riviere, you may have heard me
9 tell another witness --

10 THE WITNESS: Let him speak.

11 THE COURT: -- you have to let him speak first,
12 then take a breath, and then answer. And that's
13 fine. If you need to take a second to make sure you
14 say the right -- the words that you want to convey,
15 that's absolutely fine. There is no rush.

16 THE WITNESS: Yes.

17 BY MR. BEASLEY:

18 Q So during this April 2001 to June 2001, is it fair to
19 say you saw Heather Crespo and Gabriel Crespo daily?

20 A No. I don't know that I would have seen them daily.

21 Q Even though you were at this --

22 A Well, I don't remember them being in the cottage or
23 staying in the cottage. I would have seen Heather
24 frequently in the polo field riding her horse. I would
25 have seen her possibly in our field riding the horse in

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1 the front field where I was allowed to ride. And Gabriel,
2 I would have seen him at polo games on the weekends. It
3 was polite [ph].

4 Q So last year, when you gave your deposition and you
5 don't recall the Crespos whatsoever, that's not true?

6 A I did not say that I didn't recall them as people. I
7 don't recall them living or staying in the cottage. I
8 don't remember that.

9 Q You say you don't ever remember them renting or ever
10 being at the cottage or on the property?

11 A On the property, yes, but not -- not renting or
12 staying in that cottage. No, I don't remember it at all.

13 Q Do you recall Heather having a horse on the property
14 as well?

15 A No.

16 Q You don't recall riding a horse?

17 A No. I don't -- I don't believe she had a horse on the
18 property -- on that property and in that barn.

19 Q So you don't even recall riding a horse with
20 Heather --

21 A Yes.

22 Q -- around the property?

23 A Yes, I do.

24 Q You do recall that now?

25 A No, sir. I recall riding my horse with Heather on her

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1 horse around the property. That doesn't necessarily mean
2 that I -- that the horse was in my barn.

3 Q So just to be clear --

4 A As far as I can remember.

5 Q -- okay.

6 A I remember her horse.

7 Q But do you remember giving Gabriel and Heather your
8 favorite horse named Maggie?

9 A Yes.

10 Q You do remember that?

11 A Mm-hmm.

12 Q Okay. But you didn't remember any of that last, did
13 you?

14 A I did. I, in fact told you that I had given them my
15 horse -- a horse.

16 MR. HARTE: May it please the Court, I believe
17 the proper way that you challenge a witnesses is to
18 produce the deposition and show the witness her prior
19 testimony.

20 MR. BEASLEY: Your Honor, does he have an
21 objection?

22 MR. HARTE: I do have an objection. Mr. Beasley
23 is not quoting the transcript.

24 THE COURT: Mr. Harte, what is your objection?
25 Is it asked and answered, is it hearsay, is it --

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1 what is it?

2 MR. HARTE: It is that Mr. Beasley is
3 misrepresenting what was in --

4 THE COURT: One word --

5 MR. HARTE: -- the deposition --

6 THE COURT: -- one word, please. One word,
7 pursuant to the rules. What is your objection?

8 MR. HARTE: Improper question.

9 THE COURT: Okay. I'm going to allow the
10 questioning. Mr. Beasley, please proceed.

11 MR. BEASLEY: Thank you, Your Honor.

12 BY MR. BEASLEY:

13 Q And just to be clear, you don't ever recall renting
14 that cottage to the Crespos?

15 A I don't recall renting -- first of all, I wouldn't
16 have been renting it. It wasn't mine to rent. And
17 secondly, I don't recall them staying in the cottage. I
18 do recall the other things that you have mentioned, yes.

19 Q Okay. And, in fact, you claim to have no memory of
20 renting any of these properties; is that right?

21 A I never rented any of the properties.

22 Q Not the Two Notch Road property?

23 A No.

24 Q Not the 132?

25 A They're not mine to rent.

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1 Q Let me finish, please.

2 A Sorry, sir.

3 Q Not the 1132 Clark Avenue property?

4 A Are you finished?

5 Q Yes.

6 A Which one was it again?

7 Q 1132 Clark Avenue.

8 MR. FEW: 1032.

9 MR. BEASLEY: Oh, is it 1032?

10 BY MR. BEASLEY:

11 Q 1032. I apologize.

12 A First of all, none of those properties were mine. The
13 only property that is mine is 109 Ellington Street in
14 Aiken, and I never rented out to anyone. I've lived there
15 for 13 years.

16 Q When you and Rhett Riviere were married, you all owned
17 those properties; correct?

18 A Incorrect. No.

19 Q Okay. So according to you, none of these properties
20 were rented while you were married?

21 A I believe the 1032 property that you're referring to
22 was not -- I don't -- it wasn't part of anything when I
23 was married to him. I lived on South Boundary with him,
24 1011 South Boundary. I lived there with him, but it was
25 his. Once again, everything was his. The only -- there

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1 were -- there was one property that was mine for a brief
2 period of time, and then -- and there was another one that
3 I'd forgotten about on (unintelligible), the one -- I
4 think it's Marion Street, 466, or something like that.
5 Anyway, I did buy that and sold it very quickly with Suzy
6 Haslup.

7 Q So you're telling the jury you were not involved with
8 the renting of any of these properties?

9 A Correct.

10 Q Okay. And yet, you've heard the testimony of three
11 realtors this week get up and testify, including some your
12 best friends, that you were renting those properties
13 during that time period?

14 MR. HARTE: Objection.

15 THE WITNESS: I don't believe so.

16 MR. HARTE: Your Honor, we need to be heard. We
17 need to -- I -- I have matters to take up that deal
18 with this that I don't think should be done in front
19 of the jury.

20 THE COURT: Okay, Mr. Harte. Would you please
21 step out?

22 (The jury exited the courtroom.)

23 THE COURT: Okay. Mr. Harte?

24 MR. HARTE: Your Honor, the problem with this
25 method of the questioning involves two things. First

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1 of all, with respect to what he's doing, he is
2 pitting one witness against another, which is not
3 permitted. That is not a permitted thing. Number
4 two --

5 MR. BEASLEY: Your Honor, I would ask that this
6 witness leave, because he's trying to coach this
7 witness.

8 MR. HARTE: I am not trying --

9 MR. BEASLEY: He's over there just telling
10 everything he wants her to know and say. That's
11 exactly what he's about to try to do.

12 MR. HARTE: So far, I've said --

13 MR. BEASLEY: And I would ask that she be
14 excused from -- while he's --

15 MR. HARTE: I don't mind if she's --

16 MR. BEASLEY: -- making all these arguments.

17 MR. HARTE: -- yeah, she can -- she can be
18 excused. I don't how the word "pitting" comes --

19 MR. BEASLEY: He loves to inject everything that
20 he wants in evidence.

21 THE COURT: Mr. Harte agreed that his witness
22 may be excused.

23 THE WITNESS: Okay. Where do you want me to go?

24 THE COURT: That's a good question, Ms. Riviere.
25 I think the bailiff right here will take you right

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1 out the back.

2 THE BAILIFF: Watch your step.

3 THE COURT: I don't want you hanging out the
4 back close to the jury, just so we don't have any
5 other issues. Okay?

6 THE WITNESS: Yep.

7 THE COURT: Thank you, ma'am. There's no rush.
8 Don't worry. And thankfully, we have carpet in this
9 courtroom so we don't hear everybody's steps
10 everywhere.

11 MR. HARTE: Let me be clear, Your Honor. Is she
12 -- is she out?

13 THE COURT: She is out, yes.

14 MR. HARTE: All right. Thank you.

15 THE COURT: Mr. Harte, please proceed.

16 MR. HARTE: All right. First of all, an
17 attorney may not pit the testimony of one witness
18 against another.

19 THE COURT: Which -- what -- what part of her
20 testimony or the testimony you anticipate you alleges
21 pitting one against --

22 MR. HARTE: Well --

23 MR. BEASLEY: And I can answer it.

24 THE COURT: Let's let Mr. Harte argue.

25 MR. HARTE: -- when he says so you disagree with

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1 this other witness.

2 THE COURT: Are you talking about the realtors?

3 MR. HARTE: Yes, that's pitting, and it's not
4 permitted. Secondly, Your Honor, and very
5 importantly, Mr. Beasley has the deposition. He
6 knows he can identify in the deposition the
7 statements that he says Ms. Riviere made which she
8 says are different from today. When he asked her a
9 question that misstates what she said, it's an
10 improper question. Also, Your Honor, when he says
11 that the realtors said something and, in fact, they
12 did not say that, then that's an improper question.
13 He cannot create a question out of a falsehood when
14 he knows it to be false. Those -- none of --
15 actually, none of those realtors who testified said
16 that Josee had anything to do with these properties.
17 That was never testified to, and I was listening
18 very, very carefully to see if that was going to be
19 what any of them said, because I knew it not to be
20 so. But the bottom line was, they never said what
21 Mr. Beasley ascribed to them. And it's improper
22 because it gives the jury -- it's an effort to
23 influence the jury to believe that the witness
24 realtors said something they didn't say. But to the
25 point, it's pitting, and it's not permitted.

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1 THE COURT: Okay. Mr. Harte, as to the
2 deposition, I think you have a copy of the deposition
3 as well; right?

4 MR. HARTE: Yes, Your Honor.

5 THE COURT: And so, in your cross, you can
6 address the deposition if necessary; is that correct?

7 MR. HARTE: Well, Your Honor, that doesn't make
8 his questions right.

9 THE COURT: I think if he does not go into that,
10 I think you can go into that, and that would be
11 sufficient. As to the pitting, Mr. Beasley, what do
12 you have to say?

13 MR. BEASLEY: And was it -- I didn't hear who I
14 was pitting against.

15 THE COURT: The realtors. There was Deirdre
16 Vaillancourt and Ms. Suzy Haslup against his client.

17 MR. BEASLEY: I assumed I was pitting her, Ms.
18 Riviere, against herself in the other deposition. I
19 thought that's what he was talking about. But it's
20 against the realtors?

21 THE COURT: Yes, sir, because you said the
22 realtors said this.

23 MR. BEASLEY: They did say that they were
24 renting those properties, and both Josee and Rhett
25 were married during that time period.

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1 MR. HARTE: But that's not -- that's not --

2 THE COURT: I think the question is --

3 MR. HARTE: -- that's not the way --

4 THE COURT: -- what he's saying is they did not
5 say -- Mr. -- Mr. Harte, let me -- let me --

6 MR. HARTE: Yeah, I'm sorry.

7 THE COURT: -- let me manage --

8 MR. BEASLEY: I said they. I thought they were
9 renting these properties; correct?

10 MR. HARTE: No.

11 THE COURT: They were married, and that was part
12 of our argument was that they were -- she was
13 involved -- she was involved with, you know, meeting
14 with the renters, giving them lease agreements,
15 collecting rent.

16 MR. HARTE: Can we -- can we have -- can we have
17 the court reporter play back Mr. Beasley's question?

18 THE COURT: Well, I'm going to look at my notes.
19 I don't know if just -- my -- my notes on Deirdre
20 Vaillancourt and the cross of Mr. Harte, he said
21 there's no reason to deal with Josee on the rental
22 properties, and Josee has a good reputation for truth
23 and veracity. These folks said they had known Josee
24 Riviere -- Riviere, now that I know how to pronounce,
25 I hope I'm doing it correctly -- since before 1992.

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1 Josee and Rhett Riviere lived at the cottage.
2 Ms. Vaillancourt said she put renters into the big
3 house and gave the names to Tiger. Ms. Suzy Haslup,
4 to my recollection, testified that she had done
5 business with the Rivières. I don't know if she
6 means in the mid-1990s if Tiger and Josee involved
7 in purchase of 3rd Avenue. Catherine Thomas was not
8 involved listing agent for Grace Avenue, which I
9 believe the testimony will show was after Ms. Josee
10 Riviere. And in cross, Mr. Harte elicited that Josee
11 Riviere had a great reputation for truth and
12 veracity. Would you still like it to be read back
13 specifically?

14 MR. HARTE: Your Honor, what I would like to
15 know -- and not -- not the realtors. See, here's the
16 -- here's the point I want to make.

17 THE COURT: Well, I just wanted to make that
18 point. You had asked that Joseph look for the --

19 MR. HARTE: The question --

20 THE COURT: -- specific --

21 MR. HARTE: -- the question that Mr. Beasley
22 asked within the last, I guess, 30 minutes. It was
23 the question -- he asked her, do you disagree with
24 the realtors? All of them said, you -- they -- they
25 dealt with you on renting the properties. And that's

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1 not what -- Suzy Haslup said she was doing business
2 with Josee, fine. That's what she said. And he can
3 ask her if she was doing business with this
4 particular realtor. And if she says no, he can ask
5 -- he can -- he can cross examine her or, more to the
6 point, what his real -- what he really can do is use
7 what was said in -- back in -- back in testimony by
8 Suzy Haslup when he goes to the jury. But, Your
9 Honor, what you can't do is say this witness said
10 this, do you agree with it. That's not -- that's not
11 permitted. More to the point, Your Honor, you can't
12 take what the witnesses have said and change their --
13 change their wording. You can't take I did business
14 with the Rivières and convert that to Josee Riviere
15 is renting property. You can argue that that's
16 perhaps covered, but not -- and even that, Your
17 Honor, I doubt, because it doesn't -- they had ample
18 opportunity to specifically ask that witness and they
19 didn't do it. But more to the point, he can't say
20 that that witness or any witness testified that Josee
21 Riviere was responsible for renting the properties.
22 It just didn't happen, and it's not in the testimony.

23 MR. BEASLEY: Your Honor, we can cross --

24 THE COURT: Is there anything else, Mr. Harte?

25 MR. HARTE: No. I think that's all.

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1 THE COURT: Okay. Thank you, sir.

2 MR. HARTE: You're welcome.

3 THE COURT: Mr. Beasley, he can cross-examine
4 this witness. I think we talked about that as to the
5 reference to the depositions. He has a copy of it.
6 I don't know who has the original of her deposition,
7 if we need to --

8 MR. BEASLEY: We have it, Your Honor.

9 THE COURT: -- if we need to accommodate that
10 for the purpose of this proceeding. As to pitting
11 the witness, I would ask you to be careful in your
12 line of questioning as to not making one witness
13 appear to be completely contradictory to others as to
14 proving your point. And let the -- let the jury
15 determine who is being truthful. You're certainly
16 open to ask appropriate questions as to her
17 relationship with Mr. Riviere and what her business
18 association was with Mr. Riviere, and what her
19 marital assets were with Mr. Riviere, if any. And I
20 don't know that there were any. Okay?

21 MR. HARTE: Thank you, Your Honor.

22 THE COURT: Sufficient, Mr. Harte?

23 MR. HARTE: Well -- yes, ma'am. Thank you.

24 THE COURT: Let's bring the witness back in,
25 please.

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1 (Witness Josee Riviere returned
2 to the courtroom.)

3 (Sidebar.)

4 MR. HARTE: Your Honor, before the jury comes in
5 to --

6 THE COURT: Oh, wait, Ms. Jimmy. Mr. Harte
7 want's to make a point.

8 MR. HARTE: I'm sorry. Just before the jury
9 comes in.

10 THE COURT: No, but I will have the door closed.

11 MR. HARTE: Would you pass -- would you put this
12 where she can get to that, please?

13 UNIDENTIFIED FEMALE SPEAKER: Yes.

14 MR. HARTE: Thank you. Thank you, Your Honor.

15 (The jury entered the courtroom.)

16 THE BAILIFF: The jury is present, Your Honor.

17 THE COURT: Thank you, ma'am. Mr. Beasley,
18 please proceed.

19 MR. BEASLEY: Thank you, Your Honor.

20 BY MR. BEASLEY:

21 Q So, Ms. Riviere, you claim you didn't own these
22 properties; correct?

23 A Correct.

24 Q Okay. But you managed and operated these properties
25 with Rhett Riviere; right?

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1 A I did not manage any properties.

2 Q So you had nothing to do with these properties?

3 A I did not manage anything so, financially, no. I took
4 care of the garden --

5 Q So --

6 A -- and I cleaned house, my house, the house we lived
7 in on South Boundary.

8 Q -- okay. So we sat here yesterday and watched videos
9 of people renting those properties in a state of undress,
10 didn't we?

11 A I didn't watch but, yes.

12 Q So --

13 A I haven't seen the videos.

14 Q -- so if those properties aren't rented, who are all
15 those people?

16 A They were moved in, I imagine, by Mr. Riviere.

17 Q And that was your husband --

18 A That was my husband, yes.

19 Q -- for 12 years?

20 A Yes, sir.

21 Q And you still communicate with him daily to this day;
22 correct?

23 A Not to this day, no.

24 Q As recently as last year?

25 A Yes.

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1 Q Every day?

2 A Yes, yes, but not to this day.

3 Q When did you stop communicating --

4 A Yes, you're right. The more I hear, the less that
5 (unintelligible).

6 Q You say that you're less -- so when was the last time
7 you communicated with Mr. Riviere?

8 A At all? Last week, I sent a text to him.

9 Q Last week, you communicated with Mr. Riviere?

10 A Yes. No, I'm sorry. He called me about a friend of
11 his that was -- that had kidney failure, and I spoke with
12 him briefly and sympathized, and basically hung up.

13 Q In the 12 years you were married to Rhett Riviere, how
14 many computers did you see him with?

15 A He owned a personal computer. I mean, somewhere,
16 wherever he was.

17 Q How many cameras did you see in the room?

18 A Two, I guess.

19 Q Did you see him with a Bluetooth speaker?

20 A The Bluetooth speaker that you're talking about I
21 think was the one that I saw when he took me -- after we
22 were divorced, I went to a house that he owned on
23 3rd Avenue -- excuse me -- and he was showing me the
24 renovations of the house. And I'd seen it a long, long
25 time ago when -- when other people had moved in and the

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1 other people had rented. I hadn't -- I went in, and he
2 pointed to some little thing that -- and said this is --
3 he told me what it was, because I'm a very low -- low-tech
4 person. He actually pointed it out to me and said this is
5 a camera that took a picture that nobody is coming into my
6 house.

7 Q And he had an app to that camera, didn't he?

8 A I don't recall. I imagine he did, by virtue of what
9 you're saying. The Bluetooth was in that room.

10 Q Would you agree that you stated in your deposition --

11 A When he --

12 Q -- let -- would you agree that you stated in your
13 deposition last year that he showed you the app on his
14 phone?

15 A No, I don't believe he showed me the app on his phone,
16 but I'm not 100 percent sure.

17 Q How many videos in the 12 years and since that you've
18 been involved with Rhett Riviere, how many videos have you
19 seen him make?

20 A None.

21 Q None?

22 A One -- one of them of a dog.

23 Q So --

24 A -- and his dog.

25 Q -- so in 20 years, the only video you've seen Rhett

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1 Riviere this --

2 A Well, certainly not the videos that you all have seen
3 here, no.

4 Q It was just a dog? You've only -- you only saw a dog
5 video? That's only thing --

6 A I mean, you know, of somebody -- I don't know. Videos
7 of the nature that you're referring to, I have seen none.

8 Q Your parents have stayed in that cottage, haven't
9 they?

10 A Yes, they have.

11 Q And, in fact --

12 A When they were alive, they did.

13 THE COURT: Ms. Riviere, let's make sure not to
14 talk at the same time he's asking the question. For
15 one thing, to make sure he gets out his full question
16 before you answer. Thank you, ma'am.

17 BY MR. BEASLEY:

18 Q And you were best friends with Suzy Haslup, and her
19 fiancé stayed there?

20 A No, they did not.

21 Q Her fiancé did not stay there?

22 A Suzy Haslup is the realtor that you spoke with, and
23 she rented it for her groom.

24 Q Well --

25 A I don't think she stayed with her groom in that --

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1 Q -- okay. Well, her fiancé stayed there.

2 A -- I don't --

3 Q -- in that cottage; correct?

4 A -- I don't believe so.

5 Q Okay. Well, just so you know, a groom and a fiancé
6 are the same thing.

7 MR. HARTE: Oh, Judge, no. Objection,
8 objection.

9 THE WITNESS: Excuse me, sir. I'm from
10 Montréal.

11 MR. HARTE: Excuse me. Your Honor --

12 THE WITNESS: A groom takes care of horses.

13 MR. HARTE: -- thank you. That's all. Your
14 Honor -- Your Honor, I -- I -- I think this is
15 another example of just absurdities.

16 THE COURT: No, sir, Mr. Harte -- Mr. Harte,
17 please sit down.

18 MR. HARTE: Jesus Christ.

19 THE WITNESS: I'm sorry if I misunderstand.

20 THE COURT: I think there was a confusion as to
21 the -- which type of groom we were discussing, and I
22 think you are very familiar with the type of groom.
23 I'll -- we'll note that the parties have -- have
24 defined that appropriately now. Thank you.

25 THE WITNESS: I'm sorry if I misunderstood.

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1 MR. BEASLEY: That's all right.

2 BY MR. BEASLEY:

3 Q Do you ever -- previously, in your deposition, you
4 said you never asked Rhett Riviere about --

5 THE COURT: Hold on a second. Let's -- we have
6 one matter to take up.

7 MR. BEASLEY: Okay.

8 THE COURT: Could you please step out? Thank
9 you.

10 JUROR: She's hard to hear.

11 THE COURT: Thank you, ma'am.

12 (The jury exited the courtroom.)

13 THE COURT: All right. First, just so you all
14 know, one of the jurors has indicated that she's
15 having a hard time hearing you. That would be
16 another reason not to talk over each other. As she
17 walked out, she motioned to her ear and said she
18 needs to be able to hear you. So we want to make
19 sure you do that. Secondly, Mr. Harte, what is your
20 specific objection? The reason I would not let you
21 speak is, as I've informed you before, I do not want
22 you arguing in front of the jury as to the nature of
23 your objection. You have a tendency to try to
24 instruct other people on how they should question. I
25 don't think that's appropriate in front of the jury.

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1 I'm happy to hear from you at any time. Finally, the
2 reason I asked the jury to go out is you very loudly
3 said "Jesus Christ" upon me --

4 MR. HARTE: I apologize, Your Honor.

5 THE COURT: -- asking you to sit down.

6 MR. HARTE: I apologize.

7 THE COURT: That is absolutely sanctionable by
8 me and by any other court. I do not appreciate it.
9 I have given a lot of leeway and a lot of patience in
10 this case. I understand that you are a zealous
11 advocate. If I hear anything like that again, you
12 will be held in contempt and sanctioned
13 appropriately. What is your argument?

14 MR. HARTE: That he was using the word "groom"
15 to mean something he didn't mean.

16 THE COURT: It does mean fiancé or groom, as
17 your witness was testifying, but I think that was
18 clarified. Anything else?

19 MR. HARTE: No, Your Honor. And I apologize for
20 that. I just -- I'm just stunned by what these
21 lawyers are doing. I do apologize. And you're
22 absolutely --

23 THE COURT: I'm stunned by a lot of things right
24 now.

25 MR. HARTE: -- and you're absolutely right, Your

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1 Honor. And in recognition of that, I will send \$100
2 as --

3 THE COURT: No, sir, you are not --

4 MR. HARTE: -- money -- no, I will do it anyway.

5 THE COURT: You're not required to do so.

6 MR. HARTE: I'll do it to the -- I'm going to do
7 it to the -- I'm going to do it to the Helping Hands.
8 They can use the \$100.

9 THE COURT: You can say whatever you like about
10 me at the appropriate time --

11 MR. HARTE: No.

12 THE COURT: -- just not loudly or at this table.

13 MR. HARTE: Judge, it didn't refer to you, I
14 assure you of that. I was absolutely not referring
15 to you.

16 THE COURT: Thank you, sir. All right.
17 Anything else we need to take up?

18 MR. BEASLEY: No, Your Honor.

19 MR. MCCULLOCH: She might have an earache, Your
20 Honor.

21 THE COURT: All right. And I don't know if the
22 indication is your voice because, like --

23 (Unintelligible cross-talk
24 between counsel, the judge, and
25 the witness.)

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1 THE COURT: She has water. And make sure --

2 THE WITNESS: (Unintelligible.)

3 THE COURT: -- and for that reason too, make
4 sure that he finishes asking his question before you
5 answer. Thank you. Ms. Jimmy, please bring the jury
6 back in.

7 THE WITNESS: Boy, now I'm really loud. I'm
8 feeling kinda -- do you want to put it down lower?
9 Would that be better? The shortness of my -- is that
10 better?

11 THE DIGITAL REPORTER: Yes, ma'am.

12 THE WITNESS: Okay.

13 THE COURT: Oh, we're going to the bathroom.

14 THE WITNESS: It's a short person problem.

15 THE COURT: Does anybody else need to sneak to
16 the bathroom real quick?

17 THE WITNESS: Sneak? I think they can hear me
18 now.

19 THE COURT: Mr. Beasley, please proceed.

20 MR. BEASLEY: Thank you, Your Honor.

21 BY MR. BEASLEY:

22 Q Ms. Riviere, I asked you earlier about your parents
23 and Suzy Haslup's groom staying in that cottage; correct?

24 A Correct.

25 Q And they stayed in that cottage?

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1 A My parents stayed in the cottage, and Suzy Haslup's
2 groom stayed in the cottage, yes, at a later date. Yes.

3 Q Okay. And so, you'd been married to Rhett Riviere for
4 12 years and been in a constant relationship and
5 communication with him up until last week, and you never
6 asked him about whether or not your parents, Suzy Haslup's
7 groom, or anybody else you knew were ever videotaped?

8 A No, I did not ask him.

9 Q That didn't concern you, did it?

10 A In light of recent events, it does concern me, but it
11 did not at the time, no.

12 Q Is it because you knew they weren't videotaped in that
13 room?

14 A No. I never thought anybody was videotaped in that
15 room.

16 Q But you learned years ago that people were videotaped
17 in there.

18 A No. I learned that people were videotaped and there
19 was an investigation ongoing.

20 Q And you continued to have a relationship with Rhett
21 Riviere; correct?

22 A I continued to be friendly with him, and have him as a
23 friend, yes.

24 Q In fact, you indicated previously that this was all a
25 witch hunt, didn't you?

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1 A I didn't know. I wasn't aware of what I'm aware of
2 now.

3 Q Well, it was only last year.

4 A I wasn't -- I have not seen the videos.

5 Q Do you know Susie B. and Tim?

6 A Susie B. and Tim.

7 Q Do you know them? Do you know anybody by the name of
8 Susie B. and Tim?

9 A I know a Susie Bricker and Tim McKenzie.

10 Q Did they rent your cottage?

11 A Not that I remember.

12 Q Do you know Nicholas and Laura?

13 A No.

14 Q Do you know Teresa in the video we watched yesterday?

15 A I didn't watch the video. I -- I believe in my
16 deposition I said that I knew Teresa Brookins.

17 Q Do you know any of these people in the videos?

18 A Excuse me?

19 Q Do you know --

20 A I know --

21 Q -- any of the people -- let me finish -- in any of
22 these videos we watched yesterday?

23 A -- I didn't see the videos that you watched yesterday.

24 Q And you have never --

25 A I have never --

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1 Q -- asked Rhett Riviere if he filmed you or any of your
2 family?

3 A I have never asked him that.

4 Q And you never assisted anyone in identifying the
5 victims in this -- these videos, did you?

6 A Nobody ever showed me any of the videos. I wasn't
7 asked to.

8 Q You were shown still photographs at your deposition.
9 Do you remember that?

10 A I was, yes.

11 Q And you still said it was a witch hunt?

12 A They were just photographs of people.

13 Q And what kind of position were they in?

14 A Standing with clothes on, I think on a boat. I don't
15 really recall. They were not very good photographs.
16 There was nothing incriminating looking at all to me in
17 those photographs.

18 Q You don't think any of this is incriminating?

19 A All of this is incriminating, yes, but the photographs
20 that I saw were photographs of people.

21 Q Are you familiar with Dropbox?

22 A No.

23 Q So you never were involved with Dropbox with Rhett
24 Riviere?

25 A No, sir.

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1 Q You've never deleted any items in Dropbox?

2 A I wouldn't know how.

3 Q And I'm just going to ask one more time, so you never
4 asked Rhett Riviere if you or any of your family members
5 were filmed?

6 A I never asked.

7 Q And you never helped identify these victims in these
8 videos?

9 A I was never asked to help to identify anybody.

10 Q Is it because you were knee-deep in it?

11 A No, absolutely not.

12 Q No further questions.

13 THE COURT: Mr. McCulloch or Mr. Griffin?

14 THE WITNESS: And here we go.

15 THE COURT: Do you still have your water,
16 Ms. Riviere?

17 THE WITNESS: Yes, ma'am.

18 CROSS-EXAMINATION

19 BY MR. GRIFFIN:

20 Q Just very briefly, Ms. Josee Riviere, you were asked a
21 question by Mr. Beasley that went something along the
22 lines of all the -- well, let me back up. Mr. Rhett
23 Riviere would allow people to stay at -- on properties
24 without charge, would he not?

25 A He would.

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1 Q And you don't know one way or the other whether people
2 that -- on the video that this jury saw were paying rent
3 or they were staying for free or any circumstance?

4 A No, I do not.

5 Q So implied in his question that everyone was renting,
6 I mean, that's -- you -- you have no way of verifying that
7 or not; right?

8 A I have no way of verifying that.

9 Q So you were not involved in the rental of the
10 properties?

11 A No.

12 Q And you weren't in control of the properties, were
13 you?

14 A No, I was not.

15 Q Thank you. That's all I have.

16 THE COURT: Mr. Harte?

17 MR. HARTE: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. HARTE:

20 Q Good afternoon. Well, I guess -- yeah, it's -- good
21 afternoon, Josee.

22 A Hi, there.

23 Q Josee, do you know anything at all about how these
24 videos came into existence?

25 A I do not. I do not. Sorry. Better.

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1 Q Do you know anything about the cameras that they say
2 were used by someone to video these things?

3 A No, I do not.

4 Q Tell us a little bit about your knowledge and
5 experience with computers.

6 A I have zero knowledge or experience with computers. I
7 barely know how to turn one on. You have to plug them in,
8 I guess.

9 Q One of the companies that they have referred to here
10 is called RC Riviere Properties. Did you ever have
11 anything to do that?

12 A I believe that might have been one of Rhett Riviere's
13 bank accounts or something.

14 Q Did you ever control or participate in the control of
15 RC Riviere Properties?

16 A No.

17 Q Did you ever own any stock or interest in RC Riviere
18 Properties?

19 A No.

20 Q How about Chase Enterprises, do you own an interest in
21 Chase Enterprises?

22 A I don't.

23 Q Have you ever owned an interest in Chase Enterprises?

24 A No, sir.

25 Q Have you ever been a -- been a part of the management

JURY TRIAL, VOL. 4

1 of Chase Enterprises?

2 A No, sir.

3 Q Or got any favor with respect to Chase Enterprises at
4 all --

5 A No.

6 Q -- as far as the management of that corporation?

7 A No, sir.

8 Q Now, you and Rhett Riviere were divorced, as we know,
9 and you even had a property settlement or a settlement; is
10 that correct?

11 A That's correct.

12 Q And did that include the payment of alimony to you?

13 A It did.

14 Q Do you recall where those checks -- what -- what
15 accounts those checks were written on?

16 A I don't recall what they came off of. They might have
17 come from personal or RC -- or whatever it's called --
18 Riviere Properties. I don't remember what they came from,
19 who wrote the checks.

20 Q Did you -- did you ever borrow any money from either
21 of those two corporations?

22 A No, sir.

23 Q Do you know of any reason why you would be listed as a
24 debtor on those corporations?

25 A No, I don't. It's never been made -- nobody has ever

JURY TRIAL, VOL. 4

1 said I owed anybody money.

2 Q Yesterday, you had not seen the videos but you were
3 given to know what they were; is that correct?

4 A That is correct, and I'm horrified.

5 Q I'm going to ask you, what -- what -- what was your
6 reaction to those things?

7 A It's just horrific, disgusting.

8 Q Now, tell me about the man you met when you came to
9 Aiken in 1999. Tell me about the man you met then. Tell
10 me about him.

11 A You're referring to Mr. Riviere?

12 Q Right Riviere, mm-hmm.

13 A He was fun and outgoing, and we had a wonderful time.

14 Q And then, after married him, what was he like?

15 A Still fun, until he got into the boating thing, and
16 then we kind of went our separate ways.

17 Q Tell me about that. Do you have any interest in
18 boating?

19 A No. But he -- we went to see a boat that he had owned
20 in Maine, I think, he had owned. And it was -- had fallen
21 into disrepair, and he looked so sad to see it in
22 disrepair that I said, well, then you should get the boat,
23 which was probably the stupidest thing I have ever said.
24 But anyway, he got the boat and then spent -- proceeded to
25 spend several years putting it back together.

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1 Q Were you with him while he was putting that boat back
2 together?

3 A No, sir.

4 Q At any time that you were on any of the boats, did you
5 ever see anything that would suggest to you that anything
6 of a video nature was being done?

7 A No.

8 Q Did you ever see any -- that's all right. Just a
9 moment. Did any -- any law officers ever come and search
10 your premises?

11 A No.

12 Q Have you ever secretly recorded anybody?

13 A No.

14 Q Ever?

15 A Never.

16 Q You did remain friends with -- we call -- he's known
17 as Tiger in the community; is that correct?

18 A That's correct.

19 Q And after you divorced, you did remain friends?

20 A Well, it takes a little period of getting over that
21 part, and then -- it's a very small town and it's much
22 nicer to be friendly with somebody than to be enemies.

23 Q And not only is it a small town, but -- but your --
24 your activities were in an even smaller area, weren't
25 they?

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1 A Yes.

2 Q I mean, not everybody in Aiken rides horses, do they?

3 A No.

4 Q And those people who do are -- they encounter each

5 other virtually all the time --

6 A Yes, sir.

7 Q -- isn't that true --

8 A It's a --

9 Q -- at the polo field or --

10 A Yeah.

11 Q -- or just riding?

12 A Just riding down the road, yep.

13 Q And as you testified to, you had times ride with

14 Heather --

15 A I did.

16 Q And Gabriel?

17 A I -- not as much with Gabriel, but with Heather, yes.

18 Q I know that you didn't --

19 A She's a beautiful rider.

20 Q -- see the videos yesterday, but you heard them

21 described. And -- and from that, do you -- you do -- you

22 do know that Heather and Gabriel were shown on these

23 videos as being in very embarrassing personal situations;

24 correct?

25 A Yeah. I -- I can't -- it's -- it's -- it's awful, and

JURY TRIAL, VOL. 4

1 I'm so sorry that they were in that position.

2 Q Did you do anything to cause that to happen?

3 A No.

4 Q Now, you mentioned that you gave Heather and Gabriel a
5 horse; is that correct?

6 A I did.

7 Q And -- and why did you do that?

8 A I had a mare, which is a female horse, and she had a
9 leg injury, but she was very athletic. And they were
10 starting the breeding operation with their -- for polo,
11 and it seemed like a win-win for my horse to have a good
12 home and have nice babies, and they needed something nice
13 and she -- you know, rather than sell her to somebody that
14 I didn't know, I thought it was nicer that she went
15 somewhere, you know, just like --

16 Q When you said -- when you said in response to a
17 question from Mr. Beasley that Mr. Riviere owned several
18 cameras, tell me what kind of cameras he had when you --
19 when you were married to him that you saw?

20 A What kind of cameras did he have? He had cameras that
21 he was using to video his son in court tennis. They were
22 trying to get that up and running the way that you -- you
23 would view regular tennis matches. And court tennis is
24 just kind of a small thing. And they were trying to get
25 that up and going so that they would be able to broadcast

JURY TRIAL, VOL. 4

1 that around the world. So I never saw it. I don't
2 remember what it looked like, but they had that at the
3 tennis club for that.

4 Q Let's -- let's try to be -- court tennis is not long
5 tennis; am I correct?

6 A Yeah. They play it inside.

7 Q And there are only -- I think maybe less than ten
8 places in the entire United States which play; is that
9 correct?

10 A I believe so.

11 Q And there is a court tennis facility here, which was
12 built in the 1800s, 1890s, where people continued to play
13 that sport?

14 A It's a very elite sport, yes.

15 Q And that sport involves balls that are made out of
16 cloth, and the ball bounces differently, and it's got
17 angles and it bounces off roofs and all that sort of
18 thing; correct?

19 A Correct.

20 Q And you mentioned his son. Why would he want to video
21 his son doing that?

22 A Well, his son -- his son is a world renowned tennis --
23 court tennis player. He's, I guess, the number one in the
24 world.

25 Q Did he win the world's championship at --

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1 A He --

2 Q -- (unintelligible) Court?

3 A -- he did.

4 Q And -- and so the -- the use of the video interest
5 that you saw was because they were trying to develop a way
6 in which to film these --

7 A Yes.

8 Q -- events on a -- on a -- in a facility that it's very
9 difficult -- you can't just set up a camera in the middle
10 and catch the action; correct?

11 A Correct. Correct.

12 Q All right. All right. You mentioned it was a very
13 elite sport. Tell me a little bit about your background.
14 You grew up in Canada; is that correct?

15 A That's correct.

16 Q And -- and what -- what part of Canada did you grow up
17 in?

18 A Just outside of Montréal, off the --

19 Q And tell me a little bit about your -- your growing
20 up. What -- what -- what kind of schools did you go to?

21 A I went to a regular public school.

22 Q And -- and when did you become interested in horses?

23 A My parents both were in -- my father trained
24 racehorses, and my mother helped with that endeavor.

25 Q Did you live an elite or a -- or a high-end --

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1 A No.

2 Q -- high-dollar life?

3 A No, not at all. My first pony was a \$75 pony.

4 Q All right. And then, eventually, you got involved in
5 what? What sport discipline were you involved in?

6 A Primarily horseracing, but I would ride horses in the
7 morning for the race in the afternoon. You see them on
8 television racing. I would ride them in the mornings and
9 take care of them, and eventually, the assistant trainer
10 to somebody and helped them with a few more of the duties
11 of taking care of -- of the whole barn.

12 Q All right. Let's talk a little bit about what you
13 were doing to take care of these horses. Did you -- did
14 you gallop them in the morning? Did you do what's called
15 breezing them?

16 A I did do all of that. I didn't do -- I did do that
17 that in Aiken, actually in that timeframe in 2000 I was
18 doing that. And I would breeze them in the morning, do
19 regular work every day with them, and then they would
20 breeze for -- which means going fast -- about every four
21 or five days.

22 Q So when we -- we were talking about breezing horses,
23 we're talking about taking horses --

24 A Fast work.

25 Q -- that are -- that are very young, what we do at the

JURY TRIAL, VOL. 4

1 Aiken track; correct?

2 A Correct.

3 Q And some of those horses are not particularly easy to
4 ride, are they?

5 A The younger ones are easier than the older ones.

6 Q And so, when you're doing that, that -- is that hard
7 work?

8 A I suppose. It's --

9 Q If you love to --

10 A -- different -- it's different.

11 Q -- if you love to ride, it's okay, but it does --
12 there's a certain risk that goes with it; is that correct?

13 A Yes, I imagine.

14 Q And did you -- would -- did your work include what we
15 call mucking a stall?

16 A Mm-hmm.

17 Q And tell us what mucking a stall means?

18 THE COURT: Ms. Riviere, make sure you say yes
19 or no.

20 THE WITNESS: Yes, sir. Mucking a stall is like
21 cleaning a kitty litter. You have to go in there and
22 make sure all of the debris is -- and all of the
23 feces and everything is out and -- and put down fresh
24 straw or shavings and make them comfortable in their
25 stall.

JURY TRIAL, VOL. 4

1 BY MR. HARTE:

2 Q And -- and were you paid to do that?

3 A Yes.

4 Q So you had a job doing that?

5 A Yes.

6 Q And -- and were you paid to do it in Canada --

7 A I was --

8 Q -- or were you just working with your father?

9 A -- my father didn't pay me. I was expected to. In
10 Canada, I was expected to do that. Then I went -- I did
11 go to France, and I was paid in France to do that. I
12 worked in a different capacity there, but also with --
13 excuse me -- with racehorses and on a breeding farm.

14 Q So if there are people who have been in this courtroom
15 and have been asked about whether they have a job or not,
16 the truth is, you have had jobs, haven't you?

17 A Oh, yes.

18 Q All right. Now -- now, I want to move to after you
19 separated and divorced -- or separated from Mr. Riviere.
20 You said you had a boyfriend; is that correct?

21 A And I still do.

22 Q Is it the same boyfriend?

23 A It's the same one.

24 Q And where is he now?

25 A He's in Virginia.

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1 Q And why is he in Virginia?

2 A He lives in Virginia.

3 Q All right. And -- and what does he do for a living?

4 A He's a contractor, I think you call it. He builds
5 houses.

6 Q All right. And he remains your boyfriend; is that
7 correct?

8 A Yes, sir.

9 Q All right. Are you in love with him?

10 A I love him.

11 Q All right. And -- and you -- you -- would you --
12 because of your boyfriend, at any time after your divorce,
13 did you have any interest whatever in going back to
14 reconcile with -- with Tiger Riviere?

15 A Absolutely not.

16 Q Now -- now when you were divorced, were you guys on
17 really good friendly terms right after the divorce?

18 A No, sir.

19 Q And then, at a point in time, did that -- did that
20 change?

21 A I think the animosity fades.

22 Q All right. And -- and how did it come about that you
23 were close enough to him as a friend to be exchanging
24 these text messages?

25 A I think he made an effort to be friendly, and I am not

JURY TRIAL, VOL. 4

1 a nasty person, so we -- we got along. And then, the text
2 messages, well, in this day and age, everybody texts
3 everybody.

4 Q He mentioned something about dirty jokes. Do you --
5 do you get a chuckle out of dirty jokes?

6 A Some of them.

7 Q Now, with respect to these houses that they have
8 talked about, did you ever act as an agent for those
9 houses?

10 A No.

11 Q Did you ever do anything to find renters for those
12 houses?

13 A No. My parents, but they didn't rent so, no.

14 Q Incidentally, if you had had any reason to believe
15 that your husband was placing secret cameras in -- in
16 buildings, would you have put your mother in that
17 situation?

18 A No. I would have shot him first and left.

19 Q All right. In fact, one of the people who was deposed
20 said, when asked about you, that there was no way Josee
21 would have tolerated such a thing if she knew about it.

22 A Absolutely correct.

23 Q When you were shown this Bluetooth device at
24 3rd Avenue, were you told what that device was intended to
25 be done with -- what was intended?

JURY TRIAL, VOL. 4

1 A Yes.

2 Q What did he tell you?

3 A He told me it was to make sure that people didn't come
4 in the house unasked, uninvited.

5 Q Did he -- did he have someone working for him that he
6 thought was coming in and using the house?

7 A Yes.

8 Q And, in fact, when you went to that house with him,
9 did it appear that someone had been doing that?

10 A It sort of looked trashed. There was trash about.

11 Q And did he tell you where he had the device aimed?

12 A He did.

13 Q What did he tell you?

14 A He told me that he had it aimed down the hall.

15 Q And in that particular building, if a camera had been
16 aimed down the hall, would it have captured someone coming
17 in unauthorized?

18 A I imagine it would. It was sort of a shotgun-type
19 house.

20 Q Meaning that if you fire a shotgun in the front door
21 it's going to put a hole in the back door?

22 A Yeah, like New Orleans. Yeah.

23 Q Now, when you were married to Tiger, did you -- did
24 you monitor his activities?

25 A No.

JURY TRIAL, VOL. 4

1 Q Did you -- were you able to to control what he did?

2 A No.

3 Q Did you ever supervise him in what he was doing?

4 A No.

5 Q Did he tell you everything he was doing?

6 A No.

7 Q Do you recall when you began to live on a property
8 that is this Two Notch Road-Grace Avenue place where this
9 cottage is? Do you recall when you moved in there?

10 A 2005 or '06, I believe, but I'm not absolutely certain
11 of the date, no.

12 Q Where were you and Mr. Riviere living before you moved
13 into the property where this is located?

14 A We were living at 1011 South Boundary, and he sold
15 that.

16 Q Did you ever instruct him to sell the properties?

17 A No.

18 Q Where did you first learn that he was being accused of
19 this -- this -- this -- this videotaping?

20 A I was in Canada with my father. So a friend of mine
21 sent me a text and said it was in the paper or something
22 here. I wasn't --

23 Q Did you ever hold an interest in any of these
24 properties?

25 A -- no, sir.

JURY TRIAL, VOL. 4

1 Q What properties have you owned an interest in?

2 A The one I live in, 109 Ellington. I may get the
3 number wrong. I think it's 446 Marion I had for a brief
4 period of time and according to Deirdre. I had forgotten
5 that one. I guess my name was on it. I don't remember it
6 being on it, but apparently 831 or 381-- 831 Boardman.

7 Q Did you even remember the --

8 A No, I didn't remember that one.

9 Q -- was that ever --

10 A But -- but --

11 Q -- rented out, to your knowledge?

12 A -- no, not to my knowledge.

13 Q Well, how about the -- the property on Marion Street,
14 did you ever rent that property out?

15 A No.

16 Q All right.

17 A No.

18 Q And -- and why -- when you bought the Marion Street
19 property, where were you living?

20 A That's a very good question. I don't know when I
21 bought it, but --

22 Q But you never lived in it; correct?

23 A -- no, no, no, no. It was --

24 Q Why did you buy that property?

25 A -- to make some money.

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1 Q All right. And what did you intend to do with it?

2 A Sell it.

3 Q Did you intend to use it as a rental --

4 A No.

5 Q -- or did you intend to flip it?

6 A Well, I think part of me thought that if I owned
7 something that was mine I would have something that was
8 mine, because nothing that he owned had my name on it, and
9 I wasn't -- I didn't feel comfortable with that, because
10 there was nothing -- nowhere I could go that was just me.
11 But then, it seemed like a better idea to make some money
12 in three weeks or whatever that I had. I don't know. It
13 was a short period of time that I had that house, so. But
14 that -- that was my thought in my head, I think was --

15 Q Did it work out? Did you make a little money on it?

16 A I made a little money. Suzy always makes money.

17 Q Had you ever drafted leases for any of Tiger's
18 properties?

19 A No.

20 Q Did you ever type them up?

21 A No.

22 Q Did you ever negotiate the terms of those leases?

23 A No.

24 Q Did you after -- do you recall -- do you recall ever
25 going into the cottage while -- during the period when

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1 Heather and Gabriel were there?

2 A No, I do not.

3 Q And during that period when you had horses there, did
4 you have facilities so that it was unnecessary for you to
5 go in the cottage?

6 A There is a bathroom in the barn, and a tack room,
7 comfortable.

8 Q And when you say tack room, that's where --

9 A A place for the tack, indeed, but it was also quite
10 comfortable. It had chairs and a table and fridge, a
11 little fridge.

12 Q And when we're talking about tack, we're talking about
13 the saddles and the bridles and --

14 A Correct.

15 Q -- the quirts and the various stuff?

16 A Yep, the stuff that grooms use to put on the horses.

17 Q Grooms meaning people who work for horses --

18 A Correct.

19 Q -- not people who are getting married?

20 A Correct.

21 Q That's pretty well known by people, isn't it,
22 particular people if they're involved in things about
23 horses and --

24 A Not -- I guess not everybody would know that, so
25 that's all right. It's a whole different language.

JURY TRIAL, VOL. 4

1 Q In your relationship with Tiger, was there ever
2 anything that you saw in him that suggested he had any
3 sort of perversion or -- was interested in abnormal sexual
4 activities?

5 A No. I never saw anything like that.

6 Q Did he ever ask you to do anything that was abnormal?

7 A No, never.

8 Q Did he ever ask you or tell you that he was video --
9 if he was videoing -- taking video of you?

10 A No.

11 Q In fact, to this day, do you have personal knowledge,
12 something that you have seen or observed, that would tell
13 you that Rhett Riviere actually made these videos?

14 A Only what I've seen the evidence of so far.

15 THE COURT: And we're not going to allow the
16 witness to act as the juror.

17 THE WITNESS: So I'm not sure --

18 MR. HARTE: I'm only asking what she saw, Your
19 Honor.

20 THE COURT: Thank you.

21 BY MR. HARTE:

22 Q Now, with respect to your memory, were you involved in
23 a -- in a car accident?

24 A Yes.

25 Q Tell me about the car accident.

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1 A The car accident occurred in New York -- New York City
2 in 1987.

3 Q And tell me about that accident. In what way were you
4 injured?

5 A I drove over the median on the belt parkway and
6 flipped the car three times. I was in the ICU for an
7 extended period of time, three weeks, I think.

8 Q After -- after the -- after the wreck, did you observe
9 on your -- on your own any changes in your ability to
10 memorize, to remember things?

11 A I did.

12 Q And tell me about that.

13 A I have a hard time remembering things if -- I suppose
14 now it's a bit with age, but then, it was sequentially.
15 And I would remember things, but then it wouldn't make
16 sense because it was at a different time or, you know, it
17 could be just everything was out of whack. And some
18 things I didn't remember at all. I, unfortunately,
19 remember hitting the wall.

20 Q Now, during the period -- now, let's have -- let me
21 just get some dates right. You got married to Tiger in
22 what year?

23 A 2000.

24 Q And 2000, in what month if you recall?

25 A August.

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1 Q All right. And so, you -- well, when -- when the
2 Crespos say they rented the cottage, that would have been
3 in April of 2001, March or April of 2001?

4 A That's what they say, yes. April through June, I
5 believe they said.

6 Q All right. So at that point in time, you would have
7 been married --

8 A 8 months, 9 months.

9 Q 8 months, 8 or 9 months. Okay. Now, during that
10 period, you were a newly -- a new bride; correct?

11 A Yes, sir.

12 Q What were you doing during that period of time leading
13 up to when they rented that property?

14 A We traveled a bit. I had the horses in that barn by
15 then. We just -- I don't know exactly what you --

16 Q Were you happy?

17 A Yes.

18 Q And -- and were you enjoying your role as a new bride?

19 A Yes. It was fun.

20 Q And -- and -- and along with that, you -- you and your
21 husband had this -- yet, he -- he gave you access to this
22 barn?

23 A Correct.

24 Q And you were there --

25 A He had just built the barn.

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1 Q -- and -- yes. And the barn actually opens out on the
2 -- the area which is an open field?

3 A Correct.

4 Q Because one of the -- so -- so you could come there
5 ride a horse, ride (unintelligible), you travel with your
6 husband. Were you paying any attention to what was going
7 on in other people's lives?

8 A No. I didn't then anymore than I do now.

9 Q But do you -- do you pay attention to what's going on
10 in gossip-land?

11 A No. I'm pretty averse to that.

12 Q In fact, you're a very private person, aren't you?

13 A Very.

14 Q Do you belong to any of the social clubs in Aiken?

15 A No, sir.

16 Q Do you go out on Friday night to the --

17 A No, sir.

18 Q -- bars downtown?

19 A No.

20 Q Did you -- did you do that sort of thing when you were
21 married to --

22 A Yes.

23 Q -- Tiger?

24 A Yes.

25 Q And did you go with him then?

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1 A Yes.

2 Q And -- and how was he received then?

3 A He seemed to be well received then.

4 Q And -- and when we talk about that, you would be going
5 to places like the Green Boundary Club with him?

6 A Mm-hmm. Yes, sir.

7 Q And -- and all kinds of people, including the -- the
8 very finest in Aiken would socialize with you, didn't
9 they?

10 A Yes. Yes.

11 Q Because his mother had been quite a person, hadn't
12 she?

13 A From what I hear. I never met her.

14 Q Did you hear stories about the animals that she had?

15 A I did.

16 Q Did that include peacocks?

17 A It include peacocks and emus and -- not a warthog, but
18 something of that nature, and in all kinds of things.

19 Q Did you at one time own a pig?

20 A I did have a pig.

21 Q Tell me about the pig.

22 A Oh, that will make me cry. I had a potbelly pig whose
23 name was Ziggy.

24 Q Ziggy. Okay. So when did you get the pig?

25 A When was Ziggy born? I think Ziggy was in 2001. I

JURY TRIAL, VOL. 4

1 had him for a long time.

2 Q So when we're talking about these events that they say
3 happened --

4 A That I'm --

5 Q -- when they were -- when they're talking about things
6 that happened in the (unintelligible), you had your little
7 pig?

8 A No, I didn't have my pig yet. If they were there, I
9 didn't have him yet.

10 Q All right. So you didn't have the pig yet, but you
11 had your horses --

12 A Mm-hmm.

13 Q -- you had your new husband --

14 A Mm-hmm.

15 Q -- and you were making a lot of new friends in Aiken;
16 correct?

17 A And some old ones, because some were from the place
18 that I grew up in.

19 Q You knew some people from Canada, and who would that
20 have been?

21 A A woman who has just recently died, unfortunately,
22 Dione Appleton. I knew the Stokers. Who else was there?
23 Anyway, that's -- that's a start, so.

24 Q Did anyone ever tell you anything about Rhett Riviere
25 having any sort of a reputation that was not good?

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1 A No. Everybody liked him.

2 THE COURT: Yes, sir? Oh, hold on. I've
3 spilled my coffee. I'm sorry.

4 MR. HARTE: Just one moment, Your Honor.

5 MR. MCCULLOCH: Your Honor, could we maybe --
6 could we approach and sidebar?

7 THE COURT: Yes.

8 (Sidebar.)

9 THE COURT: Okay, Mr. Harte. Ladies and
10 gentlemen of the jury, we're going to -- I instruct
11 you not to consider the last question or the answer
12 that was given by this witness as to that question.
13 We are very close to our lunch break. In this
14 matter, I'm going to ask Mr. Harte to kind of wrap
15 this up, if you can. I don't know if you have a lot
16 of questions left.

17 MR. HARTE: I really only have -- I think I have
18 two, Your Honor.

19 THE COURT: Okay. And I'm not sure what we'll
20 have on redirect, and then we'll take our lunch. I
21 understand if you don't have plans for lunch. We'll
22 take about an hour. Let's see how long this -- this
23 goes. Okay? Thank you.

24 BY MR. HARTE:

25 Q Did you ever tell anybody, the Crespos or anyone else,

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1 that you had the power or authority to rent properties
2 owned by Rhett Riviere, Chase Enterprises, or RC Riviere
3 Properties?

4 A No, sir.

5 Q Did you ever, in fact, have that authority?

6 A No, sir.

7 MR. HARTE: That's all the questions I have,
8 Your Honor.

9 THE COURT: Thank you, sir. Is there any
10 redirect at this time? We can take a break for lunch
11 and take that up after.

12 MR. BEASLEY: No redirect, Your Honor. We can
13 break.

14 THE COURT: All right. Thank you. Are you
15 reserving that until after lunch, or are you --

16 MR. BEASLEY: I don't have any further
17 questions, Your Honor.

18 THE COURT: -- all right. Thank you, sir. What
19 about as to --

20 MR. GRIFFIN: No questions.

21 THE COURT: -- you're done? Okay. Thank you.
22 All right. Well, then, we'll take our lunch break.
23 Ms. Riviere, you're done with testifying. If you'll
24 go back to your seat. Let's just wait until she gets
25 down before you all go out of the room. Okay? All

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1 right. Now, you may leave. Enjoy your lunch.
2 Please do not discuss the case with anyone
3 whatsoever, including yourselves. Do not discuss the
4 evidence or the testimony that's been presented, any
5 of the rulings, or anything about what the attorneys
6 have said. Don't look at any accounts of any media,
7 whether in print, online, or on the radio. And enjoy
8 your lunch. Thank you.

9 (The jury exited the courtroom.)

10 THE COURT: I ask the attorneys and the parties
11 to stay briefly. Ms. Jimmy, tell them 2:00, please.
12 Thank you. Okay. First, you all need to sit down
13 for a second. Joseph, and I'm sorry, I don't know
14 your last name, so I can't refer to you as Mr.
15 so-and-so.

16 THE DIGITAL REPORTER: It's Joseph Hoskins.

17 THE COURT: Could you look back at Mr. Harte's
18 questioning of Ms. Riviere and tell me -- and it's
19 the second to the last or third to last question, the
20 last few questions he asked. Would you let me know
21 and read those back to me?

22 THE DIGITAL REPORTER: Yes.

23 (Off the record.)

24 (Recess.)

25 (On the record.)

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1 THE COURT: The jury is going to come in.

2 (The jury entered the courtroom.)

3 THE COURT: Ladies and gentlemen of the jury, we
4 had an issue come up during lunch that I think is
5 going to take some lengthy argument. And I don't
6 want to keep you all here during that time period, so
7 I'm going to excuse you for the day and ask you to be
8 back at 9:00 in the morning. Actually, let's make it
9 9:30 for you guys. Okay? Thank you. Enjoy your
10 day. Please do not discuss the evidence and
11 testimony that you've heard here in the courtroom.
12 Do not look up anything on a computer, do not read
13 any newspaper articles, do not listen to any radio,
14 do not talk to your family and friends about what's
15 going on in this courtroom. Thank you.

16 (The jury exited the courtroom.)

17 THE COURT: Okay. The matter we've got at hand
18 is during the basically direct examination, because
19 it was a hostile witness to the plaintiffs', the
20 defendant, Josee Riviere, her counsel asked -- I'm
21 sorry --

22 (Sidebar.)

23 THE COURT: -- all right. Sorry. There is an
24 we'll have to take up with the jury tomorrow. Did
25 anyone ever tell you anything about Rhett Riviere's

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1 reputation, is my recollection, and we had it
2 replayed before we went to the break.

3 MS. BARBIER: Your Honor, I think he said it in
4 the direct, and this was on the cross-examination.

5 THE COURT: It was cross-examination of a
6 hostile witness, though. And in that sense, it's
7 direct. Wait, Mr. Harte.

8 MR. HARTE: I believe it was a direct quote
9 lunge: Did anyone ever tell you anything about a bad
10 -- bad act by -- by Rhett Riviere. I think that was
11 the question.

12 THE COURT: Yes, sir. I think you used the word
13 "reputation."

14 MR. BEASLEY: Yes.

15 MR. GRIFFIN: Your Honor, they put it, "Did you
16 ever tell anyone that Rhett Riviere had a reputation
17 that was not good?"

18 MR. HARTE: Okay.

19 THE COURT: Thank you, sir. You have better
20 notes than I do. I'm going to first say to
21 Mr. Harte, Mr. Harte, how very disappointed I am in
22 this. You have been an attorney for longer than I've
23 been alive. I have worked with you in court against
24 you. I have seen you in civil cases. I have seen
25 you in family court cases. I have known you to be a

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1 very experienced litigator, to know all of the rules,
2 to be proficient on the rules. And I am -- I cannot
3 tell you the feelings I have about this issue right
4 now and the question I face in this case. This isn't
5 the first time you've brought this issue to me in
6 this case. Now, as I see it, everyone, I have three
7 options: We can mistry this entire case, tell the
8 jury that I have just allowed to see some of the most
9 horrendous things I have seen in my career. And we
10 all know that we get to see things people in the
11 general public do not. I am loathe to do that, to
12 put another panel through that. I can mistry this
13 case as to Mr. Riviere, or we can continue as-is with
14 a curative instruction of which I'm not sure how to
15 craft. If I fix this for one defendant, I can't fix
16 it for the other.

17 I'm happy to listen to arguments now, or I'm
18 happy to take this up in the morning with some time
19 for you three. I'm going to take the night to discuss
20 -- to think about this, though. I am not rushing into
21 this decision in any way. I understand the plaintiffs
22 would like this to waive away, saying this only helps
23 Mr. Riviere. However, that does not give a full
24 presentation as to Ms. Josee Riviere.

25 MR. GRIFFIN: Your Honor, may I speak?

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1 THE COURT: Yes, sir.

2 MR. GRIFFIN: You have accurately identified the
3 quandary in which there is no way out. I mean, Ms.
4 Josee Riviere has a right to testify that I was
5 unaware of anything in Mr. Rhett Riviere's history or
6 reputation that would have put me a notice of
7 anything. And that's what the question was asked.
8 They're entitled to cross-examine her. Well, it was
9 known in the community he was a peeping Tom, or
10 whatever else. And then, that is character evidence
11 that is improperly admitted as to our client. They
12 can't defend Ms. Riviere without getting into what
13 Ms. Riviere's reputation is. We can't -- and -- and
14 you know -- and so -- I -- so there's no way to go
15 forward with -- with these two sitting here. And I
16 think there's a way to sever after a jury has heard
17 joint defense this case for 4 days without granting a
18 mistrial.

19 THE COURT: Mr. Griffin, you all did not present
20 a joint defense. You are joint defendants, but you
21 have not -- you have been very clear in not
22 presenting a joint defense. He is at a table on
23 purpose by himself --

24 MR. GRIFFIN: I misspoke.

25 THE COURT: -- and has made that statement many

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1 times.

2 MR. GRIFFIN: I -- I -- I -- I misspoke. I
3 mean, they're just somewhat antagonistic defenses,
4 but the -- we've been trying to keep reputation
5 evidence out of the case the whole time. And at one
6 point in time, Your Honor ruled that by Mr. Harte
7 asking questions opened the door to harmful evidence
8 to us that had been excluded. And I understand the
9 plaintiffs would want to cross-examine Ms. Riviere on
10 that. I mean, right now, as the record stands, the
11 testimony has been stricken, but that's really not
12 fair to Ms. Riviere. I'm not here to represent her,
13 but -- I mean that sort of guts her defense. And
14 we're in a quandary. And, Your Honor, it's our
15 position there's no curative instruction, severance
16 won't solve it, only a mistrial. Thank you.

17 THE COURT: Yes, ma'am?

18 MS. BARBIER: Your Honor, the fact of the matter
19 is, the witness was asked a question that Your Honor
20 told Mr. Harte a number of times that we were not
21 allowed to go into, and that is on Mr. Harte. But
22 the witness, in a self-serving manner, said that --
23 testified that he had a good reputation. That only
24 helps Mr. Riviere. That has got zero prejudice to
25 him, zero. We did not cross-examine, we did not ask

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1 any questions: Isn't it true you haven't heard about
2 this, isn't it true about this? None of that
3 happened. There's been zero prejudice to Rhett
4 Riviere, and Ms. Riviere only helped herself with
5 those questions.

6 The only party prejudiced is the plaintiff. And
7 these two plaintiffs have had the worst week of their
8 life. And to make them go through another trial like
9 this and sit through and listen to the -- what has to
10 be done in this courtroom by the parties defending
11 themselves would be a travesty. There is zero reason
12 for a mistrial. There has been no prejudice to either
13 of the defendants. They're the winners on that. If
14 anybody is prejudiced, it's us because we weren't
15 allowed to present, you know, what we believe, and
16 witnesses -- other witnesses said what his reputation
17 was. But we're fine with that. We are not here --
18 we're imploring the Court to consider this and
19 consider who was hurt by it, and -- and who did not
20 ask anymore questions on redirect about it.

21 THE COURT: Ms. Barbier, I don't know that a
22 mistrial is something that a party can waive. I
23 think that's in the discretion of the Court to
24 preserve the integrity of the system. And I don't
25 know of a case in which a mistrial is actually -- I

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1 mean, we all hear of people trying to spike the wall,
2 so to speak, but most of the time, people do not want
3 a mistrial. It just occurs.

4 MS. BARBIER: Well, Your Honor, I think that a
5 motion has to be made by a party for a mistrial, and
6 that --

7 THE COURT: Mr. McCullough has made the motion
8 on --

9 MS. BARBIER: -- they have to show prejudice.

10 THE COURT: -- the sidebar. He was welcomed to
11 make the motion again. I think Mr. Griffin just made
12 the motion as well --

13 MR. GRIFFIN: Yeah, a detailed motion for
14 mistrial --

15 THE COURT: -- that he found the only remedy to
16 be a mistrial.

17 MR. GRIFFIN: -- and, Your Honor, to address no
18 cross-examination, no prejudice, I mean, there's
19 nothing to cross her on once the testimony was
20 stricken. And she is prejudiced by not having that
21 testimony before the jury.

22 THE COURT: Mr. Harte, what would you like to
23 say on this matter?

24 MR. FEW: So he's arguing for her?

25 THE COURT: Wait a minute.

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1 MR. FEW: You're concerned about her now?

2 THE COURT: Excuse me. I want to hear from
3 Mr. Harte, who is her attorney.

4 MR. HARTE: Your Honor, to -- to be clear,
5 throughout this case the plaintiffs have repeatedly
6 said that there was no way Josee Riviere could not be
7 on notice of what he has been doing, they say,
8 because it was known throughout the community. That
9 is an argument that they have made in open court
10 repeatedly, and they've made it -- made it over and
11 over again.

12 THE COURT: Mr. Harte, I'm not sure that
13 argument was ever made to the jury, pursuant to my
14 instructions.

15 MR. HARTE: Well, Your Honor, had I -- and I am
16 very apologetic for anticipating that they will do
17 what they have done before.

18 THE COURT: No, sir. They have not done it
19 before because I had instructed them not to, just as
20 I have instructed you not to.

21 MR. HARTE: Not in this case, you're right. And
22 I -- if -- if the -- if the question was
23 inappropriate, then that would be your ruling. But,
24 Your Honor, I have to say candidly that I thought the
25 question was proper. I would not have asked it if I

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1 did not. Perhaps I could have worded it better. But
2 I -- I believe that --

3 THE COURT: Mr. Harte, it is already this
4 Court's ruling that that question was completely
5 improper for the myriad of reasons that we have
6 stated over and over and over again.

7 MR. HARTE: -- then, Your Honor, I would only
8 say that I do not believe a mistrial is -- I'm going
9 to leave the decision of that to you, Your Honor, but
10 -- and I'm going to apologize again to the Court for
11 -- if I exceeded in that question what I should have.
12 I assure you, I was not intentionally violating
13 anything that you have said. I didn't realize I had
14 violated that. But I believe the -- the -- and
15 candidly, Your Honor, I will- I will send you some
16 information overnight about the reason why I asked
17 that question so we can be clear. I probably should
18 have cleared it with you before I asked it, and I do
19 apologize, Your Honor. I apologize for that, but I
20 can't -- I have to defend my client. And if I made a
21 mistake in doing so, I profoundly apologize. I leave
22 it to your discretion as to what effect that has. I
23 mean, people make mistakes, and I'm good at it.

24 THE COURT: Mr. McCulloch, you have risen.

25 MR. MCCULLOCH: I have risen to be brief. I

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1 just never know, Your Honor. I so seldom work in
2 courtrooms that have microphones for sidebars, so I'm
3 kind of accustomed to coming out and putting on the
4 record what was done at sidebar. I know some lawyers
5 who have ripped their britches on that peg. What I
6 said at sidebar, as you recall, is I objected, moved
7 to strike. I don't think the testimony had been
8 stricken yet. But then I said I don't think there is
9 any curative instruction that I can imagine that
10 would repair this situation. I then moved to renew
11 the motion to sever. I don't know how -- if you
12 granted a motion in the middle of a trial, I don't
13 know how you fix that with any curative instruction.
14 And so that is why, Your Honor, I have come to the
15 conclusion that I would like the overnight to think
16 if there is a way out of this rather inescapable
17 mousetrap. I don't know of one now. I don't believe
18 the morning sun will bring a solution other than
19 mistrial. Thank you.

20 THE COURT: Thank you, sir. Mr. Harte, you're
21 still standing.

22 MR. HARTE: Well, only because I was trying to
23 look at something over my paralegal's shoulder.

24 THE COURT: Okay. All right. Counsel, I ask
25 all of you to delve into this question. We will

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1 continue arguments in the morning. Okay? Thank you
2 very much. You're happy to send me anything, but
3 we're going to --

4 MR. FEW: Can I say two quick things?

5 THE COURT: -- yes, sir, Mr. Few.

6 MR. FEW: So as I'm sitting here, the quandary
7 that Mr. Griffin describes that exists in this case
8 is going to exist every time this case is tried,
9 because of the two of them are now -- now that all
10 the evidence is up, they're against each other on the
11 negligence charge, and there's an issue in the case
12 as to whether -- as to whether or not what she knew,
13 does that make her negligent, and that's what made
14 the reputation question something that they think
15 needs to be asked. But we were not allowed to do
16 that, pursuant to Your Honor's orders, which is
17 absolutely appropriate. But I just want the Court to
18 understand that Mr. Griffin's argument that the
19 situation we're in right here, we're going to be
20 right back in this same situation after four more
21 days of the next time because this is an unavoidable
22 situation. And, Your Honor --

23 THE COURT: I think that was their argument in
24 their motion to sever, Mr. Few.

25 MR. FEW: -- no, but they don't -- just because

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1 they're -- just because they have conflicting
2 interests doesn't mean that the trial needs to be
3 severed. Your Honor, I mean, just --

4 THE COURT: All right. What was your second
5 point?

6 MR. FEW: -- well my second point is that
7 they've not shown any prejudice, and I just heard
8 Mr. Griffin argue about how Josee was prejudiced by
9 her lawyer's own improper question. And this is when
10 the record of Mr. Harte, having represented Rhett
11 Riviere forever and in these matters, and then he
12 flips over to represent someone else. And you want
13 to talk about contrived, and we've been here for 4
14 days? And I -- and I share Your Honor's concerns,
15 particularly with the jury. I actually thought of
16 the jury even before to have to do this again. And,
17 Your Honor, I just think that if we need the night to
18 thinking it over but, frankly, there's no prejudice
19 to anybody. There's just no prejudice, and prejudice
20 is required for the mistrial. It's certainly within
21 your discretion, but I've not heard an argument that
22 anybody has been prejudiced by this.

23 MR. HARTE: Your Honor --

24 THE COURT: I would suggest that all of you have
25 a lot of work to do. We are going to stop oral

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1 arguments at this time, Mr. Harte. I've already said
2 I'll hear arguments again at 9:00. I've asked the
3 jury to be in at 9:30, and we will make the final
4 determination at that time.

5 MR. FEW: Thank you.

6 THE COURT: I would ask that you try to send me
7 anything tonight that you would like me to read in
8 advance. Thank you.

9 THE CLERK: Let me just make everybody aware of
10 something with regards to the scheduling -- not the
11 scheduling -- of what we have tomorrow morning. At
12 9:00 tomorrow morning, there is a first appearance in
13 criminal cases that will run probably -- we'll have
14 about 100 people into the courthouse area trying to
15 get into the other courtroom. We'll do -- we'll do
16 first and second appearances in Courtroom No. 5.
17 Just be aware. Try to get here early. Try to beat
18 that crowd if you possibly can. Otherwise you're
19 going to have to park halfway down to beat the rush.

20 At 11:00, there will be a second appearance, and
21 there will be another probably 100 people coming in
22 for second appearance in criminal cases. That will
23 also be in Courtroom No. 5. But again, it will create
24 a situation which we already have, which is a full
25 parking situation. Just keep that in mind when you

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1 start heading this way.

2 (The proceedings were adjourned
3 until 9:00 a.m., September 20,
4 2024.)

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1 CERTIFICATE OF TRANSCRIBER
2

3 I, Sandra J. Early, a court-approved
4 transcriber, do hereby certify that I transcribed the
5 electronic recording of the foregoing proceedings in
6 Docket Nos. 2022-CP-02-2323 and 2022-CP-02-2324 held
7 on September 19, 2024, before the Honorable Martha
8 Rivers, and that said transcript is true and correct,
9 all to the best of my knowledge and ability.

10 I further certify that I am not related to nor
11 the employee of any of the parties hereto, nor
12 related to or employed by any attorney or counsel
13 employed by the parties hereto, nor interested in the
14 outcome of this action.

15
16
17 January 10, 2025

18 *Sandra J. Early*
19

20 Sandra J. Early

21 Transcriber
22
23
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1 STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT NO. 2
2 COUNTY OF AIKEN) DOCKET NOS: 2022-CP-02-2323
3 2022-CP-02-2324

4 -----
5 GABRIEL CRESPO and)
6 HEATHER CRESPO,)
7 Plaintiffs,)
8 versus)
9)
10 RHETT RIVIERE; JOSEE RIVIERE;)
11 CHASE ENTERPRISES, LLC; and)
12 RC PROPERTIES, LLC,)
13 Defendants.)
14 -----

14 J U R Y T R I A L
15 VOLUME NO. 5

16
17 DATE: September 20, 2024
18 TIME: 9:11 a.m. to 2:47 p.m.
19 LOCATION: South Carolina Circuit Court No. 2
20 JUDGE: Martha Rivers
21 TRANSCRIBED BY: Sandra J. Early

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23 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL.

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25 THE SPEAKER.)

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1 P R O C E E D I N G S

2 THE COURT: Okay. Yesterday, I received
3 plaintiff's memorandum in opposition of the mistrial,
4 and I received Josee Riviere's motion in opposition
5 of the mistrial -- or brief, I should say. I did not
6 receive anything from Mr. Griffin or Mr. McCulloch,
7 but I believe they moved for the mistrial; is that
8 correct?

9 MR. GRIFFIN: Yes, Your Honor. We did not
10 submit anything. We have additional argument we'd
11 like to put on the record.

12 THE COURT: Certainly. All right. Mr. Harte?

13 MR. HARTE: Your Honor, I also submitted just a
14 few moments ago a supplement to my memorandum that
15 was e-mailed to, I believe your -- let me see here --
16 your --

17 THE LAW CLERK: Yes, sir, I received it.

18 MR. HARTE: -- all right. Thank you.

19 THE COURT: I haven't had a chance to look at
20 that, Mr. Harte. I'll let you argue that when the
21 time comes.

22 MR. HARTE: Thank you, Your Honor.

23 THE COURT: All right. Mr. Griffin, are you
24 arguing this motion?

25 MR. GRIFFIN: Yes, Your Honor.

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1 THE COURT: All right. Please proceed.

2 MR. GRIFFIN: Thank you. This is our motion for
3 a mistrial or, in the alternative, for severance.
4 And -- and the severance that we would request would
5 be that we -- we be severed and that the case proceed
6 with Mr. Josee Riviere. I want to start, I guess,
7 with pretrial rulings that Your Honor made. You
8 know, we had a lot of motions in limine. We -- we
9 were very adamant that we thought that all the other
10 videos should stay out of the case. Your Honor ruled
11 that -- that -- that the plaintiffs could submit ten
12 videos. And then, we understood that there would be
13 an opportunity to -- for plaintiffs to refer to that
14 there were more videos, but not any number. And
15 then, Your Honor excluded all character evidence,
16 reputational evidence, and then other evidence of bad
17 acts that didn't involve videos.

18 THE COURT: As to your client.

19 MR. GRIFFIN: As to my client.

20 THE COURT: Yes, sir.

21 MR. GRIFFIN: Yes, Your Honor. And so, then we
22 proceeded into the case, and -- and what we have had
23 is a drip, drip, drip throughout the 4 days of
24 testimony. And then, yesterday -- and I'll explain
25 why -- that drip has now burst the dam of improper

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1 character assault against Mr. Riviere. First, we had
2 Sue Hook testify, and Sue Hook -- Mr. Harte again
3 says "You're not fond of Rhett Riviere, are you,"
4 and she says "No." And then, Your Honor ruled that
5 opened the door for her to explain why, which is
6 exactly one of the incidents that we had successfully
7 kept out of the case. And she had said that he had
8 climbed in a tree, she heard he climbed in the tree
9 to -- to peep -- to be -- you know, peep in on her.

10 THE COURT: No. Let's be clear. I understand
11 you're making an argument, but I believe her
12 testimony was she came home and he was coming out of
13 the tree, and he said he was looking for peacocks.

14 MR. GRIFFIN: Yeah, that was here --

15 THE COURT: And then, there was testimony as to
16 her location of a window proximity to that tree.

17 MR. GRIFFIN: You're -- you're exactly right,
18 except when we get to where is tree located. We did
19 that out of the presence of the jury. And she says,
20 well, it was, you know, the corner of the house where
21 he could climb up and look into my bedroom and my
22 bath. And you said, no, no, we're not going there.
23 So when then she testifies in front of the jury,
24 "Where's the tree?" "The tree is right outside my
25 bedroom and my bathroom." That was her testimony.

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1 And -- and then, we get the SLED computer
2 forensic agent, Britt Dove, and he testifies that
3 there are thousands of videos, his words, thousands of
4 videos. And then, you know, on direct examination
5 from Ms. Barbier, she asked him, "Did you receive a
6 subpoena to produce the forensic imaging of all of
7 these devices?" And, yes, and it came out that he
8 produced the -- the forensic imaging to her.

9 And then, you have Mr. Trezza, who testified
10 yesterday that Gabriel Crespo, one of the reasons he
11 was so upset was because a lawyer who is prosecuting a
12 number of related cases telling him about these
13 videos, and his daughter could hear. All of that's --
14 all of that's before the jury, Your Honor. And then,
15 on the cross-examination of Rhett Riviere when he's
16 pleading the Fifth, he is asked "Didn't you videotape
17 a lot of young girls, and you've been videotaping for
18 years?" And then she referred to the video from
19 Cottage 1, 2, and 3 and let's look at the video of
20 Cottage 3.

21 And then, there were a number of other attempts
22 where, after you had set clear guardrails, Your Honor
23 -- clear guardrails -- there were a number of other
24 attempts for them to get in improper evidence where we
25 had to object in front of the jury. And -- and they

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1 -- I mean, the most recent one was -- was the Dollar
2 General event that has been in the media. And Mr.
3 Riviere is on the stand and the question is, "Well,
4 let me ask what you were doing in February" of some
5 date of 2024. Weren't you at the Dollar General in
6 Prosperity? And we jumped up, and we objected, and we
7 explained the reason for the objection. But the jury
8 sees us trying to object to something about the Dollar
9 General in Prosperity in February 2024, which there is
10 no way that would be admissible. But it's a
11 calculated tactic to get this bad act evidence in
12 front of the jury or -- or the taint of the evidence
13 in front of the jury to prejudice Mr. Riviere.

14 There are other incidents. Ms. Neuhaus, you
15 know, she -- they wanted her to testify that -- that
16 she found her husband drugged on the boat, and Mr.
17 Riviere is traveling around with their daughter. I
18 mean, Your Honor kept it out, rightfully so, but it
19 shows what the calculated effort of the plaintiffs
20 have been in this case to do a character assault from
21 Day 1. And then, when Josee Riviere is on the stand,
22 Mr. Beasley asked her some question about -- about her
23 -- her understanding or belief that -- and -- and --
24 about Rhett Riviere's -- and he didn't use the word
25 "character," but I felt it was going that way. I

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1 objected. My objection was somewhat cryptic. I said
2 608, and I said, Your Honor, I'm just worried that,
3 you know, that it will open the door.

4 And then, Mr. Harte gets up. And I'll tell you,
5 I had a hard time hearing Mr. Harte ask that question.
6 I didn't hear exactly what -- what he asked, but we do
7 know now. But -- but what -- what got our attention
8 is the answer. But -- but the -- the -- the question
9 asked on the -- in -- in front of the jury was, "Did
10 anyone ever tell you that Rhett Riviere had a
11 reputation that was not good?"

12 THE COURT: And what was the answer,
13 Mr. Griffin?

14 MR. GRIFFIN: And my understanding of the answer
15 from -- from Josee Riviere was, "I understood he had
16 a good reputation."

17 MR. HARTE: Objection, Your Honor. That's not
18 accurate. What the witness said --

19 THE COURT: Well, I don't think you get to make
20 an objection to his argument.

21 MR. HARTE: -- okay. Thank you.

22 THE COURT: And you're going to have the time to
23 argue in a minute.

24 MR. HARTE: Thank you, Your Honor.

25 THE COURT: Thank you.

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1 MR. GRIFFIN: Or -- or words to that effect. I
2 don't remember exactly what -- what her answer was,
3 but no. And my -- and that was on the heels of you
4 went to all the nice clubs, you are welcome
5 everywhere. And then, it was "Did anyone ever tell
6 you that Rhett Riviere had a reputation that was not
7 good?" And -- the answer was "No." And I understood
8 that, you know, he get a good reputation. I think
9 that's what she said. I mean, it's in the record.
10 But -- but it was -- it was positive to Rhett
11 Riviere's reputation.

12 Now, once we heard that answer and, you know, we
13 -- so we asked for a sidebar. And -- and at that
14 point in time, I think Your Honor has recognized that
15 we had drip, drip, drip, drip, and -- and had warned
16 Ms. Barbier about her questioning of Rhett Riviere of
17 young girls and that getting close to the line, and
18 then that happened. Now, Your Honor did instruct the
19 jury not to consider it. Right before we broke, you
20 instructed the jury don't -- I'm striking the
21 question, striking the answer, don't consider it.
22 Well, now, where does that leave Mr. Riviere? There
23 has been testimony of his good character and, jury,
24 you cannot consider that. You can't consider it.

25 THE COURT: All right. Mr. Griffin, before you

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1 go any further, before we started court today, I
2 asked our monitor to review that part of the record,
3 and he continued to review it after I left the
4 courtroom. Joseph, did you find any reference to
5 striking or not considering that portion of the --

6 THE DIGITAL REPORTER: Well, I -- I reviewed the
7 evidence until the lunch break, and I didn't hear
8 anything.

9 THE COURT: Okay.

10 THE DIGITAL REPORTER: Yeah.

11 THE COURT: So the review until lunch was that
12 we did not make a -- I did not make a ruling on
13 striking that reputational -- good reputational
14 language or to say not to consider it. Do you think
15 we did that after lunch, I mean, after the lunch
16 break we came --

17 MR. GRIFFIN: No know, Your Honor.

18 THE COURT: -- to my recollection is we just
19 brought the jury in and told them to leave.

20 MR. GRIFFIN: I promise I heard it.

21 THE COURT: Well, I -- I -- I -- asked him to
22 review it because I thought that would be important
23 today, and I could not recall, and he was gone,
24 obviously, yesterday afternoon. So we had a -- we
25 can play it again if it would be helpful to everyone.

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1 MR. MCCULLOCH: Your Honor --

2 THE COURT: Yes, sir. The question is not
3 whether we discussed striking. The question is
4 whether I struck it for the jury.

5 MR. GRIFFIN: And I thought you had. I really
6 do. I would not say it if I didn't.

7 THE COURT: I do not believe you would. I think
8 it was a confusing time as to procedures to what was
9 going on, and we had conversations on the sidebar and
10 we had conversations here out in open court, and the
11 jury was not always in here for our open court
12 discussions. So I am in no way imputing to you that
13 you were trying misrepresent something to the Court.
14 Absolutely not. What -- but that is the reason I
15 came back in this morning when I noticed we had our
16 monitor to review that portion of the transcript.
17 And I wanted to make sure that when we had the
18 argument that we knew what had been said in front of
19 the jury and what had not. Now, what I understand --
20 and I'm happy to have him play it here again for
21 everyone -- but there appeared to be, from my own
22 review prior to the court proceedings today, no
23 reference to striking the good reputational evidence
24 of statement as to Mr. Rhett Riviere.

25 MR. GRIFFIN: I guess I misheard something, but

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1 I thought you had done so.

2 THE COURT: Well, let's review it to make sure,
3 because that is integral to what we're doing right
4 now.

5 MR. GRIFFIN: Yes.

6 THE COURT: Joseph, can you -- I don't know how
7 quickly you can find that. You don't have to go back
8 through all of Mr. Harte's questioning.

9 THE DIGITAL REPORTER: Yeah. I'm going to pause
10 this tape and then go back.

11 THE COURT: Thank you, sir.

12 MR. FEW: Yes, ma'am.

13 (Off the record.)

14 (Pause.)

15 (On the record.)

16 THE COURT: All right. So after listening to
17 the statements in court from yesterday, it appears
18 that after the sidebar, which is not being picked up
19 on the recorder, we said not to consider the -- I
20 said not to consider the last question or answer, and
21 then we broke for lunch. All right. So,
22 Mr. Griffin, I didn't mean to --

23 MR. GRIFFIN: Right.

24 THE COURT: -- interrupt your argument or
25 suggest in any way that it was improper, but I wanted

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1 to make sure we were clear as to what happened. So I
2 appreciate you stopping to let us do that.

3 MR. GRIFFIN: Sure.

4 THE COURT: And now, if you can pick up where
5 you were, I would appreciate it.

6 MR. GRIFFIN: Well, and -- and that is -- that
7 -- that is the prejudice for us. As it builds, you
8 know, we get drip, drip, drip of character assault,
9 attempted character assault. It's in the record.
10 It's in the jurors' minds. And then there's, you
11 know, some positive character evidence not elicited
12 by us, because we didn't want to open the door to all
13 the other bad stuff that's out there. It was
14 elicited by Mr. Harte.

15 And -- and then, in order to prevent it from
16 opening the door, Your Honor instructed them to not
17 consider the evidence, which is -- puts in their
18 minds, well, that must not be right. I don't know
19 what it puts in their minds, but they heard this
20 witness say, you know, I didn't hear anything about
21 him having a bad reputation. And then, jury, you
22 can't consider that after they've heard all this
23 other. So that -- that is the prejudice of where we
24 stand with Mr. Riviere.

25 I'm not here to argue about other folks. But --

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1 but it is sort of -- you know, we're - as
2 Mr. McCulloch said yesterday, we're in an inescapable
3 mousetrap or -- and so, you know, I think it's
4 beneficial to Ms. Riviere's defense that she didn't
5 know anything about his bad reputation. I mean, they
6 have a case against Airbnb, which is now on appeal,
7 and the question is arbitration, which should be --

8 THE COURT: That's not before us.

9 MR. GRIFFIN: -- no, I understand that. But I
10 can tell you, their whole case on this Airbnb is they
11 should have known of his bad reputation and they
12 should have never allowed him on the platform.
13 That's the same thing they're trying to do here with
14 Ms. Riviere, that you should have known of his bad
15 reputation.

16 THE COURT: All right. Mr. Griffin, do you want
17 to argue on behalf of Ms. Riviere?

18 MR. GRIFFIN: I -- I -- I don't, but what I want
19 to point out is, is the box that we're in right now
20 and -- and that if -- you know, if Ms. Riviere wants
21 to take a chance and say I don't want a mistrial
22 because of that, then that's her choice. But if
23 things go badly for her, that's going to be a bad
24 situation at that table. I'm -- I'm not representing
25 them. But I'm telling you, that if she wants to go

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1 forward, let them go forward. But we think the dam
2 has burst on character evidence against our client,
3 where we are, and we ask for a mistrial. We don't
4 think there's any other remedy, and there's nothing
5 to instruct the jury about.

6 THE COURT: Mr. Griffin, I do want to clarify,
7 because there was some issue of muddling the
8 representation of the defendants in this case. And I
9 just want a clear understanding of what has happened
10 in -- in -- in who represents whom. Okay? Now, I
11 understand out of the presence of the jury, we all
12 know that Mr. Rhett Riviere has criminal charges
13 pending.

14 MR. GRIFFIN: Yes.

15 THE COURT: And Mr. Harte formerly represented
16 him on those criminal charges. And to help clarify
17 this, I signed an order relieving him as attorney for
18 Rhett Riviere yesterday because this matter keeps
19 coming up. Who currently represents him on those
20 criminal charges?

21 MR. GRIFFIN: Mr. McCulloch and I.

22 THE COURT: All right. Both of you represent
23 him on those criminal charges?

24 MR. GRIFFIN: Yes.

25 THE COURT: All right. Did the three of you all

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1 ever represent him together?

2 MR. GRIFFIN: Well, Mr. Harte represented him
3 solo, and then we got hired to come in and --

4 MR. MCCULLOCH: Well, it's more complex than
5 that. And just for your edification, Your Honor --

6 THE COURT: I would appreciate that.

7 MR. MCCULLOCH: -- very early on in this
8 process, I believe in this process the investigative
9 -- I call it the investigative phase began,
10 Mr. Riviere -- and please correct me, John,
11 Mr. Riviere was represented by Mr. Harte for a time.
12 It was a civil lawsuit involving one of the people --
13 females that's been mentioned in the courtroom. I
14 won't mention their names since we've got reporters
15 here this morning. Mr. Harte represented Mr. Riviere
16 in that civil action. There then came along another
17 civil action which directly related to these videos.
18 Mr. Harte was involved in that, as an insurance
19 company had appointed counsel in that matter. There
20 was a point --

21 THE COURT: All right. So wait. He was
22 involved in that second civil matter -- I mean,
23 you've named one civil matter and second civil
24 matter, and he was involved for your client in that
25 second -- in two civil matters?

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1 MR. MCCULLOCH: For a time. And now, I can't
2 say, Your Honor, what he did once -- once the
3 insurance company appointed a civil defense lawyer.
4 I don't know whether he -- I was not involved in any
5 way at that point.

6 THE COURT: Yes, sir.

7 MR. MCCULLOCH: And at some point -- and this
8 was in 2019 -- I was contacted and agreed to
9 represent Mr. Riviere for the purpose of the criminal
10 charges and was, I guess, consulting on the civil
11 matters. I'm not clear because I just don't recall
12 what Mr. Harte's continuing representation was as it
13 regards to Mr. Riviere. At some point in 2019, the
14 latter part of 2019, I was relieved of duty -- shall
15 I say -- and I became uninvolved. And then, I was
16 reengaged --

17 MR. GRIFFIN: In 2022.

18 MR. MCCULLOCH: -- in 2022, and I also --
19 associated with Mr. Riviere's agreement, I associated
20 Mr. Griffin to assist me because, not being
21 Nostradamus, I sensed that this might become
22 complicated. And so, that is the path that I think
23 you're curious about. While I'm standing up here, I
24 would say this. On some level, Mr. Harte
25 continued -- and I don't know whether he was attorney

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1 of record in the criminal matter. I don't know
2 whether he was attorney of record in these matters,
3 but I believe that he became -- he handed off to
4 Mr. Griffin and I the responsibilities for the civil
5 -- pending civil matters, including this one, as well
6 as the criminal matters, for all purposes criminal.

7 We then learned that he intended to represent
8 Josee Riviere. It is our understanding that that was
9 accomplished with some degree of acquiescence by
10 Mr. Riviere. I talked with Mr. Riviere this morning.
11 And in light of all the developments and the
12 complexities we've seen, to the extent there was any
13 acquiescence or consent to John to represent her, he
14 feels that he must revoke that consent. And I -- I
15 mean, that's frankly on my advice, because I don't
16 think that their -- to -- to the extent and in the
17 past their interests have fully aligned. I think
18 there is a nonalignment today, as of yesterday. And--
19 and that's not a problem Mr. Riviere is making. It's
20 not a problem that Mr. Harte is making. It's not a
21 problem that Mrs. Riviere is making. But it is a
22 problem, and it's enough of a problem that I believe
23 the rules of professional conduct now instruct people
24 on what they have to do, lawyers, and they have to
25 withdraw. But I will say that that -- I mention this

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1 to you only, Your Honor, that it's an additional
2 complication that argues in favor of a severance and a
3 mistrial as to our client.

4 THE COURT: All right. Mr. McCulloch, we've
5 been in trial since Tuesday. I think we had pretrial
6 motions last Friday.

7 MR. MCCULLOCH: It seems like forever.

8 THE COURT: It does seem like a longer week than
9 normal. And you have made the motion to sever, and
10 you all have made the arguments regarding the
11 potential divergence of entrance of both -- interests
12 of both defendants. And you've also -- we've also
13 had many discussions about when Mr. Harte represented
14 whom and the -- the relationship Mr. Harte has had
15 with both defendants over several, several years.
16 And you're telling me today you think that your
17 client needs to revoke his consent to allow Mr. Harte
18 to continue to represent Josee Riviere in an ethical
19 fashion?

20 MR. MCCULLOCH: Well, I'm saying that his
21 continuing representation of her in this trial has
22 created now a divergence of interest.

23 THE COURT: On the fifth day of our proceedings.

24 MR. MCCULLOCH: Well, Your Honor, until
25 yesterday, we didn't detect a -- a divergence. The

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1 arguments of plaintiffs, and starting with their
2 pleadings, were that these two were acting in
3 concert. There's not a conspiracy cause of action,
4 but all but, but for all of the --

5 THE COURT: The -- the allegations were that
6 they had a rental business together, not a
7 conspiracy.

8 MR. MCCULLOCH: -- correct.

9 THE COURT: And the -- also, I think you,
10 yourself, have argued several times and that was a
11 potential divergent in interest in these two
12 defendants and that's why you wanted the severance on
13 Friday and on earlier in this week, at least two
14 occasions.

15 MR. GRIFFIN: It really comes down to a motion
16 for mistrial.

17 MR. MCCULLOCH: Well, Your Honor, I would trust
18 your memory better than mine.

19 THE COURT: I don't know. Mr. Griffin just
20 proved me wrong on that, so I don't know if that's
21 wise.

22 MR. MCCULLOCH: But we have -- it is absolutely
23 correct that we have moved to sever. We -- we concur
24 with the initial severance motion made by Mr. Harte.
25 I'm not sure that we articulated the concerns about

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1 where we might end up on the fourth, fifth, or
2 whatever day of trial. But clearly, we are where we
3 are. And I mention this representational ethical
4 conundrum because I see it as an additional
5 sustaining ground for this Court to choose one of the
6 alternatives that were mentioned by you at sidebar
7 yesterday, because I don't think there's any
8 alternative.

9 And it is my understanding that -- and I haven't
10 read the e-mail that was sent to you this morning by
11 Mr. Harte -- but I understand what it includes. And
12 it's my firm belief that, at this juncture, if they
13 wish to go forward, allow Mrs. Riviere to go forward.
14 But I believe we should be granted a mistrial. Not
15 one that we earned ourselves, but one that has been
16 earned the old-fashioned way, by the efforts of the --
17 the plaintiffs in this drip, drip, drip process and
18 the -- the way things have developed. There's no way
19 that Mr. Riviere -- well, there's no way to unscramble
20 the jury's confusion about -- and the implications of
21 being told you can't consider his good reputation.

22 THE COURT: Mr. McCulloch, can you let me know,
23 what is your position on whether I should have
24 allowed good reputation of your client? We had a lot
25 of argument about the character evidence and bad --

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1 prior bad acts. But could this Court allow positive
2 reputational evidence about the defendant?

3 MR. MCCULLOCH: Could you?

4 THE COURT: Yeah, under the rules.

5 MR. MCCULLOCH: Well, not --

6 MR. GRIFFIN: Not to the bad stuff.

7 MR. MCCULLOCH: -- well, Your Honor, I don't
8 think there would be any way to parse that. And
9 under the rule --

10 THE COURT: I'm asking in an academic sense.

11 MR. MCCULLOCH: Oh, well, I mean, I guess the
12 answer to that in the abstract is yes. In the
13 realities of this trial, in the context of what may
14 or may not be out there in the landscape, the -- the
15 question is, once character comes in and we have
16 striven mightily and unsuccessfully to prevent the
17 jury from having placed before it good or bad
18 character evidence or reputational evidence. And --
19 and the only implication they can draw from the
20 instruction by the Court -- and I know it was -- it's
21 an unintended consequence of the necessities that
22 lead you to give that instruction to disregard. You
23 didn't say disregard the good reputational evidence
24 you just heard, but that's what they heard.

25 THE COURT: All right. And so, as to the good

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1 reputational evidence you said was driven mightily
2 not to get that in, is that because of the potential
3 impeachment by bad reputational evidence?

4 MR. GRIFFIN: Yes.

5 MR. MCCULLOCH: Yes.

6 THE COURT: Yeah. So, as a tactical matter, you
7 don't want any reputational evidence; correct?

8 MR. MCCULLOCH: Well, where I come from, Your
9 Honor, my law school and my experience suggests that
10 you don't put the confused up in certain situations
11 when they are, because of the pending circumstances,
12 unable to testify in their own defense, that you're
13 trying to keep any reputational avenues or doors
14 opening. And that's it.

15 THE COURT: Anything else?

16 MR. GRIFFIN: That's all from us, Your Honor.

17 THE COURT: All right. Mr. Harte, you just said
18 you changed your position. Please educate me.

19 MR. HARTE: Well, let me be clear. Thank you,
20 Your Honor. Last night, when I wrote the brief or
21 the memorandum, I was thinking more of my client than
22 I was Mr. Riviere, which is my responsibility today.
23 But overnight and, candidly, Your Honor, after your
24 comments yesterday and after -- and spending some
25 time looking at the -- looking at the case and

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1 looking at the law, et cetera, I reached the
2 conclusion that the question I had intended to ask
3 should not have included the word "reputation" but I
4 -- it was important for me to convey to the jury the
5 fact that my client had no knowledge of these things
6 -- in the tree, the other things that had been put in
7 -- so I asked the question. I -- Your Honor has
8 ruled very decisively that that was not a proper
9 question as it was phrased.

10 Now, the question becomes how prejudicial is it?
11 I now, having considered the thing overnight and
12 having talked to my client and length and with Mr.
13 Griffin and Mr. McCulloch. However, I have concluded
14 and concluded before I talked to them today that the
15 prejudice is as to Rhett Riviere, and it is
16 substantial. And it's not that one question. It's
17 the entire litany of things that Mr. Griffin went
18 through.

19 So to be clear, perhaps Mr. McCulloch did not
20 get my e-mail and -- and supplement that I filed. I
21 don't know. But the bottom line is, my position with
22 respect to Rhett Riviere is not divergent from that of
23 Mr. McCulloch and Mr. Griffin. I agree and concur
24 with them that the prejudice to them -- and not just
25 the question I asked, but the cumulative facts

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1 because, as they put it forward, does require a
2 mistrial as to Rhett Riviere. But as to Josee
3 Riviere, the -- the litany and the question do no
4 prejudice to her.

5 This jury has been here for a while. They've
6 seen these videos. To force -- if Your Honor grants
7 the mistrial as to both defendants, then I don't think
8 there's any way this case can be tried again without a
9 severance. Though you're going to force another to
10 set -- two sets -- two more sets of juries to go
11 through that. I'm well satisfied, Your Honor, that we
12 can move forward with the case against Josee Riviere,
13 and I believe I have sufficiently separated her in the
14 case so that any -- any evidence against Rhett Riviere
15 is not going to affect the jury. I'm confident of
16 that, and I'm confident of my ability and Your Honor's
17 ability to judge the evidence. We haven't gotten to
18 the directed verdict stage. So I agree with them that
19 a mistrial should be declared as to Rhett Riviere. I
20 believe that Your Honor can proceed forward with the
21 case on Josee.

22 THE COURT: Mr. Harte, so you really haven't
23 changed your position, and you're arguing for your
24 codefendant to have a mistrial.

25 MR. HARTE: Yes.

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1 THE COURT: You are not arguing for your client
2 to have a mistrial?

3 MR. HARTE: I am not, because I do not -- I
4 believe what I have put in my original memorandum
5 applies to my client as I wrote. I do not --

6 THE COURT: It is no prejudice to her as to the
7 evidence that's presented because the only thing the
8 jury heard was that Mr. Riviere had a good reputation
9 and --

10 MR. HARTE: Well --

11 THE COURT: -- that would cause no prejudice to
12 your client.

13 MR. HARTE: -- yes, Your Honor. And just so --

14 THE COURT: And we limited the plaintiff, and
15 the plaintiff also has withdrawn any effort to
16 impeach your client as to Mr. Riviere's potentially
17 bad reputation.

18 MR. HARTE: -- yes, Your Honor. And I would
19 just like to -- because I spent -- I really looked
20 real hard. I mean, you know, Judge, I cannot tell
21 you how much respect I have for you.

22 THE COURT: I appreciate it.

23 MR. HARTE: You have earned that. You have
24 earned that in the courtroom as a lawyer. I don't
25 know of anybody's name who appeared on opposing

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1 pleadings would frighten me more than yours. Not
2 frighten me, but --

3 THE COURT: No sir. No, sir.

4 MR. HARTE: -- no, not frighten me -- not
5 frighten me because you were somehow -- but you were
6 -- you are and were a student of the law. You take
7 what you do very seriously.

8 THE COURT: I get more flattery in this new job
9 than I ever received in my life. I do appreciate
10 every bit of it, and ask for more.

11 MR. HARTE: And I will tell you this. The day
12 I -- the day I resigned and walked off the bench, all
13 of those jokes that were so funny, they weren't.

14 THE COURT: That's right.

15 MR. HARTE: Now, Judge -- Judge, I want to -- I
16 just want to be clear on this. I want to be very
17 clear on this. You are in a very difficult position.
18 I know that. I -- one of the things that kept me up
19 last night was the fact that I have taken a situation
20 and, however inadvertent, I have put a person that I
21 deeply respect who is in a very important position in
22 a -- in a different quandary. That bothered me a
23 lot. And I want to assure you that I did not intend
24 that, and that I will assure you that I am confident
25 in going forward with you as the trial judge on this

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1 case. I do not want to put another set of Aiken
2 County citizens through having to watch those videos.
3 I may move that you ask that they -- because there's
4 no connection to Josee Riviere, I may ask you to tell
5 them to disabuse their minds of those. But I know
6 people in Aiken County, and I know if you tell them
7 to do something, they will do their dead-level best
8 to do it. And that's all you can ask of anybody.

9 I maintain that, yes, the answer -- does -- the
10 answer she gave which was "No, everybody liked him" is
11 sufficiently prejudicial to Mr. Riviere to grant a
12 mistrial. As to Josee Riviere, it does her no harm,
13 and I would like to proceed to the conclusion of this
14 trial. My client can't afford multiple trials. The
15 county has to deal with it. We are much better off
16 proceeding forward with her and -- and granting the
17 mistrial to the -- and I want to apologize to the
18 plaintiffs' counsel, because I respect them, each of
19 them very much. What I said in my opening is still
20 true. I don't want to -- I did not -- I did not come
21 down here yesterday for the purpose of creating a
22 problem. I came down here for the purpose of giving
23 my client the very best opportunity possible to tell
24 her story.

25 We have heard in the testimony about the tree

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1 incident. We have heard of all that. The bottom line
2 is, I don't think it prejudices my client. I don't
3 want the trial against her to end, and I am in
4 concurrence with them as to a mistrial to Mr. Riviere.
5 And because I am in concurrence with them, there is no
6 divergence. I just looked the rule up again. There
7 is no divergence. There is no reason for me to
8 withdraw.

9 THE COURT: So your position is that you are not
10 required to remove yourself as Josee Riviere's
11 attorney?

12 MR. HARTE: Unless she instructs me to do so,
13 that's correct.

14 THE COURT: Thank you, sir.

15 MR. HARTE: And she has not done that.

16 THE COURT: Do either counsel have any argument
17 as to allocation of fees and costs should I grant a
18 partial or full mistrial, or any instructions? Am I
19 allowed to do anything like that?

20 MR. GRIFFIN: Your Honor, I'm -- I'm not --
21 unless it's a sanction, I don't think fees and costs
22 awarded just because there's been a mistrial. If
23 there's an ultimate verdict under the unfair trade
24 practices act, the plaintiffs are entitled to fees
25 and costs.

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1 THE COURT: Mm-hmm.

2 MR. GRIFFIN: And it would include, you know,
3 all fees and costs and what they've done here. And
4 how that gets allocated, we'll have to determine at
5 that point in time.

6 THE COURT: Okay. Mr. Harte, do you have
7 anything to say on that matter?

8 MR. HARTE: I think not, Your Honor. I think
9 I've said (unintelligible).

10 THE COURT: Thank you, sir. All right. I'll
11 hear from the plaintiffs now.

12 MS. BARBIER: Thank you, Your Honor. Good
13 morning. May it please the Court, with all due
14 respect to my opposing counsel, Your Honor, the focus
15 of this motion should be on the law in the State of
16 South Carolina. And in the State of South Carolina,
17 our Supreme Court has said that a motion for a
18 mistrial is an extreme measure which should be taken
19 only when an incident is grievous that the
20 prejudicial effect can be removed in no other way.
21 Okay? The only character evidence in this record
22 about Rhett Riviere is that he had a good reputation
23 and he had a lot of friends. And that is in no way,
24 shape, or form prejudicial to either Rhett Riviere or
25 to Josee Riviere.

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1 THE COURT: All right. Ms. Barbier, I hate to
2 interrupt you so quickly, but I believe -- although
3 Mr. Harte, I don't think he characterized it this way
4 -- but I believe that Mr. Rhett Riviere's attorneys
5 characterized it that the prejudice is not from the
6 statement that he had a good reputation, the
7 prejudice is from the Court requiring the jury not to
8 consider the fact that he has a good reputation.

9 MS. BARBIER: I was just transitioning to that
10 point, Your Honor.

11 THE COURT: Oh, thank you.

12 MS. BARBIER: And the law also says that the
13 trial court should exhaust other methods to cure
14 possible prejudice before aborting a trial. And I
15 will submit to you, Your Honor, that I -- I really
16 think the instruction you gave the jury was
17 innocuous; you know, disregard last question last
18 answer. Who knows if the jury even remembers that.
19 But I will tell you this. The plaintiffs have no
20 objection to having that question and that response
21 read back into the record and telling the jury that
22 they may consider that evidence. No objection to
23 that. And then, we have absolutely no possible
24 prejudice, only an advantage gained by Mr. Riviere
25 and Josee Riviere. We have no problem with the jury

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1 hearing that.

2 And so, I would suggest, Your Honor, that's the
3 -- that's the simplest way to cure any -- what
4 arguable prejudice they argue. I -- I don't think
5 there is. But if Your Honor agrees with them, that's
6 the cure. It is not to start all over or sever
7 anybody out of this trial. I mean, as Your Honor has
8 noted, we've already put this jury through a lot. My
9 clients have been put through a tremendous amount.
10 There is no -- Your Honor has made very conservative
11 rulings throughout this trial that we have respected.

12 Your Honor, there are 21,000 videos described in
13 our complaint. Your Honor allowed ten of those videos
14 into evidence. Mr. Griffin is arguing that that is
15 character evidence. No, it's not. Those are facts.
16 There are 3.7 terabytes of -- of data seized from this
17 man's properties. That's a fact. The fact that he
18 was climbing out of somebody's tree and the tree was
19 next to somebody's bedroom, that's a fact. That's not
20 character evidence. Character evidence, under the
21 rule, is a reputation for -- in the community,
22 dishonesty, as we know under 608.

23 So there's been no character evidence, except
24 that -- which what Mr. Harte purposefully and
25 intentionally got from his own client on that witness

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1 stand. And I will tell you, Your Honor, I -- we
2 didn't brief this last night because, obviously, we
3 were under time constraints. But there is a plethora
4 of case law in South Carolina that says defendants
5 cannot intentionally cause a mistrial by completely
6 disregarding a court order. You can't do that. And
7 if you do that, you suffer whatever prejudice results
8 from that.

9 And there is a very good -- or a compelling
10 chronological case to be made that if you did grant a
11 motion for a mistrial or a severance, that we would be
12 entitled to fees and costs and expenses. And I can
13 tell Your Honor that we have spent, at a minimum, the
14 three lawyers and my team have spent a minimum of
15 three weeks preparing for this trial, which hundreds
16 of thousands dollars in fees. We have spent a
17 tremendous amount of money getting our witnesses down
18 here, our expert down here, and -- tens of thousands
19 of dollars just to -- just for the logistics of this
20 trial. My clients have taken time off from work, have
21 been -- you know, suffered financially from not doing
22 what they do every day instead of being here. And so,
23 that number is a very big number. And you know, I
24 know Your Honor hasn't made a decision as to the
25 mistrial, but I want everyone on the other side to be

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1 on notice that we will be making that -- that
2 argument.

3 But getting back to the matter of hand -- at
4 hand, Your Honor, the burden is on them to show not
5 only error, but resulting prejudice. There is no
6 prejudice from the jury hearing that he's got a good
7 reputation and a lot of friends. The only -- I mean,
8 arguably, the only prejudice is to us. But you know
9 what? We are -- we are confident that character
10 evidence doesn't need to come in in this case. And
11 you know, to the extent there was any evidence that we
12 sought to admit that Your Honor ruled against, that --
13 that ship has sailed and we are not concerned about
14 that. I mean, the things that Mr. Griffin cited to
15 about the things that --

16 THE COURT: Ms. Barbier, let me stop you and ask
17 you to -- can you explain to me how the ruling is of
18 prejudice to the plaintiff and not to the defendant?

19 MS. BARBIER: -- well, I don't -- I don't really
20 think it is, Your Honor. I mean, I'll withdraw that.
21 I don't --

22 THE COURT: No, no, I'm asking. I just want you
23 to explore that.

24 MS. BARBIER: -- because -- because the jury is
25 now left with the impression that everybody in the

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1 community thinks is guy is great and that he has a
2 lot of friends, and that Ms. -- Ms. Riviere, then,
3 you know wouldn't have had any reason to believe that
4 he was doing anything wrong. So -- and to the extent
5 that's inconsistent with the -- with the theme -- one
6 of the themes of our case, which is that they're
7 acting in -- together or -- and we really -- we
8 haven't sued her on intentional torts. She's sued
9 for negligence and the unfair trade practices and the
10 constructive fraud. So I don't think it is a
11 prejudice to us, and we are not seeking a mistrial in
12 any way, shape, or form. We want to go forward with
13 this trial, and we would ask this Court to follow the
14 law in South Carolina. And if you see fit to reverse
15 the instruction you gave them and have those
16 questions and the answer read back into the record,
17 we have no objection to that.

18 THE COURT: Anything else the defendants would
19 like to say?

20 MR. GRIFFIN: Well, Your Honor, as to character
21 evidence, it takes all forms. I mean, under 404, I
22 mean that is you're not permitted to introduce
23 evidence of bad acts to show that the defendant acted
24 in conformity therewith, which is character evidence.

25 THE COURT: Well, Mr. Griffin, this is -- her --

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1 her proposed curative issue is interesting, because
2 you all have said you do think the good reputational
3 evidence is admissible, and you would have sought to
4 do so but for the fact of opening the door to
5 impeachment by that. If I allow the jury to consider
6 the question and have it read back out that Ms. Josee
7 Riviere did not have any knowledge of bad
8 reputational evidence, would that cure the problem?

9 MR. GRIFFIN: Your Honor, we still have the
10 confusion of don't consider it, you're not to
11 consider it. I might just put that out there. But
12 if the door is closed and we're not going to hear on
13 redirect or anything else that, you know, that they
14 are going to try to do further character assault.

15 THE COURT: With any other witnesses or anything
16 of that nature.

17 MR. GRIFFIN: And I'm sure we're going to hear
18 it, because they can't help themselves.

19 THE COURT: Yes, sir.

20 MR. GRIFFIN: I mean, we've had drip, drip,
21 drip, drip, drip. And we're -- and the plaintiffs
22 haven't even testified yet. And one of the
23 plaintiffs, Ms. -- Ms. Crespo, one of her claims is
24 that she's so upset because she had to sit in
25 Ms. Barbie's office and look at all these videotapes.

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1 THE COURT: Well, but that doesn't have anything
2 to do with his reputation --

3 MR. GRIFFIN: Oh, it's coming.

4 THE COURT: -- as to Ms. Josee Riviere.

5 MR. GRIFFIN: It's coming.

6 MR. MCCULLOCH: Your Honor, can I just respond
7 to what you just said with regards --

8 THE COURT: Yes, sir.

9 MR. MCCULLOCH: -- if I reinstruct them --

10 THE COURT: No, sir.

11 MR. MCCULLOCH: -- and Judge --

12 THE COURT: It's a curative issue because --

13 MR. MCCULLOCH: -- well --

14 THE COURT: -- Ms. Barbier is correct. The law
15 is very clear that a trial judge should try every
16 attempt to cure the issue rather than -- rather than
17 grant a mistrial.

18 MR. MCCULLOCH: -- and I understand, and I'm
19 quite familiar with that law. The problem is that
20 there is no way to do that in that there's no
21 curative instruction possible. And I'm standing up
22 only because what you just said was, what if I
23 reconstruct them that Ms. Riviere was unaware of any
24 bad conduct. I mean --

25 THE COURT: No, sir.

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1 MR. MCCULLOCH: -- that is --

2 THE COURT: That's not the curative act. What I
3 -- what I intended to say -- I don't know if I was
4 clear, to be fair -- was we could call them in and
5 have the question replayed and let them know they're
6 allowed to consider that question and answer, and
7 that would be it.

8 MR. MCCULLOCH: -- well --

9 THE COURT: Just as the -- the question and not
10 -- the ruling to not consider it was purposefully
11 innocuous.

12 MR. MCCULLOCH: -- Your Honor, I don't know how
13 you could underscore his reputation in a more
14 prejudicial than way by ruling --

15 THE COURT: Than to say he has good reputation?

16 MR. MCCULLOCH: -- ruling it out, ruling it in,
17 giving another instruction. We might just as well
18 write up there --

19 THE COURT: He has a good reputation?

20 MR. MCCULLOCH: -- he's a great guy, except for
21 everything else they've been arguing the whole trial
22 and they're going to continue to argue. I don't
23 think you can heal it with an instruction like that.

24 THE COURT: Okay. But, Mr. McCulloch, you just
25 told me that you thought the good reputation wasn't

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1 properly admissible and that the tactical reason for
2 not trying to introduce any good reputation, which
3 was their ability to impeach. They have not
4 impeached her on that issue whatsoever, and they
5 would not be allowed to further. So it would
6 actually be giving information that you said you
7 otherwise would seek.

8 MR. MCCULLOCH: Well, Your Honor, I think it has
9 to be our decision. And of course, now, the decision
10 is taken away from us and being rammed down our
11 throat by the efforts of plaintiffs and the
12 unintentional questioning by Mr. Harte. It ain't
13 curable.

14 THE COURT: Yes, sir. Anything, Mr. Harte?

15 MR. HARTE: Your Honor, I really think not.
16 Thank you.

17 THE COURT: I'm sorry?

18 MR. HARTE: I think not. Thank you.

19 THE COURT: I think not. Okay. Thank you. All
20 right. We'll take a 10-minute recess. Thank you.

21 (Off the record.)

22 (Recess.)

23 (On the record.)

24 THE COURT: Please be seated. Okay. Mr. Harte,
25 I appreciate not just your flattery, but your

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1 statements regarding the imposition that you perceive
2 you have placed upon me. I want to assure you
3 there's no -- that's not -- I do not take that
4 personally in any way. Someone said something to me
5 about what this job entails, and I commented back if
6 you don't like trials, don't take the job. And I
7 still feel that way, and this is what trial work is
8 like. And it's something I've always appreciated
9 about our profession. So it is no personal
10 imposition to have to do my job.

11 As to the matter, I'm not going to sever, and
12 I'm not going to grant a mistrial. I've taken the
13 time. We took the time yesterday to let this sit. I
14 consider this a very serious situation. I took the
15 afternoon to gather my thoughts on it, to read the
16 materials that you all provided, to look at some of
17 the case law, and I have taken to heart your arguments
18 made here today. I do not perceive a prejudice to
19 Mr. Rhett Riviere -- struggling to still pronounce
20 your name, Mr. Riviere, continued apologies for any
21 mispronunciations -- to be so great as to require a
22 mistrial.

23 We started considering the issues in this case
24 on Friday afternoon. We are now a full week into
25 that. At 2:30, we will be exactly a full week into

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1 that. I am not going to grant any motion to sever at
2 this time, and I'm not going to allow a partial
3 mistrial to accomplish that act as well. I think the
4 only person who could ask for a mistrial is Mr. Rhett
5 Riviere, and I find that this does not -- this
6 questioning does not arise to the level to require a
7 mistrial as to his interest. It certainly does not
8 require it as to Ms. Josee Riviere. Any prejudices to
9 the plaintiff because I am limiting their ability to
10 impeach Ms. Josee Riviere with any of the reputational
11 evidence or potential reputational evidence and
12 character evidence of Mr. Rhett Riviere.

13 The defendants did state that Ms. Sue Hook --
14 what I refer to as the oak tree testimony -- following
15 the statement elicited by Mr. Harte that she was not
16 fond of Mr. Rhett Riviere and, presumably, to show
17 some sort of prejudice by the -- the witness. I will
18 note that I have been told many times throughout this
19 trial that there would be witnesses just dying to
20 impugn Mr. Rhett Riviere, and that has not come to be.
21 I just haven't found their demeanor to be like that
22 whatsoever. I think they've tried to answer the
23 questions and, many times, probably answer them in a
24 manner that plaintiff was not happy with.

25 That led to the oak tree incident. I do -- I

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1 think we discussed with Mr. Griffin the fact that the
2 testimony were the facts; this is where the tree was,
3 this is what -- where I found him on the tree, and
4 this is what he told me he was doing in the tree. And
5 that was the limit of that. There was a reference to
6 thousands of videos by the SLED agent. I have ruled
7 previously that we could indicate more videos without
8 precise numbers. That's not a precise number, and it
9 is well below the actual amount videos as purported.
10 There was an incident mentioned in a prosecution by
11 one of the witnesses. I believe that was the
12 counselor, Mr. Trezza as to that. There was also
13 testimony as to a text message sent from Mr. Riviere
14 to Ms. Riviere showing the police at his house to do a
15 search warrant, and there was introduction of redacted
16 search warrants indicating that a criminal matter was
17 -- had been pending at some point in time. The jury
18 has heard nothing about the resolution of those
19 crimes. They could very well deduce that those have
20 been resolved in some other fashion at this time. I
21 don't know. That's just open-ended. They haven't
22 been told that he is currently being prosecuted or
23 that he's subject to prosecution.

24 As to the Dollar General incident, that's all
25 they said was Dollar General, and they were stopped.

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1 So defense has been very diligent and very successful
2 in preventing other reputational evidence from coming
3 in, which is why they were not allowed to testify to
4 anything about a potential drugging. That is -- we
5 don't know if that even happened, and that has not
6 been presented in this Court.

7 As to any curative instruction, I think it would
8 go to providing further notice to the jury of an issue
9 that they really have very little awareness of at this
10 point, and I will not provide anything further
11 curative on that. As to Mr. Harte and Mr. Rhett
12 Riviere, one of the purposes of signing the order
13 yesterday was to try to divorce that attorney from
14 Mr. Rhett Riviere. To the extent that, at that time,
15 it was reported to me that -- that he no longer
16 representing him, had represented him briefly, had
17 represented him in another matter and absolutely no
18 issue in his continued representation of Josee
19 Riviere, the order has been signed, and I'm not --
20 he's -- we're going to go forward in this trial as-is.

21 Okay. A couple of points I want to make.
22 Yesterday, when we talked about this, one of the
23 considerations I had and one -- I mean, one of the
24 issues I had and one of the considerations I have had
25 is the fact that those ten videos, four of which were

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1 not of anyone else other than Mr. Rhett Riviere,
2 potentially, so there are six videos of other persons.
3 At lease one of those is apparently the plaintiffs,
4 five videos of other persons, I guess. I would rely
5 on the plaintiff to correct me as to how many were of
6 the plaintiffs.

7 MS. BARBIER: Your Honor, there's one video of
8 the plaintiffs and there is one video of Mr. Riviere
9 adjusting the camera, just him.

10 THE COURT: Oh, okay.

11 MS. BARBIER: And then, there are eight videos.
12 And in some of those videos -- or at least one --
13 Mr. Riviere is adjusting the camera, and there's a
14 girl coming in --

15 THE COURT: It's a combined video? Okay.

16 MS. BARBIER: Yes. So but there's a total --

17 THE COURT: So potentially, eight videos --
18 eight to nine videos of other persons who were --
19 whose identity is protected by being blurred out in
20 their -- in their facial identity. And I stated on
21 the record what intense evidence that was, and I
22 stand by that. I do stand by that. But I do want
23 any -- I don't want anyone to mistake that with the
24 reconsideration of whether that was appropriate
25 probative evidence. The fact that the allegations in

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1 this case involve horrific, secretive videotaping of
2 persons who purportedly did not know, who engaged in
3 intimate acts, who get in and out of the shower,
4 activities like that, and the fact that that is
5 disturbing to someone does not make the evidence
6 itself so prejudicial or so inflaming do not have a
7 probative value. I cannot help the fact that that is
8 the evidence in this matter.

9 I do not see another way to instruct the jury on
10 the intrusive nature of that behavior without
11 presenting those videos. I do not find that the
12 nudity itself prevents a problem in the fact that they
13 were engaged in intimate acts is part of the
14 allegation. In fact, in some of those videos the
15 people are the most covered up. So it's just we all
16 know what people do.

17 I am disturbed by discussion yesterday that
18 plaintiffs had -- they had not represented to the
19 Court that there were no underage persons in the
20 video. There are -- again, their faces are blurred,
21 so -- and the most you get out of somebody's age is
22 looking at their face, typically. Benjamin Franklin
23 advised one of his young mentors to put a peach basket
24 over the face -- the head of a woman and he wouldn't
25 be able to tell her age and, therefore, an older woman

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1 was as good as a young one. I will never forget
2 reading that.

3 So I don't think the jury has an indication as
4 to how all of these -- these subjects are. And I
5 questioned all of the attorneys as to the age of
6 these -- or knowledge of the age of these subjects
7 prior to allowing them into evidence. And at that
8 time, I recall that Mr. Harte vehemently said that
9 every person was over 18. I believe that Mr. Rhett
10 Riviere's counsel said something of the nature. And I
11 do not recall any statements by the plaintiff that
12 indicated that any of these subjects were under the
13 age of 18. So I intend to instruct the jury at the
14 time of charge that we are going to assume that every
15 person in that video is over the age of 18. I do not
16 think that we can allow the presentation of any
17 insinuation that these subjects are younger than 18
18 years of age at this time, particularly given that the
19 Court specifically inquired as to that matter.

20 MR. MCCULLOCH: Your Honor, if I may --

21 THE COURT: Yes, sir.

22 MR. MCCULLOCH: -- on that point?

23 THE COURT: Yes, sir.

24 MR. MCCULLOCH: I have other points. Your
25 Honor, instructing the jury that they may assume a

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1 fact is, I guess, by its very nature, a charge on the
2 facts. But the problem here is additionally that of
3 these eight videos beyond the Crespos their
4 identities are not known. And as we -- I'm not going
5 to go through the arguments we've made previously.
6 But Ms. Barbier, during her Q&A with Mr. Riviere
7 said, isn't it true that you adjusted a camera and
8 then a 15-year-old or somebody who looked -- appears
9 -- and - and of course, we ultimately will hear
10 adverse inference requests of the Court. So I mean,
11 that's a misuse we anticipated. That's why we
12 objected to these videos of people for which there is
13 no foundational evidence to establish a couple of
14 things: one, other than inference, the inference from
15 viewing it, whether these people are of any
16 particular age, whether these people consented or
17 didn't consent. People do strange things inside and
18 outside of this courtroom, Your Honor. But -- but I
19 mean, these are further problems that are inherent.
20 And I guess when we get to the instruction stage,
21 we'll take this up again. Thank you.

22 THE COURT: You're happy to take it up again,
23 Mr. McCulloch, and that's why I wanted to make that
24 point now rather than later. I would also ask that
25 plaintiff refrain from any further questioning that

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1 implies that any of the subjects in the video are
2 under 18-years of age.

3 MS. BARBIER: Yes, Your Honor.

4 THE COURT: Anything else? Mr. McCulloch, you
5 said you may have some other points. I don't know.

6 MR. MCCULLOCH: I don't think so, Your Honor.

7 THE COURT: Okay. Anything else?

8 MR. HARTE: No. Thank you, Your Honor.

9 THE COURT: All right. Let's bring the jury in.
10 We are ordering lunch for the jury today.

11 MS. BARBIER: Your Honor, there's a -- a few
12 pictures that I wanted to show the next witness. Do
13 you want the clerk to --

14 THE COURT: Okay. Would you ask him to hold
15 off? Tell him I'll give them 5 minutes. Let's get
16 set up.

17 MS. BARBIER: It's only going to take --

18 THE COURT: We were set up before, and we took
19 it down yesterday. Thank you.

20 (Off the record.)

21 (Pause.)

22 (On the record.)

23 THE COURT: All right. One of the defense
24 attorneys, Mr. Griffin, we were just having a sidebar
25 chat regarding -- and not even a sidebar chat, an

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1 across-the-room chat during our -- our standdown
2 time. As to scheduling, I anticipate we'll get
3 through the plaintiffs case today, and we'll see what
4 time that is. As I said before, I did order lunch
5 for the jury. It is 10:40. So we'll see how this
6 proceeds today and, hopefully, that will give us the
7 opportunity to rest for the week and give you all
8 time to prepare any motions at the end of plaintiffs'
9 presentation and come back on Monday morning.

10 This is a bifurcated case. We do have time now.
11 We have been able to allocate appropriate time to go
12 into next week. I would hope that we could have -- I
13 understand the defense presentation may be rather
14 short and that we can conclude with that on Monday
15 and, potentially, get into closing arguments. And if
16 we can roll right through, we'll get -- we'll have the
17 weekend to discuss the charges a little bit fuller.
18 You all did send me some e-mails back and forth on
19 that. And we can have that ready to talk about on
20 Monday and try to speed this along for Monday so that
21 we can get into initial jury deliberations. And then,
22 if we have to go into the second phase, do that.
23 Okay?

24 MR. GRIFFIN: Yes, Your Honor. I think it would
25 be a good idea, like, if we just all agree, say, by

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1 5:00 Sunday or maybe sooner that -- that we e-mail
2 any objections that we have to their charges and they
3 do vice versa.

4 THE COURT: Oh, yes, absolutely. If you could
5 do it before Sunday, maybe by 3:00 Sunday, that would
6 be helpful. I don't know. I know Saturday is a busy
7 day for me. I think someone else mentioned their
8 Saturday may be rather busy with other obligations.
9 So if we can -- can do that on Sunday so that we can
10 review your presentations in written form. Okay?
11 All right. Thank you. Let's bring in the jury.

12 (The jury entered the courtroom.)

13 THE COURT: Good morning. Ms. Barbier, please
14 proceed.

15 MS. BARBIER: Thank you, Your Honor. May it
16 please the Court, the plaintiff calls Gabriel Crespo.

17 THE CLERK: Put your left end on the Bible and
18 raise your right hand.

19 (The witness was sworn in.)

20 THE CLERK: Please take a seat at the witness
21 stand. State your full name for the Court and spell
22 your last name, please.

23 THE WITNESS: My name is Gabriel Crespo, spelled
24 C-R-E-S-P-O.

25 //

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1 GABRIEL CRESPO

2 was called as a witness, and having been first duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. BARBIER:

6 Q Gabriel, please tell this jury where you're from.

7 A I'm originally from Argentina. I was born and raised
8 on a cattle ranch in Argentina, riding horses since I was
9 a little kid, in small town called -- very difficult to
10 spell but -- Trenque Lauquen with a lot of polo influence
11 in the -- in the town. There's a lot of good polo players
12 from Argentina. They were part of our community.

13 Q How old are you, Gabriel?

14 A I'm 53.

15 Q And did you go to school in Argentina?

16 A Yes. I went to, obviously, high school. And then
17 after that, I did 4 years in vet school in a university,
18 like, 2 hours away from home.

19 Q And approximately when did you go to that school, what
20 years?

21 A I'm sorry?

22 Q What years did you go to that school?

23 A So doing the math, when I was 18, you know, I finished
24 high school, so '90-- well, early '90s. Well, yeah, I
25 came in here '93 and I was in fourth year, so.

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1 Q So when was the first time that you came to United
2 States?

3 A I came to the United States in 1993 to visit a friend
4 to Sarasota, Florida. He was playing polo at the time
5 already as a professional in Sarasota.

6 Q And did you begin visiting the United States to play
7 polo?

8 A I wish. I -- I -- after I visited my friend, the
9 following year, I acquired a working permit and I came
10 back to Sarasota as a what we were talking about earlier
11 as a groom. I started, you know, working with -- working
12 for somebody grooming the horses and doing all of the --
13 all the work to have the horses ready for the polo games
14 and all of that.

15 Q Where did you meet Heather Crespo?

16 A So Heather was in -- in Sarasota, Florida. She -- she
17 was working at -- at the time at Outback Steakhouse. And
18 me being from Argentina eating meat every day, I pretty
19 much visited that steakhouse often.

20 Q Was Heather also involved with horses?

21 A Yes. She had a jumper horse, yeah, on a farm nearby
22 where I rented at the time.

23 Q Did you and Heather eventually get married?

24 A We did. We -- we got married in November 13, 1999.
25 We dated for 2 years prior to that.

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1 Q And di polo career progress?

2 A Yes. Through those middle '90 years, I -- I worked my
3 way up to from being a groom to being a groom and a
4 player. Obviously, I started playing polo at home in
5 Argentina. I used to steal all the ranch horses and take
6 them into town and play polo with them and bring them
7 back. So -- but I -- like I say, I worked my way up to
8 become later on a polo player through hard work.

9 Q So when you first came to United States, did you have
10 a lot?

11 A No, like nothing. I slept in the car in the -- in the
12 parking lot of -- of Walmart my first night in the United
13 States, in a rental car.

14 Q I'm going to show you what the plaintiffs have marked
15 as Exhibit 21.

16 MS. BARBIER: Your Honor, may I approach?

17 THE COURT: Yes, ma'am.

18 BY MS. BARBIER:

19 Q Can you review Plaintiffs' Exhibit 21? Do you
20 recognize those pictures, Gabriel?

21 A Yes.

22 MS. BARBIER: Your Honor, I understand there's
23 no objection to moving Exhibit 21 into evidence.

24 (Plaintiffs' Exhibit 21 was moved
25 for admission into evidence.)

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1 MR. GRIFFIN: That is correct, Your Honor.

2 THE COURT: Mr. Harte?

3 MR. HARTE: No objection.

4 THE COURT: All right. So moved.

5 (Plaintiffs' Exhibit 21 was

6 admitted into evidence.)

7 MS. BARBIER: I'd like to publish those to the
8 jury, Your Honor.

9 THE COURT: Yes, ma'am.

10 BY MS. BARBIER:

11 Q Gabriel, if you will, tell the jury what -- what this
12 is a picture of. Is that -- is that a magazine?

13 A So let me kind of, like, explain a little bit how this
14 come about. To be able to play polo in the United States,
15 you've got to be a member of the club and also a member of
16 what is called the United States Polo Association. It's a
17 fee that you pay every year and you're member of the
18 United States Polo Association. The United States Polo
19 Association has an information magazine that goes to -- I
20 think the -- the USPA has about 5,500 members now. So it
21 goes to each one of these members in the mail, and this is
22 called the polo player edition. And -- and --

23 Q Is that you on the cover?

24 A It is.

25 Q Okay. And let's look at the second page. Who is that

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1 a picture of?

2 A That's a picture --

3 THE COURT: I'm sorry. Can you flip that? I
4 don't know if you can flip it on your computer. It's
5 sideways.

6 MS. BARBIER: Oh, gosh. I'm sorry.

7 THE COURT: We can see it, it's just all of us
8 collectively turned our heads sideways.

9 BY MS. BARBIER:

10 Q Gabriel, do you appear in that picture?

11 A Yes. I am the No. 4 in the picture, believe it or
12 not.

13 Q And what's that trophy?

14 A That is the Gold Cup. That's one of the major
15 tournaments being played still today in the United States
16 in -- in Wellington, Florida at Palm Beach Polo.

17 Q And how about this picture? What does that depict?

18 A So that's me receiving the MVP of the game.

19 Q How about this one? What -- what -- what tournament
20 is this?

21 A This is the U.S. Open right following the Gold Cup.
22 That's -- we won our first game on -- this is the season
23 of the year 2000. We won our first game of the U.S. Open,
24 and that's just like a little trophy presentation. It was
25 kind of fun. It says Palm Beach Polo underneath.

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1 Q And then, who is that cute little girl standing next
2 to you?

3 A That is one of the player's daughters.

4 Q And what's this a picture of?

5 A So as a fanatic of horses, I like to call myself a
6 horseman, I also do other disciplines besides playing
7 polo. And that's me jumping.

8 Q This next picture has a date underneath it. Can you
9 tell us what -- what that says?

10 A That's a big one because me, as a polo player, as you
11 can see, I wear polo boots. This is the WEF. WEF is an
12 international competition in Wellington, Florida where the
13 most -- like anybody that wants to be -- anybody that's
14 anybody in the jumping world competes in WEF, and that was
15 me doing it.

16 Q And that's the year 2001 it says at the bottom?

17 A 2001, yes.

18 Q And we've got one more. Tell us what this is.

19 A So this is Purina. It's a major feed company, which
20 everybody probably knows. They make different feeds for
21 different types of animals. Purina asked me to be part of
22 their -- the group that they sponsor. So this is in
23 St. Louis, Missouri at the Budweiser with the Budweiser
24 Clydesdales at the feed mill. And yeah, that's what it
25 is.

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1 Q So is it fair to say, Mr. Gabriel, that you -- you
2 became quite famous in the polo world?

3 A It is.

4 Q And as your career progressed, did you have an
5 occasion to visit Aiken, South Carolina?

6 A Yes. In 1997, I was working for a gentleman in
7 Virginia. Let me explain something, because it's
8 (unintelligible) and I want to make sense. So as polo --
9 what we call professional polo players -- travel, we don't
10 like the cold weather. Whenever it gets below 50, we go
11 somewhere south. So we traveled back and forth from
12 winter in -- down in West Palm Beach, Florida and
13 Wellington Florida, and as April comes, we come -- we
14 start going up. We come to one of the stops on the East
15 Coast. It's Aiken South Carolina because of the spring
16 and fall for the cold season. Then we move on to pretty
17 much polo all over the country, so we move onto whatever
18 our next stop is going to be. On my most of my career, I
19 did it on the East Coast, it was going back and forth from
20 New York, Virginia, South Carolina. So in 1997, I was
21 working for a gentleman. Let me say something else. And
22 polo is a very particular sport, very particular, as
23 Mr. Harte can agree with me, in the way that amateurs and
24 professionals can play together, which it doesn't happen
25 in any other sport.

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1 So if you're a professional polo player, you can't
2 play in an amateur league. So in polo, we have what we
3 call sponsors, which is an amateur player that pretty much
4 hire us pros to be part of a team, and -- and -- and we go
5 with this -- our sponsors are literally our bosses -- to
6 wherever they want to go. So in 1997, for the first time,
7 I came to Aiken with Mr. Andy Guess from Virginia.

8 Q And when you first came to Aiken, what was your
9 impression?

10 A Oh, man. We were still living in the training track
11 in the horse district of Aiken. It's the most beautiful
12 place I ever seen. Aiken has such a charm. That's why I
13 think it's -- it is what -- Aiken is a bubble. There's
14 nowhere else. I've been all over the country, different
15 countries, and there's no other place like Aiken for many
16 different reasons. So yes, I fell in love with the place.

17 Q Did you and Heather eventually decide that you wanted
18 to make a home here?

19 A Yes. I decided that the minute I drove in. But
20 later, after we got married in '99, the fall of 2000, I
21 look at land with -- a piece of land with another sponsor
22 of mine, which is a realtor in town, and -- and he helped
23 me through all of the financing to buy the property.

24 Q And so, did you have a -- a reason to come here in the
25 polo season in 2001?

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1 A Yes. And since '97, Aiken has become my stop. Like,
2 literally, we stop here every spring and every fall since
3 I first came here. So in -- in the spring of 2001, as
4 always, we drove from -- from Wellington to Aiken.

5 Q Did -- and when you came for the polo season in 2001
6 in the spring, did you need a place to live with Heather?

7 A Yes.

8 Q And who did you talk to about finding a place to live
9 in Aiken?

10 A So it's a couple of friends, a guy that I knew from
11 childhood that used to play in my club in Argentina. He
12 was like for me, an icon at the time. He's a few years
13 older than I am. His name is Paqual Salatino. A lot of
14 people knows him by Lito Salatino. So the Salantinos
15 mentioned the Rivières had a -- the cottage. I knew the
16 property from before because I rented different places in
17 the area. So -- so we -- we make -- we decided we were
18 going to rent.

19 Q Did -- did Lito Salatino introduce you to Josee and
20 Rhett Riviere?

21 A I think we -- this is the -- when I first came here.
22 I -- I -- Rhett Riviere was -- was -- was part of the --
23 of the -- we call it welcoming committee of Aiken. There
24 was a few people that you needed to know in Aiken when you
25 first came here. And he was a polo player at one point

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1 and a sponsor. And so, I had met Rhett and Josee before.

2 Q Okay. And had you had -- have you ever been to dinner
3 with them?

4 A Yes. We -- we were in different situations at the
5 same barbecues or parties. In the fall of 2000 -- in the
6 fall of 2000, I was invited to dinner to their house, a
7 place on South Boundary and Marlborough, I believe.

8 Q And did you decide to rent a cottage that they offered
9 in April of 2001?

10 A Yes.

11 Q Okay. Did -- did you look -- did you and Heather look
12 at any other rental options?

13 A No. We were -- you know, we -- we -- I thought it was
14 perfect. Heather kept her horse at the Salatino's barn,
15 so it was like we were within walking distance -- for her
16 within walking distance to -- to where her horse was. At
17 that time, Heather had -- we had an awesome young horse
18 that we were preparing to take to the Hamptons for that
19 summer for the Hampton Classic. And so, we took that
20 horse a baby in our priority. And so, he was staying at
21 the Salatino's barn, which is like, I don't know, half a
22 block away from where the property was. And also, it was
23 very convenient for me because it was just like I jump
24 onto Banks Mill Road and then a straight shot to my -- my
25 new property that I was developing at the time.

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1 Q Did you -- when you decided to -- to rent from Josee
2 and Rhett Riviere, did you trust him?

3 A Yeah, of course. I had no reason why not.

4 Q You mentioned that there was part of the property
5 where people kept horses on that property; is that right?

6 A Well, yeah. The property, it's -- I don't how many
7 acres it is, but it was just at the corner of Two Notch
8 and Grace, and it's a big area. It was a barn where Josee
9 kept her horses. And then, I -- we used that -- that
10 driveway to go into to the cottage. We had to get around
11 that barn to be able to get to where the cottage is
12 located.

13 Q Did Josee have to come to that property two to three
14 times a day to feed her horse?

15 A Yes. I don't remember her having a groom, so she was
16 -- you know, horses, they are not Sundays or day offs or
17 holidays. So anything when you have horses, you have to
18 attend to them. They have to be fed in the morning, they
19 have to be groomed clean every morning, every noon, every
20 afternoon, every evening. Sometimes when they don't feel
21 well, you spend the night with them as well.

22 Q Okay. Who showed you the -- the cottage on Two Notch
23 Road that you rented from Josee and Rhett Riviere?

24 A We arrived that -- that afternoon and -- and Josee and
25 -- and -- I will call him Tiger, because I met him as

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1 Tiger Riviere. So -- but Rhett Riviere, lots of people
2 call him Tiger. I met him as Tiger Riviere. So both of
3 them, they were in the -- in the property and they -- they
4 show us the cottage.

5 Q Okay. And tell the jury how the cottage was set up?
6 Were there -- were there two sections of it?

7 A So I was putting all my effort and money into my new
8 property, so we didn't have money to buy -- to rent a
9 fancy place. So this is just a studio, which had like a
10 one room that was like the bedroom and literally
11 everything and the bathroom, and then there was another
12 room on the side, but that was Tiger's office, so we only
13 rented it, the -- the kind of like a studio, I would say,
14 just a one-bedroom-bathroom area.

15 Q Okay. And this bathroom, how many doors did it have?

16 A It has two doors, the one that we used and then there
17 was another door that was closed.

18 Q Okay. Was that door always locked?

19 A It was always locked, yes.

20 Q I'm going to show you what's in evidence as
21 Exhibit 15, one of the pictures within that. What is the
22 room that we're looking at right here?

23 A So that -- that -- that was -- that was in the room
24 when we were there. That was -- that was Tiger's office.
25 So if you were -- I don't know to describe that. But if

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1 you were sitting on the toilet, we had the door that we
2 used was the left-hand side. The door that was always
3 locked, it was like that door right there.

4 Q So this is the --

5 MR. HARTE: Your Honor -- Your Honor, may I know
6 the number of that exhibit, please?

7 THE COURT: 15.

8 MS. BARBIER: Exhibit 15.

9 MR. HARTE: 15? Thank you, Your Honor.

10 THE COURT: 15. And I think the plaintiff has
11 introduced a couple of exhibits in bulk, so you may
12 have to go through that.

13 MR. HARTE: Thank you, Your Honor.

14 MS. BARBIER: The second-to-the-last picture in
15 that exhibit.

16 Q So, Gabriel, is this -- the door that was always
17 locked, is it the one that I'm pointing out right here?

18 A Yeah. That -- that's the door that was locked. And
19 the other door that you see in that picture, it was not
20 there at the time.

21 Q Do you mean this door over here?

22 A Yeah.

23 Q Okay. So there was no entrance from the studio you
24 rented to his office?

25 A No. Well, I mean, the only access to -- to that other

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1 room which was his office, it was through that door in the
2 bathroom.

3 Q Okay. Now this is the toilet in that bathroom; is
4 that right?

5 A Yes.

6 Q Okay. And on this wall over here, is that a shower?

7 A Yes.

8 Q Okay. And then next to the toilet is there a vanity,
9 a sink?

10 A Yes, it looks like it.

11 Q Okay. And the door that you came into on a regular
12 basis to this bathroom is over here --

13 A Yes.

14 Q -- on the other side of the shower; right?

15 A Yes.

16 Q Okay. And as you said, this was an office when you
17 rented it and you rented the other side?

18 A Well, I mean, I know I went into that room, but that's
19 -- they only rented us that side. And they told me that
20 on the other side it was Tiger's office, so.

21 Q So, Gabriel, was there a -- a main house on that
22 property at 785 Grace Avenue?

23 A There was a brick house that faces Grace Avenue, yeah,
24 towards -- towards --

25 Q Do you know who was living there at the time you were

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1 renting?

2 A There was somebody living in it, but I didn't know who
3 -- who -- who it was. I mean, I -- you know, I didn't
4 even think about it, I mean, who's living -- I mean no, I
5 do not know who was living in the house.

6 Q Okay.

7 A There was people living in it, but I don't know who it
8 was.

9 Q Okay. Do you recall approximately how much rent that
10 you paid for this cottage that you rented?

11 A It was about somewhere around \$800 per month. So we
12 were there for almost 3 months, so I assume that it was
13 around 2,400, 2,500, something like that.

14 Q Okay. Was -- when you -- when you rented this from
15 Josee and Rhett Riviere, was there a lease agreement?

16 A Yes.

17 Q Okay. And do you have a copy of that anymore?

18 A I do not.

19 Q Okay. Who gave you the lease agreement to sign?

20 A So when we arrived, Josee was there. She had the
21 lease agreement. I signed it. I think Tiger showed us
22 around and walked around, and then he left. Josee kind of
23 like hung out with us. We -- we knew her from before.
24 And I -- I signed that -- that lease and I -- I gave her
25 one check. It was one check for the whole 3 months, so

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1 for the whole time we were going to be there.

2 Q So you signed the lease agreement and you gave it back
3 to Josee Riviere?

4 A I did.

5 Q Okay. And you gave the rent check to Josee Riviere?

6 A I did.

7 Q On the last day that you rented this cottage before
8 you left, did -- did Heather come and tell you that she
9 saw some computer equipment in Tiger's office?

10 A She mentioned it. The -- the door that was always
11 locked, she went to use bathroom and that door, it was
12 cracked open. And -- and she peeked in there, and -- and
13 there was some computers and some equipment. But yeah.

14 Q So did you think anything about that comment?

15 A No. I actually told her to stay out of, you know,
16 somebody else's office. And I mean, I don't think she --
17 she just went in and looked and then left. Locked the
18 door because, you know, she was a girl and she doesn't
19 want -- that door was not supposed to be open at anytime.

20 Q Was she disturbed the door was open?

21 A Well, she was -- she thought it was odd, why is that
22 door open and -- and why -- why -- why -- I mean, I guess.
23 I mean, like what -- what -- why is -- you know, the door
24 is not supposed to be open. It hasn't been opened for the
25 whole time we were there.

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1 Q So after you rent -- that was on the -- was that on
2 the last day that you were there?

3 A Yeah. We were packing up. We were moving. Like I
4 say, our -- our -- we were preparing that horse. Our next
5 move was just to go back to Virginia, get -- I was playing
6 polo, but she was focusing on -- on that. So yeah, we
7 really didn't pay much attention to -- to any of that
8 situation, you know.

9 Q And so, after you rented this cottage, where did you
10 move to?

11 A So --

12 Q Were you building a house?

13 A -- yes. Well, we were developing the -- the -- the
14 farm. The house came later. So through the process of
15 developing a new piece of property with not a whole lot of
16 money, it's priorities for us horse people. What you do
17 first, you just put up fences and keep them in, then you
18 grow grass, and then the place for -- for us to live was
19 going to come eventually. That fall, when we came back
20 from all the traveling to New York and different things, I
21 bought a camper and -- and we finally got to stay on our
22 property. It was very exciting.

23 Q So you stayed in the camper?

24 A I'm sorry?

25 Q You stayed in the camper?

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1 A I'm sorry?

2 Q You stayed in the camper?

3 A We stayed in the camper of the property, yes.

4 Q Okay. So in 2005, did you and Heather welcome a baby
5 girl?

6 A We did.

7 Q And how old is she now?

8 A Her name is Alia, and she is 19.

9 Q Is she in school?

10 A She's in Clemson.

11 Q What does she study?

12 A Major in psychology with a minor in criminal.

13 Q Are you and Heather very proud of her?

14 A Absolutely. She is the reason why I wake up every
15 morning.

16 Q So in 2015, as life takes its course, did you and
17 Heather go through a divorce?

18 A We did.

19 Q Okay. Is divorce a difficult thing to go through?

20 A It's not fun, that's for sure. It's very difficult.
21 And when -- when it gets in the wrong hands, I would say,
22 in -- or in the hands of -- nothing personal -- but the
23 wrong lawyers, it could be very difficult to through.

24 Q So despite the divorce, did you and Heather coparent?

25 A Absolutely. We -- we -- yeah. We -- like I say, my

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1 priority is just to raise our kid.

2 Q All right. I want you to flash forward for a minute
3 to July of 2022. What did you learn for the very first
4 time in July --

5 THE COURT: Ms. Barbier, let's let him testify.

6 MS. BARBIER: Okay. Okay.

7 THE WITNESS: Yeah -- yeah --

8 BY MS. BARBIER:

9 Q Did you learn anything in July of '22?

10 A -- yes. I was getting ready to go on a date with my
11 daughter on July 16th of 2022 to a new restaurant in town
12 called -- I think it's called The Feed Sack. And I
13 received a message from one of the member of my team today
14 and saying there was some videos found that had the name
15 on it saying Heather and Gabriel. And it's not that many
16 Heathers and Gabriel in Aiken.

17 Q After you got this call, did you have an occasion to
18 -- to watch this video called Heather and Gabriel?

19 A Yeah. Let me -- let me say something before that,
20 because it did come. I agreed to meet with one of the
21 members of my team on Monday, but I continued on with the
22 date with my daughter. We walked in the restaurant. We
23 got sat down and ordered drinks. Shortly after that,
24 Josee Riviere walks in with another lady and sat, like,
25 from me to you from where we are sitting, which make me

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1 uncomfortable right away. Five minutes later, Tiger
2 Riviere showed up with a birthday gift bag and -- and gave
3 it to Josee and -- and they hugged and they -- so my date
4 with my daughter in a new restaurant went south pretty
5 quickly. We had already ordered, so I couldn't get up and
6 go, so I had to, the whole entire time I was there,
7 observe the two of them having a great time, Tiger going
8 back and forth to the bar and bringing drinks.

9 So yes, that -- to answer your question, that Monday,
10 I think it was the 18th at noon, I got the chance to sit
11 in my house on -- on one of the rooms and play a play
12 button on a computer and -- and watch -- I couldn't watch
13 the video. I couldn't watch the 9-and-a-half or whatever,
14 9-something minutes of the video. I just watched, like,
15 what was going on and immediately closed the computer.
16 and I was so embarrassed. So mind blowing of what was on
17 the video, so disturbing, and I felt raped. I felt
18 disgust, betrayal. I don't wish that to anyone, not to my
19 worst enemy (crying). I'm sorry.

20 Q Gabriel, tell this jury, whats one of the first things
21 that went through your mind?

22 A How could someone do this? Like, why? What's --
23 why -- what's the -- like, how can someone steal your
24 memories, every memory you had since 2001 to that day to
25 be raped. I don't really know, where -- where is that

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1 video now? Where -- who's seen it? Why are the -- like,
2 it's just so many things to go through your head at that
3 time. How -- how can, like, someone do that? How can the
4 feeling of -- of being, like, so disgusting makes me want
5 to puke. It makes me want to puke now. It's
6 unbelievable. It's like I still -- my brain is not built
7 that way. I can't put -- I can't make it -- I cannot --
8 today, I cannot make -- make sense, why would somebody do
9 that.

10 Q Gabriel, despite the fact that you and Heather are
11 divorced, how do you feel about her? How do you feel
12 about how this --

13 A Well, this -- like, because we're divorced, I mean, I
14 think it's the -- divorce is the things that happens, life
15 happens. Just -- it's just one of things that just, like,
16 I think it must happen to many people in this courtroom.
17 And -- and -- but that doesn't mean that Heather is not
18 mother of my child or I'm not the father of Alia. We --
19 we raised our kid together the minute she was born, and
20 we're still doing it today. It's just that -- that we are
21 divorced, that doesn't -- doesn't make any difference of
22 who we are.

23 Q And how has -- how -- what have you observed? How has
24 this affected Heather?

25 A Well, she is just as destroyed as I am. The day of

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1 her deposition, she ended up in the emergency room with,
2 like, a severe panic attack. She's a nurse. She knows
3 what's up. She knows how to deal with those things,
4 right? So she couldn't handle -- I mean, she can handle
5 -- she can handle a lot, but to get to the point where she
6 was like, okay, I got to go to the emergency room. And --
7 and it's a good thing she did. And then to have Alia in
8 Clemson walking into an exam, freaking out because of her
9 mom was in that stage, it's -- we shouldn't be doing this.
10 We shouldn't go -- we don't deserve to be put through
11 this.

12 Q Gabriel, do you recall the Aiken Memorial Day parade
13 in 2015?

14 A Yes, I do.

15 Q Tell the jury about your memory of that.

16 A So Alia, my daughter, she's a pretty talented young
17 girl. She's super good at art. She also likes to sing.
18 So she was asked to -- she also plays polo. She rides
19 with me. It's something that we do together. And so, in
20 -- let me back up a little bit just so they understand.
21 It is a program that I help created, which is Aiken Youth
22 Polo, which is a bunch of kids of us professional polo
23 players and some that had nothing to do with polo, they --
24 we created a program where the young kids can learn how to
25 play the game. So we -- I mean, I was supporting the

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1 program with horses. Tiger Kneece is the one that created
2 the program.

3 So at that time, when the kids were, like, 10, 9, 10,
4 12-years old, somewhere, you know, the program went on for
5 a while. Alia was part of this Aiken Youth program, and
6 Catherine Thomas was working for Aiken Polo as somehow
7 organizing the -- the schedule of or organizing the -- the
8 social part of Aiken Polo. So knowing that Alia likes to
9 sing, she was asked to sing the national anthem at the
10 polo game. And after that, she was asked by somebody
11 which happens to be there if she will sing in town at the
12 Memorial Day parade. So Tiger approached Heather and --
13 and said, hey, why don't you guys -- why don't you use my
14 car, a fancy convertible, to do the parade and then we'll
15 stop downtown Aiken and -- and she can sing.

16 And at the time, it was an awesome idea, you know? I
17 mean, like, who doesn't want to sit in the back of a -- of
18 a Corvette -- convertible Corvette and be trolled around
19 downtown Aiken with your beautiful daughter next to you
20 being so proud?

21 Q What do you think about that now?

22 A If I only knew then what I know now, right? I -- I --
23 I feel like I failed as a father because I put my kid into
24 his car. God knows if there was a camera hidden somewhere
25 in the car. I mean, I can you imagine? This is -- Alia

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1 was born in 2005, so 10 years later. Am I my making my
2 point? It's 10 years later.

3 Q I understand. Gabriel, you said you helped start the
4 youth polo in Aiken?

5 A Well, it's -- it's a program for kids. My main
6 business as -- as I got older as a professional polo
7 player, it's horses. My -- horses are my -- my love, my
8 -- my career. So I get access to buying and selling
9 horses, a lot of different type of horses, so I -- I help
10 the program supply and save horses for these kids to be
11 able to -- to ride.

12 Q Over the years, have you run into -- I know you
13 described the restaurant. Have you run into Josee and
14 Rhett Riviere?

15 A Yes, all the time. I mean, driving the car and
16 parking at the light and looking over and there is Tiger
17 next to me. Going in the grocery store and in Kroger, and
18 there is Josee shopping. So then, I'm like, I have to
19 hide. I don't think I'm the one who's supposed to be
20 hiding here. It's my right to be in the grocery store.
21 Yeah, it's like -- so yes, I do run into them all the
22 time, different places, different things. I have to
23 advise Alia these are these people, stay away from them,
24 from the two of them. So like, it's a -- it's a kid that
25 doesn't need to go through this. No kid needs go through

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1 this.

2 Q Gabriel, we heard from Dr. Trezza -- from Mr. Trezza
3 this week. Did you -- did you go see him?

4 A I did. I met him when we were doing the couples
5 counseling before. And so, I was so desperate that --
6 that -- I liked him, so I called him up and said, hey, do
7 you have enough time to spend with me, and he did. And
8 so, yes.

9 Q And have you gone back for any more therapy?

10 A I -- no. I mean, I -- I talked to him for I don't
11 even remember how long. He mentioned yesterday an hour
12 and a half. And just getting some kind of like guidance
13 on what to do. It's no therapy that is going to take away
14 what they done to us. There's no amount of money that I
15 can spend on the -- sitting on the -- on the couch talking
16 to a therapist to -- to -- to fix what he has done, what
17 they have done. That doesn't mean that it eventually --
18 it was a -- it was a -- this took a long time. It's 2
19 years. So in 2 years -- whoo -- emotions run up and down
20 and back and forth, and bad -- bad thoughts come to your
21 head. So I wanted to wait for this, go through this
22 process before I decide if I need to continue on with
23 therapy or not. But that's why we're here now.

24 Q Do you feel like Aiken is the same place it used to be
25 to you?

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1 MR. HARTE: Object to leading.

2 MS. BARBIER: How do you feel that Aiken now?

3 I'll rephrase, Your Honor.

4 THE COURT: Thank you.

5 THE WITNESS: (Crying) I'm sorry. I love Aiken.

6 Aiken is my town. I -- I chose Aiken to be my town.

7 I created my life in Aiken. I raised my family in

8 Aiken. So since this happens, I -- I thought about

9 just moving on, just forget about Aiken. My daughter

10 is in school. She's going to be in school for -- for

11 a while. And she -- she asked me, Papa, please don't

12 sell the house 'til I'm done with school. I want to

13 come home when I need to. It's only 2-and-a-half

14 hours away, so she could be here in no time. So that

15 makes me regroup and think I'm not the one that needs

16 to leave Aiken, they are. They are the ones that

17 need to leave Aiken. I didn't do nothing wrong. I

18 worked my ass off for everything I have, and I don't

19 need to leave Aiken. Why would I? This is my town.

20 This is my home. This is our town. We don't need to

21 do this because of people like Tiger and Josee

22 Riviere.

23 BY MS. BARBIER:

24 Q Gabriel, I want you to tell the ladies and gentlemen

25 of the jury why you brought this lawsuit.

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1 A This guy needs to be stopped. He's been doing this
2 for -- for decades. He's been doing this for a long time.

3 Q There was some discussion --

4 A And so --

5 Q -- there was discussion about why you didn't bring
6 this case in the name of John Doe.

7 A I'm not John Doe. I am me. I have a reputation. I
8 teach my kid -- I have only one kid, so I only have one
9 chance to do this right. So I tried my best to raise my
10 kid based on love, respect, and telling her to stand up
11 for what is right. What I'm doing today is the right
12 thing to do. What we are doing here is the right thing to
13 do. I want everybody in the community knowing me or not
14 knowing me to know that this guy did this to us, so it
15 could be any of you. There's a lot of people that you've
16 seen on these videos who have no idea. My -- my -- my
17 tape was named Heather and Gabriel. What was the point
18 for me to be John Doe? How long can I keep it as John
19 Doe, even if I filed as a John Doe? As soon as you walk
20 into court, they know who John Doe is, so what's the point
21 of being John Doe? And besides that, it goes against my
22 beliefs. I'm not John Doe. I am who I am. Like me or
23 not, but I am who I am.

24 MS. BARBIER: I beg the Court's indulgence.

25 THE COURT: Yes, ma'am.

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1 MS. BARBIER: Gabriel, I don't have any other
2 questions for you, but please answer any that the
3 defense lawyers have of you.

4 THE WITNESS: Sure.

5 MR. GRIFFIN: Your Honor, we have a matter of
6 law to address at sidebar.

7 THE COURT: Okay. Could the jury step out,
8 please?

9 (The jury exited the courtroom.)

10 THE COURT: Mr. Crespo, please stay right there.

11 THE WITNESS: Thank you.

12 THE COURT: We're going to go to a sidebar, even
13 though the jury is leaving.

14 THE WITNESS: (Crying) Sorry.

15 (Sidebar.)

16 THE COURT: Okay. We went to sidebar. We
17 understand now that the sidebar mic doesn't work so
18 we weren't anywhere near it. And as I let the jury
19 out, I think these matters can just be heard in open
20 court. So I think it was Mr. Griffin, my
21 understanding is you're moving for a mistrial again
22 based upon the fact that the witness testified to a
23 timeline of four decades as to the allegations of
24 illicit videotaping of -- of renters, let's say, in
25 the -- in the -- in the properties of your client and

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1 as to -- I'm sorry, what was the second point? I
2 know it's a cumulative effect.

3 MR. GRIFFIN: Your Honor, he looks at the jury
4 and says what if this had happened to you.

5 THE COURT: Yes, sir.

6 MR. GRIFFIN: What if this had been you.

7 THE COURT: What if this had been you.

8 MR. GRIFFIN: And -- and that is the Golden Rule
9 that no one is permitted to --

10 MR. HARTE: Excuse me, Your Honor -- excuse me,
11 Your Honor. Yesterday, I was instructed to have my
12 client leave the room because we didn't want to
13 instruct the witness. I would ask that that occurs
14 with this witness as well.

15 THE COURT: Okay.

16 MR. HARTE: He's still on the stand.

17 THE COURT: Mr. Crespo, do you want to step out
18 for a moment? Thank you.

19 (The witness exited the
20 courtroom.)

21 MR. HARTE: Thank you.

22 MR. GRIFFIN: And -- and Your Honor, this is on
23 top of everything else that we've -- we've had. And
24 we've spent hours yesterday, hours this morning just
25 about this very issue, and then -- and he's sitting

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1 here in the courtroom listening the whole thing. And
2 then he gets up there and says Rhett Riviere has been
3 doing this -- he didn't say he's been accused, he
4 says he's been doing this for four decades. And
5 then, he looks to the jury and he goes, you know,
6 basically it could be you or, you know, you don't
7 know when you've been videotaped. I mean --

8 THE COURT: And I think that was in response to
9 how do you feel about this and he said, well, how
10 would -- basically, a how would you feel argument; is
11 that right? Am I remembering that correctly.

12 MR. GRIFFIN: Yeah, exactly. How do you feel,
13 how you feel about Aiken, or something along those
14 lines. And then he just goes on with his speech
15 about, you know, he's been doing it for 40 years and,
16 you know, it could be you.

17 THE COURT: Yes, sir.

18 MR. GRIFFIN: That's a mistrial. If a lawyer
19 gets up there in closing argument and does that --

20 THE COURT: If a lawyer got up there --

21 MR. GRIFFIN: -- that's a mistrial.

22 THE COURT: -- and did it, it absolutely would
23 be. My question is, what if the witness does it? I
24 -- I don't know of a circumstance where a witness has
25 don it, to be quite frankly -- to be quite honest, I

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1 haven't dealt with that, ever.

2 MR. GRIFFIN: Well, Your Honor, I think it's
3 even worse when a witness says it than a lawyer says
4 it.

5 THE COURT: It is clearly against a lawyer's
6 argument to make to try to place the jury in your --
7 in the position of the acts that you are -- are
8 accused of -- or be it negligence or a criminal act,
9 or whatever it may be. I would ask you to address --
10 I know you're moving for a mistrial on -- on the
11 inflammatory prejudice to your client in that regard.
12 And -- and I'm just wondering if there's any
13 distinction between a lawyer who is aware of the
14 rules and doing that and a witness presenting their
15 evidence -- their testimony.

16 MR. GRIFFIN: But, Your Honor, there's a reason
17 for the rule --

18 THE COURT: Yes.

19 MR. GRIFFIN: -- because it's about the most
20 prejudicial thing you can do in a trial. But you lay
21 that on top of everything else that has happened, on
22 top of him saying he's been doing this for 40 years.

23 MS. BARBIER: Your Honor, I believe he said --
24 and his -- his English is broken, as everybody heard
25 -- I believe he said he's been doing it four decades.

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1 MR. GRIFFIN: Well, he said for decades.

2 MS. BARBIER: 2000 --

3 THE COURT: He did say four decades.

4 MS. BARBIER: -- no. Which -- which 2001 to --
5 to 2019, or whatever you -- that's -- that's two
6 decades. He said for decades, like, F-O-R, F-O-R.

7 MR. HARTE: What's the difference?

8 MR. GRIFFIN: What?

9 MS. BARBIER: And --

10 THE COURT: F-O-R, Mr. Harte, or F-O-U-R? It's
11 the same thing as yesterday when we had to argue
12 about whether a groom was a -- a newly married person
13 or a groom was a horse cleaner, caretaker.

14 MS. BARBIER: Your Honor, that's what I believe
15 he said. I don't think he has any information that
16 he's been doing this for 40 years. Okay? But in
17 addition to that, Your Honor, I also think he said
18 this could be anybody. We don't know who these
19 people pf these videos are, it could be anybody. And
20 -- and to the extent that that -- that you want to
21 ask the jury to strike that, we don't have any
22 objection to that. This man was extremely emotional.
23 He's certainly been instructed by plaintiffs' counsel
24 about what is allowable and what's not, and he got
25 very emotional, as anybody would.

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1 And I really resent them continually saying
2 that, you know, that this is staged or we've
3 instructed him to do something improper. We have
4 respected all of this Court's rulings and have told
5 our client do the same thing too. This man is in
6 pieces. And -- and -- and I'm sorry that he got, you
7 know, very emotional. And sometimes when we get
8 emotional, you know, we say things that we don't
9 remember we couldn't say. But he -- he didn't -- he
10 didn't say it -- point to the jury and said it could
11 be, you know -- I just -- and I'd have to have it
12 reread, Your Honor, but that was my recollection.

13 THE COURT: Okay. We're going to take a
14 bathroom break. Mr. Griffin, I'm happy to hear from
15 you. I'm sorry.

16 MR. GRIFFIN: Yeah, just very quickly. I mean,
17 I -- the only thing I remember from high school is
18 how to type. And I do type as close to verbatim for
19 this very reason. And what I have typewritten here
20 is "The guy needs to stop. He's been doing this for
21 four decades." So use a for and then a four decades.
22 That's what I heard.

23 THE COURT: All right. We'll take a break.
24 Thank you.

25 (Off the record.)

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1 (Recess.)

2 (On the record.)

3 THE COURT: Ms. Barbier, these exhibits are up
4 here. I don't know if they were tagged. The one
5 right here is not tagged. But you might want to make
6 sure you gather those up.

7 (The witness entered the
8 courtroom and retook the stand.)

9 THE COURT: Okay. Mr. Griffin?

10 MR. GRIFFIN: Your Honor, there are a couple of
11 things. Going back through my notes, the question on
12 the table is "Why did you file this lawsuit?" And
13 the answer is "The guy needs to stop. He's been
14 doing this for four decades. What I'm doing here
15 today is the right thing to do." And then, he goes
16 on to talking about, you know, everyone in the
17 community, you know, I'm doing it -- I don't know
18 exactly what he said, but he basically said this
19 could have been happening to you. I mean, he looked
20 at the jury and he was pointing at them.

21 THE COURT: He did. Mm-hmm.

22 MR. GRIFFIN: And so, Your Honor -- Your Honor,
23 that -- that type of -- and this was -- this is the
24 summation of his testimony. I mean, that is -- I
25 mean, that -- why did you file this lawsuit. You

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1 know, and it is he's been doing it for four decades.
2 I'm doing it for you, this could happen to you. In
3 the criminal case of State V. Harris -- I don't know
4 if Your Honor has read it but -- that -- and that
5 argument is designed to inflame the passions of the
6 jury. It takes the jury away from being a neutral
7 fact finder to -- to putting themselves in the shoes
8 of the victim, which is exactly what he did and what
9 he intended to do.

10 THE COURT: And as you referred to it, the
11 Golden Rule applies, primarily. We all read about it
12 in opening and closing arguments of attorneys, and
13 attorneys are not allowed to inflame the passions of
14 the jury by suggesting that you're put in shoes of
15 the victim or whomever, just as we argued before. I
16 found nothing regarding a witness on it. And I did a
17 brief review of it. And I think that it is the
18 distinguishable factor here. I will ask Mr. Crespo
19 to refrain from making any comments about how anyone
20 else would feel. You're here to testify as to how
21 you'd feel --

22 THE WITNESS: I'm sorry.

23 THE COURT: -- about what's going on. And any
24 -- Ms. Crespo, I don't know if you're going to
25 testify or not. I don't know what other witnesses

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1 the plaintiffs may have. But you need to limit your
2 comments to -- to what applies to you personally.

3 Mr. Harte?

4 MR. HARTE: Your Honor, I have a slightly
5 different take on --

6 THE COURT: Issue?

7 MR. HARTE: -- take on that, just you to be
8 clear. What happened when Mr. Crespo made that
9 statement and pointed to the jury, he basically said
10 to them you may already be on film. And he said --

11 THE COURT: No, sir, I don't agree with that
12 statement at all.

13 MR. HARTE: -- well --

14 THE COURT: Let's bring the jury in. Thank you,
15 Mr. Harte.

16 MR. HARTE: -- thank you.

17 MS. BARBIER: Your Honor --

18 THE COURT: Ma'am?

19 MS. BARBIER: -- you may also want to make the
20 instruction about the other comment they objected to,
21 because I don't know if they plan on going into that
22 on cross. But there's inadmissible evidence that you
23 have ruled on.

24 THE COURT: We're not going to talk about that
25 anymore, no one.

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1 MS. BARBIER: Okay.

2 (The jury entered the courtroom.)

3 THE COURT: Ladies and gentlemen of the jury,
4 I've been told that your food has arrived. We're
5 going to try to go at least 'til 1:00. I'm not sure
6 where we'll be at questioning at that point, and --
7 but we'll hopefully find a breaking point around
8 1:00. You know, this entire trail has been emotional
9 for a lot of people. I want to remind you all that,
10 as I said in the beginning and as I'll continue to
11 say and as I'll remind you again at the end, you are
12 the trier of facts. That means you look at the facts
13 presented through the evidence here today, and you
14 are the ones to make those decisions. The attorneys
15 later -- later -- will get to make proper argument to
16 you. But right now, you're to be objective as to
17 everyone involved in this trial. Okay? Yes, sir,
18 Mr. Griffin.

19 MR. GRIFFIN: Yes. Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. GRIFFIN:

22 Q Good afternoon Mr. Crespo.

23 A Good afternoon, sir.

24 Q You are -- you were contacted by Ms. Barbier, correct,
25 about there being a video file of you and your wife?

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1 That's a fact; correct?

2 A Correct.

3 Q And she wasn't part of your legal team at that time,
4 was she?

5 A She was not.

6 Q Subsequently, you agreed to retain this legal team to
7 represent you; right?

8 A I did.

9 Q And to file this lawsuit; correct?

10 A Correct.

11 Q And -- and Ms. Heather Crespo had retained the same
12 legal team; correct?

13 A Correct.

14 Q And you -- you notified Ms. Heather Crespo about the
15 existence of this video, did you not?

16 A I don't believe so. I think -- I don't recall, but
17 I'm pretty sure it was Debbie who had contacted Heather.

18 Q All right. And -- and I believe from -- I notice that
19 you were notified on July 16 of 2022, and you had a
20 meeting in person with Debbie, Ms. Barbier, on I think you
21 said July 18th?

22 A On Monday, yes. I was notified -- well, the phone
23 call came in on Friday, and we met on that Monday. So
24 Friday the 16, Monday the 18th, I believe.

25 Q And then, on August the 1st, almost about two weeks

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1 later, that's when you met with Mr. Trezza who -- the
2 counselor who testified here today?

3 A Yes, I believe so.

4 Q And that was -- and you completed a questionnaire, and
5 then you had an hour or an hour-and-a-half telemedicine
6 conference; correct?

7 A Correct.

8 Q And you have not seen him since?

9 A Correct. No. Like he said -- yes. No, I did not.

10 Q Now -- now you -- you explained to this jury why you
11 chose not to bring the lawsuit anonymously, and that you
12 were asked that and you answered that?

13 A I did.

14 Q And in addition, you've -- you've given interviews to
15 media outlets about what has happened to you; isn't that
16 correct?

17 A I think that there was a hearing earlier on in the
18 investigation and -- and I spoke to one media guy
19 afterwards, yes.

20 Q And -- and -- and the point is, you haven't tried to
21 keep this a secret of what happened you. You want the
22 community to know?

23 A I did. I do.

24 Q Yet, you -- you -- you testified that you feel
25 uncomfortable in the community because they do know, or

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1 did I misunderstand that?

2 A I don't think I feel uncomfortable in the community
3 because they do know. I feel uncomfortable in the
4 situation that I was -- that I was put in without my
5 knowledge. It's -- it's -- it's difficult not knowing who
6 knows. So you walk around town wondering if anybody knows
7 and if who knows. That's what I was -- earlier, when I
8 expressed about my memories, I go back and you think about
9 since this happens that that Heather and I did together,
10 or that Heather and I and my daughter did together. So --
11 or those -- those kids' polo games, or -- you know, so
12 it's just a lot of wondering on who knows. That's a very
13 uncomfortable situation, sir.

14 Q But you've not been shunned in this community, have
15 you?

16 A Sorry?

17 Q You've not been rejected in this community, have you?

18 A My -- my reputation follows me in this community, so
19 no, I have not been rejected.

20 Q And -- and your reputation is someone who works hard,
21 who's been very successful, a world-class athlete. Isn't
22 that your reputation in the community?

23 A I'd like to believe so, yes, sir.

24 Q And -- and you came to United States with nothing, and
25 -- and you're very successful. Isn't that your

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1 reputation?

2 A Well, very successful at -- at the big world, or as I
3 previously say -- maybe they don't know, but English is my
4 second language, so I might mess up at some point.

5 Q Well, you've done well, have you not?

6 A I've done well.

7 Q And you've done well here in Aiken; correct?

8 A This is my town, yes.

9 Q Now, you saw photos -- and I've forgotten the exhibit
10 number -- that was -- that you saw, but they were photos
11 of a portion of the cottage where you and Ms. Crespo
12 stayed. Do you remember seeing those photos?

13 A I do.

14 Q And -- and the photo was taken from an area that had
15 been completely renovated, right? It didn't look like
16 that when you were there?

17 A No. Like I says -- said before, I never been in that
18 room before. So it's a door where there was not a door
19 before, so I have to assume that that room has been
20 renovated.

21 Q And -- and -- and Ms. Barbier pointed out with her
22 arrow on her computer the door that was next to the toilet
23 in the bathroom. Do you remember seeing that door?

24 A Yes.

25 Q And -- but that door was there, right, the one next to

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1 the toilet?

2 A Yes.

3 Q Okay. And -- and the -- and that is the door that
4 Ms. Heather Crespo told you that was open on one of the
5 last days that you and she were at the cottage; correct?

6 A Correct.

7 Q And she told you that she went into that area, which
8 you understood to be Tiger's office, and saw some type of
9 equipment, did she not?

10 A She did.

11 Q Did she tell you that she was so concerned about what
12 she saw that she contacted Lito Salatino's wife, Gina?

13 A No.

14 Q Have you spoken to Lito Salatino about his wife, Gina,
15 coming over?

16 A No.

17 Q You, yourself, saw some cables in the cottage that you
18 thought were somewhat unusual, didn't you?

19 A I don't know about unusual, but they were, like -- you
20 know, and 20 years ago, everything run by cable. There
21 was a cable that ran up in the -- in the -- in -- in the
22 ceiling of the -- of the room, but I didn't think it was
23 -- I didn't think anything of it. It was just, like, some
24 black -- I don't know what the word is, coaxial or
25 whatever the black cables that they used to run up and

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1 down every -- I think all the homes at that time had those
2 cables.

3 Q And -- and -- and you wondered where the cables went
4 to, did you not?

5 A No. I mean, they were cables that were going up and
6 down, but I don't know. I mean, if I was wondering, I
7 didn't think so much of it. It was just --

8 Q Do you recall telling Lieutenant Busbee during your
9 interview on Wednesday, July 20th, 2022, that you remember
10 seeing some sort of, like, TV set and underneath some sort
11 of cables and you wondered where these cables go? Do you
12 member saying anything like that to Lieutenant Busbee?

13 A Well, I mean, what I told Lieutenant Busbee is, he
14 asked me if I'd seen any cables or anything like that.
15 And I said there was a TV set and then there was cables
16 that were going towards the other side of the house, but
17 you know --

18 Q Now --

19 A -- I don't know if they were going to the other side
20 of the house. They could easily have been going up to the
21 roof and to an antenna. I don't know.

22 Q Sure. And you went to -- and shortly after that, you
23 and Heather went to West Virginia to follow the polo
24 circuit?

25 A We did.

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1 Q And -- and then, from there, you went to the Hamptons
2 in New York?

3 A We did.

4 Q And -- and that was when you were being sponsored by
5 Mr. Andy -- what's his last name?

6 A In New York, I was not sponsored by Andy Guess. But
7 yes, when in Virginia, I was, yes.

8 Q Okay. And -- and Mr. Guess was your sponsor in
9 Florida?

10 A He was not.

11 Q He was not?

12 A He was only in Virginia and here in Aiken at that
13 time. The rest of the time, I played actually with Justus
14 Reid, which is a lawyer in Wellington. I played with him
15 in Wellington that year, and in the Hamptons.

16 MR. GRIFFIN: Can I have one moment, Your Honor?

17 THE COURT: Certainly.

18 MR. GRIFFIN: I have no further questions, Your
19 Honor.

20 THE COURT: Thank you, sir. Mr. Harte?

21 MR. HARTE: Yes, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. HARTE:

24 Q Good afternoon. Is it more comfortable for you if I
25 call you Mr. Crespo, or would you be comfortable with

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1 Gabriel? What do you prefer?

2 A Gabriel is fine.

3 Q I don't have many questions for you. I just have a
4 couple. Do you have any information that would lead you
5 to believe that Josee knew that any filming devices were
6 in that cottage?

7 A No.

8 Q Thank you. Do you recall whose name was on the lease
9 as the owner of the property that you signed?

10 A I believe the lease was under some company name. I
11 recall exactly what the company name was, but it was
12 neither one of the two Rivières.

13 Q Thank you Gabriel. That's all I have.

14 A Good seeing you, John.

15 Q Yes, sir. It's good to see you too, and I'm sorry for
16 this situation. Thank you.

17 THE COURT: Thank you, Mr. Harte. Any redirect?

18 MS. BARBIER: No, Your Honor.

19 THE COURT: Thank you. Mr. Crespo, you may step
20 down.

21 THE WITNESS: Thank you. May I take a moment to
22 get a tissue?

23 THE COURT: It is 12:35. I don't know about the
24 length of the next witness, because the jury does
25 have a lunch in the room waiting on them.

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1 MS. BARBIER: It's a very short witness, Your
2 Honor.

3 THE COURT: Okay. If you promise.

4 MS. BARBIER: It is for us.

5 THE COURT: Okay. If you promise it's a very
6 short witness. Let's please go forward. Call your
7 next witness, then.

8 MR. BEASLEY: The plaintiff calls Diego
9 Ferreira.

10 MR. HARTE: Your Honor, is it okay if I request
11 that you consider an hour-and-a-half break for lunch?
12 It's a little hard to get anywhere in Aiken and back
13 in -- at --

14 THE COURT: We'll think about it.

15 MR. HARTE: -- thank you, Your Honor. It's just
16 a -- it's just a -- just a thought.

17 THE COURT: I understand. I tend to go to
18 Zestos. So it's a drive-through.

19 THE CLERK: Place you left on the Bible and
20 raise your right hand.

21 (The witness was sworn in.)

22 THE CLERK: Please take a seat in the witness
23 stand. State your full name for the Court and spell
24 your last name, please.

25 THE WITNESS: Good morning. My name is Diego

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1 Ferreira.

2 MR. BEASLEY: Diego, good morning.

3 THE COURT: One second. Could you please spell
4 your last name?

5 THE WITNESS: F-E-R-R-E-I-R-A.

6 THE COURT: Thank you.

7 DIEGO FERREIRA

8 was called as a witness, and having been first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. BEASLEY:

12 Q Good morning.

13 A Good morning.

14 Q OR I guess it's afternoon now. Tell the jury where
15 you're from, Diego.

16 A I am from Argentina.

17 Q And how long have you lived in Aiken?

18 A We moved to Aiken in 2007.

19 Q And how -- tell me, sir, are you married?

20 A I am.

21 Q Do you have children?

22 A Yes, two. Two daughters.

23 Q And what do you do for a living?

24 A I was a professional player for many, many years, and
25 then I was involved in horse business.

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1 Q And tell the jury, how do you know the Crespos?

2 A I grew up in the same time as Gabriel in Argentina,
3 and I can say is my mentor throughout my polo career. And
4 I met Heather when I came to the United States in -- I
5 mean in 1999.

6 Q Okay. So how long have you known Gabriel -- how long
7 have you known Gabriel?

8 A All my life, basically.

9 Q And how long have you known Heather?

10 A What did you say? Sorry.

11 Q How long have you known Heather Crespo?

12 A Since -- I mean since 1999. When I came to the
13 States, they were dating back then.

14 Q So do you socialize with Gabriel?

15 A Yes.

16 Q And how would you describe Gabriel and -- and his
17 personality?

18 A He's an amazing person. Like I said before, he's my
19 mentor in my polo career. He has been always there for
20 me, for my family as well. I can say he's a very happy
21 person, always. You know, willing to go out and have fun.
22 You know, he's very social.

23 Q Are you aware of an incident that occurred back in
24 2022?

25 A Yes, I am.

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1 Q What -- how do you know about that incident?

2 A Well, he told us.

3 Q What did he tell you?

4 A That he had been videotaped while he was renting a
5 house here in Aiken many years ago.

6 Q How has Gabriel acted since that incident?

7 A Well, we have seen some changes. Like I said before,
8 he's always -- you know, he likes going out, always
9 hosting dinners at his house. We shared a lot of, you
10 know, barbecues and outdoor activities. But since then,
11 he is kind of like, you know, he hasn't wanted to go out
12 with us much. He prefers to -- instead of going out for
13 dinner, he prefers to stay home, try to not -- to be so
14 public, you know what I mean?

15 Q Diego, have you noticed Gabriel being emotional about
16 the incident?

17 A Yes.

18 Q Can you describe that?

19 A Yeah. A few times, you know, when we make -- we make
20 plans to go out -- and I mean, we go out together a lot,
21 like, I would say once a week. And a few times, he was
22 kind of -- you know, he didn't want to go out. And that
23 caught my attention so, you know, we had these
24 conversations, like, you know, why you don't want to come
25 out with us? You know --

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1 MR. MCCULLOCH: Your Honor, I would object to
2 conversations. It's hearsay.

3 THE COURT: Certainly. Mr. Diego --

4 MR. MCCULLOCH: Well, Your Honor, the question
5 was "What did you observe about this?"

6 THE COURT: -- yes, sir. You're sustained. I'm
7 sorry. I was just going to instruct the -- the
8 witness.

9 MR. MCCULLOCH: Yes. Thank you.

10 THE COURT: Mr. Diego -- and I'm not going to
11 muddle your last name, okay? So if you don't mind,
12 I'll refer to you by your first name. Just limit
13 your -- your answers to what you saw and stay away
14 from -- from reciting what you believe to have been a
15 conversation between people.

16 THE WITNESS: Okay.

17 THE COURT: That's a rule that we -- we just go
18 -- want to know what you saw and did or saw others
19 do, primarily. There's some exceptions to that, but
20 primarily --

21 THE WITNESS: Okay.

22 THE COURT: -- that what I need to know from
23 you.

24 THE WITNESS: Okay.

25 THE COURT: Thank you, sir.

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1 BY MR. BEASLEY:

2 Q Diego, have you ever seen Gabriel cry?

3 MR. MCCULLOCH: Object to the leading, Your
4 Honor.

5 THE COURT: Yes, sir. Rephrase, please.

6 BY MR. BEASLEY:

7 Q Have you observed any emotion from Gabriel?

8 A Yes.

9 Q Describe that to the jury.

10 A He cried, and that was the first time I saw Gabriel
11 crying.

12 Q And why was he crying?

13 A Because he felt embarrassed. He felt so sad about
14 what happened a couple of years ago, you know. Yeah, I
15 saw him cry.

16 Q No further questions.

17 THE COURT: Thank you, sir. Cross?

18 MR. MCCULLOCH: No questions, Your Honor.

19 THE COURT: Thank you, sir. Mr. Harte?

20 MR. HARTE: No questions, Your Honor.

21 THE COURT: All right. Can Mr. Diego be excused
22 from the trial?

23 MR. BEASLEY: Yes, he can be excused.

24 MR. MCCULLOCH: Yes.

25 THE COURT: Thank you. Thank you for coming.

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1 Sorry you had to wait for a while.

2 THE WITNESS: That's okay.

3 THE COURT: Okay. It's a quarter 'til 1:00.

4 Let's take our lunch break now. And we'll resume --
5 if we can try to have the attorneys back here around
6 1:30. I'll give you a little bit of leeway. The
7 only thing is, when we order in lunch for the jury,
8 they're stuck back there in a small room for a very
9 long period of time. I know it can be hard to get
10 your lunch and get back, but we'll try to have some
11 grace on that. And we may have some preliminary
12 matters to take up. I don't know. But that's what
13 happens when you all wait so long. Sometimes we go
14 do our stuff, come back, and then we get into a
15 discussion and then you end up waiting a lot longer
16 than we intended to. I apologize for the
17 inconvenience. Thank you. Please do discuss the
18 case, anything about the testimony or evidence you've
19 seen presented thus far. Keep an open mind as to all
20 of your judgments. And do not -- I don't think you
21 have your telephones, but do not try to acquire any
22 information on the case from other sources than what
23 you hear and see here in the courtroom. Thank you.

24 (The jury exited the courtroom.)

25 (Sidebar.)

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1 THE COURT: Okay. Mr. Harte? Okay. You're
2 back. I just want to say, of course, all objections
3 are still preserved on the record. I understand your
4 motions for a mistrial that you've made four times
5 now, I believe. I'm not sure.

6 MR. GRIFFIN: I'm not sure either, but it's
7 probably not the last.

8 THE COURT: Well, we shall see. They keep
9 getting shorter, though, so we keep moving along.
10 You all have a nice lunch.

11 (Off the record.)

12 (Recess.)

13 (On the record.)

14 MS. BARBIER: May I ask a question?

15 THE COURT: Mm, I don't know.

16 MS. BARBIER: Do we need to clear the entire
17 courthouse out this weekend, like, take all of our
18 stuff, or can it be locked over the weekend?

19 THE COURT: That's a security question. Is it
20 okay? It will be locked up in here, won't it?

21 THE BAILIFF: Yeah, it will be locked up.

22 THE COURT: Yeah, that's up to you all. It
23 should be locked up in here.

24 THE BAILIFF: It will be locked up.

25 MS. BARBIER: Okay. I mean, we're not leaving

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1 computers or anything like that, though.

2 THE COURT: Now, I will tell counsel, there is a
3 term of criminal court hearing next week. And as I
4 was supposed to be in Barnwell holding criminal --
5 civil, I was supposed to be holding a CP&J, CP, and
6 then GS next week in Barnwell, which was, as I
7 understood it to be, a murder trial, ultimately. So
8 I am now relieved from that. I don't think I've
9 gotten the official notice, but my understanding is
10 I'm relieved from that general term of court to be
11 here with all of you folks. The -- but Aiken was to
12 also have a GS term. I'm uncertain as to what
13 they're doing in that GS term. It was not to start
14 until Tuesday. So we definitely have full use of
15 everything on Monday. As of right now, as soon as we
16 finish, they can start their GS term. The delay is
17 only because of the court reporter situation in the
18 state. They would happily go over to the other
19 courtroom and do that, but our monitor is assigned
20 for next week here as well, so he will -- unless they
21 make other combinations. Not to speed anyone up, but
22 just to let you know, there is something else in the
23 wings that we are affecting. Nothing we can do about
24 it.

25 MR. MCCULLOCH: We're having the time of our

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1 lives.

2 THE COURT: I hope so, Mr. McCullough.

3 MR. MCCULLOCH: These days, I'll take it up or
4 down.

5 THE COURT: Okay. All right. We have all the
6 clerks back. Is there anything you all want to take
7 up outside the presence of the jury right now, other
8 than renewing all prior motions, which is so done
9 without further statement.

10 MR. BEASLEY: No, Your Honor.

11 MR. GRIFFIN: No, Your Honor.

12 MR. HARTE: No, Your Honor.

13 THE COURT: Okay. Let's bring in the jury,
14 then.

15 MS. BARBIER: Oh, Judge -- Your Honor -- Your
16 Honor --

17 THE COURT: Wait one second. This tends to
18 happen. Wait one second.

19 THE CLERK: One second. One second.

20 THE COURT: Shut the door, please.

21 THE CLERK: One second.

22 MS. BARBIER: Until we knew where -- I mean, how
23 long this trial was going to last, I didn't want to
24 bring this up. Ms. Crespo's father died this Friday
25 before the trial started, so the funeral is on

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1 Monday. She's going to be at the funeral. And we
2 just -- she wants this to move on, and she's not
3 asking for any type of -- not, you know, stay or
4 anything like that. But we would like the jury to
5 know that she's just not -- not showing up for some
6 reason. I mean, that she's got a -- whatever the
7 Court feels necessary to instruct. But she is going
8 to attend her father's funeral.

9 THE COURT: Ms. Crespo, I certainly understand
10 that you would want to and should attend your
11 father's funeral. I don't know that I can give any
12 instruction to the jury as to why you're not here.
13 It -- it would -- it would bring extrinsic factors
14 into the courtroom in a manner that I don't think is
15 proper.

16 MS. BARBIER: Okay. Well, I just also wanted
17 the Court to know that she's not going to be here on
18 Monday morning.

19 THE COURT: Certainly, certainly.

20 MS. BARBIER: So --

21 THE COURT: And I appreciate that tremendously.
22 And you have my sympathies for your -- your loss,
23 certainly. I don't know, is there anything counsel
24 would like to say on that point?

25 MR. GRIFFIN: We -- we agree with Your Honor. I

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1 don't think there is anything that the Court should
2 say about that.

3 MS. BARBIER: Well, I certainly don't want them
4 to argue she wasn't even here for the closing
5 arguments, you know?

6 THE COURT: No, we won't --

7 MR. MCCULLOCH: You don't need to worry about
8 that, Your Honor.

9 THE COURT: -- we won't --

10 MR. MCCULLOCH: We're very sorry --

11 THE COURT: -- we won't allow that.

12 MR. MCCULLOCH: -- for her loss.

13 THE COURT: I don't think -- Mr. Harte, you
14 agree not to argue any point about her not being
15 present?

16 MR. HARTE: Of course, Your Honor. And I've
17 lost both parents, so I understand, and I am very for
18 her loss.

19 THE COURT: I think we all understand that and
20 can -- can say there will be no mention of your
21 presence or your absence. All right. Can we bring
22 in the jury now? Oh, no. There's an issue.

23 (Sidebar.)

24 THE COURT: Can I see the attorneys?

25 (Bench conference.)

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1 (Sidebar.)

2 THE COURT: All right. Now, let's bring in the
3 jury.

4 (The jury entered the courtroom.)

5 THE COURT: Okay. Plaintiffs, I believe you
6 had -- we had stopped at Witness No. 12, by my
7 calculations. Call your next witness, please.

8 MR. FEW: Thank you, Your Honor. The plaintiff
9 calls Plaintiff Heather Crespo.

10 THE CLERK: Place your left hand on the Bible
11 and raise your right hand.

12 (The witness was sworn in.)

13 THE CLERK: Please take a seat in the witness
14 stand. State your full name for the Court and spell
15 your last name.

16 THE WITNESS: Heather Crespo, C-R-E-S-P-O.

17 HEATHER CRESPO

18 was called as a witness, and having been first duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. FEW:

22 Q Good afternoon, Heather.

23 A Hey, Wes.

24 Q I want you to -- you're going to get a chance to tell
25 the jury about yourself right now, so we'll start out with

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1 your childhood. Tell them what it was like growing up and
2 where you grew up?

3 A I was born in Washington DC. I grew up in South
4 Florida. I ended up moving up to North Carolina to live
5 with my aunt and uncle, who are doctors. I went to the
6 University of North Carolina, but ended up not really
7 staying there because I went into the horses and ended up
8 back down in Florida working and riding with horses and,
9 on the side, waiting tables at Outback Steakhouse.

10 Q About how old were you when you started having an
11 interest in horses?

12 A 5.

13 Q All right. And is there a particular type of horse --
14 horsing that you prefer?

15 A I started Western, and then different people I'd meet,
16 I started taking riding lessons at the YMCA in Florida.
17 And just -- I've always loved animals. So the horses
18 were -- I was just -- I was good at riding, so I kept
19 doing it, and I wanted to go to the Olympics one day. But
20 anyway, I was just happy riding, so even if I didn't get
21 there, that was fine. So -- but the great thing about
22 working at a restaurant like Outback is, at that time,
23 they were only open at night, so I could ride my horse in
24 the morning and then work at night and pay for him to eat.

25 Q And what - what year was it that you recall being in

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1 -- that you were in Sarasota working at the Outback?

2 A In the mid-'90s.

3 Q And -- and you met your husband there?

4 A I did.

5 Q Okay. Tell the jury about that. How did you all meet
6 and what was he like?

7 A He walked into the restaurant and came up to the bar
8 and said "I'm going to marry you," and (crying) he did.

9 We were married in -- in North Carolina with my family in
10 '99, and we flew to Argentina for a wedding with his
11 family in his little town of Trenque Lauquen.

12 Q So you got two weddings?

13 A Yeah.

14 Q And at some point in time, your life led you to Aiken,
15 South Carolina; right?

16 A It did.

17 Q Tell the jury about the first time that you can
18 remember coming to Aiken. Were you with Gabriel or --

19 A We were dating.

20 Q -- okay.

21 A We came here, and his -- like a dream come true for a
22 little horse girl to have a whole town that was based on
23 horse sports and dirt roads to ride on and barns down in
24 the middle of town and Hitchcock Woods. You know, it's
25 beautiful in there. And so, I was very excited to be a

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1 part of Aiken.

2 Q Did you fall in love with Aiken?

3 A I did.

4 Q All right. Now, the -- Josee Riviere, when did you
5 first meet her, if you recall?

6 A I needed a place to keep my horse and Gabriel knew
7 Lito Salatino from his hometown, so his wife ran a -- a
8 stables in town, and I -- so that's how I met them. And
9 then, they were always -- Gina and Lito were always with
10 Rhett-Tiger and Josee. They were very, very close
11 friends.

12 Q And was that -- what year was that, if you can recall,
13 that you first met Josee?

14 A It was probably right after we were getting married.
15 I think when we were getting married, maybe the beginning
16 of 2000.

17 Q And so, the Rivières and the Salatinos, would you
18 consider them to be your friends?

19 A Yes. Gabriel went -- his -- Lito is from his town,
20 and so I assumed, you know, that if Gina and Lito were
21 friends with them, they -- I shouldn't have any reason to
22 not trust them.

23 Q Now, I understand you had kind of a special horse
24 during that time period?

25 A I did.

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1 Q What was the name that horse?

2 A Trace Kronos Carrabelle [ph].

3 Q Tell the jury about that horse.

4 A He was a -- a wedding present from Gabriel -- a cheap
5 -- he was just a scrawny little 4-year-old horse that was
6 unbroke. And I always wanted to go to the Olympics or
7 have something really special with the horses, and he was
8 amazing. And I trained him myself, and I groomed him and
9 trained him and took him to a lot of different horse
10 shows. I qualified for a very big competition.

11 Q So did you get this horse in -- in 1999, right at the
12 time of the marriage, or shortly thereafter?

13 A It was somewhere around there.

14 Q And you said the horse was how old when you got him?

15 A He was around 3 or 4.

16 Q And was he trained?

17 A No.

18 Q All right. And then, you eventually had an occasion
19 to live in this cottage that we've been hearing about;
20 right?

21 A Yes.

22 Q What do you remember about that?

23 A It was a cottage that was behind, I do believe, Rhett
24 Riviere's ex-wife's main home. It was walking distance to
25 the barn, Gina Salatino's barn where I rented a stall from

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1 her. It had -- it was right next to a jump field that
2 Josee had her horses at and rode at every day. There were
3 jumps out there. It was literally what you could spit on
4 and it was right there.

5 Q And at that time in 2001, had you and Gabriel decided
6 to make Aiken your home?

7 A We had bought a piece of land out off of Banks Mill
8 from Mr. Biddle. We were able to pay for it a little at a
9 time through owner financing. We -- and the land had
10 nothing on it. It was just cleared. So I even brought my
11 family. Every Thanksgiving, my poor family had to come
12 and pick up sticks so that we could -- we started building
13 the fence ourselves and, little by little, make a farm,
14 make a home. I always wanted a -- like a farm.

15 Q So before you moved into the cottage, had you ever
16 been in it to tour it or give it approval?

17 A No, I'd never seen it before.

18 Q Before you rented it, did you know that Rhett Riviere
19 had an office on one side of it?

20 A Not before.

21 Q And so, how was the office connected to, if at all, on
22 the interior to your living space?

23 A Well, they told us -- Rhett and Josee -- that the
24 office was on one side and the efficiency was on the
25 other. And in the bathroom, there was a door that, I

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1 guess, connected to the office.

2 Q Okay. And so, did you ever use that door?

3 A It was locked.

4 Q And so, what was a day in the life of Heather Crespo
5 like during the time period that you lived in that
6 cottage?

7 A Well, I kept my horse around the corner. So you get
8 up and feed them, and then I would walk over there and
9 take care of him, ride. I rode with -- in Josee's field,
10 they let me ride my horse in there. They had jumps so I
11 could train and practice with him and took care of him. I
12 also -- in order to have the stall, I worked off the rent
13 from Gina. She had a pretty big operation going, so I
14 would clean stalls or help feed or whatever she needed to
15 do just to -- to pay the -- so I didn't have to pay board,
16 work it off.

17 Q And were you -- you were training the horse that you
18 got as a wedding gift?

19 A Yes.

20 Q And then, from this point on, I want you to tell the
21 jury what ended up happening with that horse and what kind
22 of results did you get?

23 A When we left Aiken, I had a couple of more shows to
24 qualify for. We traveled up through Virginia and did
25 that, and he ended up going to a pretty infamous horse

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1 show, the -- it was the Hampton Classic Horse Show, and it
2 was the young jumper finals for the nation, and -- and he
3 won the whole thing. And I got to get the -- they usually
4 give an award for the -- the groom who takes care of the
5 horse and then the rider and then the owner. And I got
6 them all because I was the groom, the rider, and the
7 owner.

8 Q It sounds like it was a pretty special time.

9 A It was a really special time for me.

10 Q Okay. Before I move on too, I want to tell the jury
11 about any encounters you had with Gina Salatino regarding
12 the door being open to --

13 A Well, you know, Gina and Josee and Rhett are very
14 close friends, so like I said, I had no reason to think
15 anything. And so, when I worked for her -- and she wasn't
16 always easy to work for, she's a pretty difficult person
17 in general -- but that is only person I saw every day,
18 because I'd go to work and work for her to pay for the
19 stall. We were getting ready to go north, and that
20 requires a lot. You've got a pack up all of your horse
21 stuff and -- you know, and that comes first. So getting
22 on the barn packed up and --

23 Q How many horses were you all taking with you?

24 A -- well, I had just had the one, and Gabriel had a few
25 polo ponies, so it kind of --

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1 Q And how many horse trailers would you have been
2 taking?

3 A At the time, we could only afford one trailer, so I
4 think Gabriel had got stuck on that trailer. But we all
5 piled in together. So I came to the cottage to kind of
6 get my stuff together, and I had use the bathroom. So you
7 go in the bathroom, and I noticed the door that has always
8 been locked for 3 months was open, or ajar, and I thought
9 that was really odd. I was scared a little, but you know,
10 so I peeked in there just to make sure nobody was in the
11 apartment, and there were a lot of computers in there. I
12 thought it was odd.

13 So I ended up going back over to the barn. And like I
14 said, I was just -- it was pretty much the first year I
15 was in Aiken, so I didn't know a whole lot of people. And
16 I mentioned it to Gina that I thought it was odd that that
17 door was open. I mean, these are her friends, right,
18 so -- and that there were -- a lot of computers in there.
19 And so anyway, when I went to go back to the apartment,
20 she came with me, because I was scared maybe there might
21 be somebody in there. And we walked in to the bathroom
22 and opened the door, and there were computers all over the
23 desk, all over. And I -- all I could think of is, oh my
24 God, I'm invading his privacy. What -- you know, this is
25 -- I'm in his office. Like, I should not be in his

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1 office. And so, we walked out the door. We got out of
2 there and shut the door, and that was that.

3 Q You didn't find any intruders or anything like that?

4 A No.

5 Q Now, did anyone of you step back that day and say, oh
6 my gosh, we've been recorded by a hidden camera?

7 A No.

8 Q If you had seen anything to indicate to you that you
9 had been recorded by a hidden camera in the bedroom or the
10 bathroom, what would you have done?

11 A I would have gone to the police.

12 Q Did you do that?

13 A No. I didn't know I was being recorded.

14 Q Now, we've heard a little bit about your daughter, but
15 I want you to tell the jury about your relationship with
16 your daughter.

17 A She's my little mini me. I love her. She's so cool.
18 She's -- she's at Clemson. She's -- sorry if there's
19 anybody that doesn't like Clemson. I'm a Tar Heel. But
20 she is going to school for psychology and criminal
21 justice, and she wants to go into the FBI. She's smart,
22 she's talented, she sings, she paints. People commission
23 her in town to do paintings for horses and dogs. And she
24 knows me. She knows when -- she can even tell from afar
25 when something is wrong with me.

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1 Q You said she's an old soul?

2 A She is an old soul. She's -- she's an aware child,
3 and I think that's why she wants to go to the FBI because
4 she's just -- she's very aware and smart. And I think
5 even like, you know, through this, she just -- she has
6 different ideas of what she wants to do in life.

7 Q Has she ever lived anywhere other than Aiken?

8 A No. This is her hometown.

9 Q So I know you love her. And you just told us all
10 about her. But I want you to share what this -- some of
11 the things that you did with her growing up that were just
12 memorable experiences, things that help us understand what
13 kind of things you all did in Aiken.

14 A So she was born in Jackson Hole, Wyoming because we
15 were out there for the -- for polo, but I couldn't wait to
16 get her home, you know, and to our farm. We had really
17 started building the farm. We were actually living in a
18 barn apartment when she was born. And it was, you know,
19 exciting for me to have her grow up on a farm and have her
20 pony and have everything there.

21 She -- and I couldn't wait to get her into Mead Hall,
22 you know, that -- where she could build relationships and
23 friendships. And I had friends that had kids go there.
24 It was just a community, you know, you're just part of the
25 community. And I ended up -- when she was in school, I

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1 ended up not traveling anymore with Gabriel so that I
2 could keep her in school full-time.

3 Q And what kind of things did she do? What kind of
4 events was she involved in?

5 A Oh, so she started riding with Laura Hall riding
6 lessons. I wanted her to do the jumping, but she followed
7 in her father's footsteps and did the kid's polo. She
8 sings. She tried to do gymnastics. She tried to -- she's
9 always getting into some kind of fun sport, and played
10 softball at Aiken High. Aiken is her home.

11 Q And I hear that she did karate, or something like
12 that?

13 A She did. She did do karate here in Aiken. She is a
14 well-rounded child.

15 Q And I think everybody in this room is aware now that,
16 at some point in time, you and Gabriel got a divorce?

17 A I think me staying, it kind of -- you know, he had to
18 stay on the road and work, and it was really difficult.
19 It was a really hard divorce. It was ugly. It was War of
20 The Roses at some points. And I didn't think we'd ever
21 get through it. But you know, when she started playing
22 softball in high school, we -- we -- we worked through a
23 lot. We worked hard to have a really good coparenting
24 relationship with him. I mean, it's not perfect, right,
25 but we get her up to school, we move her into her dorm, we

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1 do that together. And we've raised her together.

2 She's -- she's got -- she's a mini me, but then she's got
3 -- she's got her father's passion.

4 Q Stubbornness?

5 A She does.

6 Q And before I move forward, I want you to tell us what
7 it is that you do to make a living at?

8 A So the divorce was tough, and I knew I was going to
9 have to do something different. And I went back to school
10 at Aiken Tech and started getting some of my classes out
11 of the way. I applied over to USC Aiken in the psychology
12 program. I knew I wanted to help people. I didn't know
13 exactly what. And almost at the end of my degree, I
14 said -- I applied to the nursing program, and I got in,
15 and I graduated cum laude honors. It was one of the
16 hardest things I've ever done in my life. Nursing school
17 is, like, not -- not a joke. And I -- I stayed on the
18 dean's list, the president's list. I graduated. They
19 give a spirit of caring every year to one person, and the
20 whole class gets to vote it. You know, they get to pick
21 it, not the teachers, and they gain the spirit of caring
22 to me. So I got that at my graduation. But I went into
23 nursing because I wanted to do something different to help
24 people. I love the horses, but you know, there's not so
25 much that --

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1 Q And so, when did you finish up that nursing program?

2 A December 9th, 2021.

3 Q And we've heard from your friend, Laura Phillips, so
4 we know of where you worked, but tell them again where you
5 went to work?

6 A Aiken Regional Medical Center.

7 Q And what kind of work do you do?

8 A I'm a critical-care recovery nurse. So if you have
9 any surgeries and you're under any type of anesthesia,
10 even epidurals, C-sections, anything like that, I will
11 help you wake up. I will help you with pain medicine. I
12 will educate you and your family. I'll get you home.

13 Q Do you enjoy that kind of work?

14 A I do.

15 Q Were you -- where were you working in July of 2022?

16 A Aiken, Aiken Regional Medical Center.

17 Q Do you recall anything unusual happening in your life
18 in July of 2022?

19 A Well, so I keep my phone on me in my scrubs, and I got
20 a phone call. It vibrates because I can't keep it on
21 ring. And I saw it was Gabriel, so I was afraid that
22 something was wrong with the Alia, so I said I've got to
23 take this. I had patients at the time. I had to get
24 another nurse to take them so I could go outside, because
25 the cell service is really bad in there. And --

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1 Q She -- she wasn't off to college at that point in
2 time, was she?

3 A No. But still, my cell service is bad in there, so if
4 the school might have tried to call me, I wouldn't have
5 got it. But Gabriel did call me, so it did come through,
6 at least, with him.

7 Q Was this morning or afternoon, or do you remember?

8 A Probably lunch, midday, maybe a little later.

9 Q All right. And what did he tell you?

10 A He told me that he'd gotten a call from a lawyer, that
11 they had found some --

12 MR. GRIFFIN: Your Honor, I'm going to object to
13 hearsay.

14 THE COURT: Okay. It's sustained. Just
15 concentrate on what you know --

16 THE WITNESS: Okay.

17 THE COURT: -- and that sort of thing.

18 THE WITNESS: So he said there were videotapes
19 with our names on them.

20 MR. FEW: Let me ask --

21 THE WITNESS: Okay.

22 THE COURT: All right.

23 MR. FEW: -- a different way.

24 BY MR. FEW:

25 Q What did you come to understand from the conversation?

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1 A They had found videos with our names on them, Gabriel
2 and Heather.

3 THE COURT: And, Mr. Griffin, I am going to
4 note, I think we've already had testimony about how
5 they talked to each other and came to disclose, so
6 it's probably --

7 MR. GRIFFIN: Yes, Your Honor.

8 THE COURT: -- thank you, sir.

9 BY MR. FEW:

10 Q What else?

11 A He said that he was very upset -- he was having a hard
12 time talking to me on the phone -- and said that there
13 were -- somebody had secretly videotaped us in sexual
14 positions and naked. I was dumbfounded. I had -- I was
15 shocked. I mean, I don't even -- like, my head was
16 spinning. I didn't know what to do. I didn't know what
17 to say. I -- I had to get back into work. I can't just
18 leave. You know, our unit, there's only five nurses. So
19 we had 42 surgeries. I had to get back into work. I
20 mean, the rest of the day was -- I was just trying to
21 figure out what was going on.

22 Q And did you have any conversations with him when you
23 got off work, or did you come to learn anything more about
24 it?

25 A I think I texted him. I said I need to know what's

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1 going on. And he said somebody will be in contact with
2 you, for you to go and identify yourself.

3 THE COURT: Ms. Crespo, just to --

4 THE WITNESS: Okay.

5 THE COURT: -- we always want to say verbatim
6 what people tell us or what we've said.

7 THE WITNESS: Okay.

8 THE COURT: It seems like that's the right thing
9 to do, but in this context --

10 THE WITNESS: Okay.

11 THE COURT: -- it's actually.

12 THE WITNESS: Okay.

13 THE COURT: -- not.

14 THE WITNESS: Okay.

15 THE COURT: Okay?

16 THE WITNESS: Okay.

17 THE COURT: Thank you. I know it's very
18 difficult.

19 BY MR. FEW:

20 Q Okay. So -- so what did you do next?

21 A I met with you.

22 Q Where?

23 A At SLED, the law enforcement, to identify myself.

24 Q And what do you remember about that day?

25 A I was working. I had to leave work. I was in my

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1 scrubs. It was raining. I met you in the parking lot.
2 We walked into that building, and there were a lot of
3 agents there. I was scared. It was --

4 Q Where -- where did the meeting eventually occur?

5 A -- in a conference room, a big table.

6 Q How many people were in there?

7 A There were you with me and two to three more agents.

8 Q And what do you remember? Just if you kind of tell
9 the jury sequentially what -- what happened in that
10 meeting?

11 A I -- I -- well, first, I was scared to death, like,
12 I'd never had anything like that happen to me in my life.
13 They were very thorough with explaining to me that they
14 were going to show me something that would -- you know,
15 possibly they, you know, asked would you like a female
16 officer in here. And I -- I didn't even know what I was
17 going to see. So I -- you know, no, just let me -- let me
18 identify myself. And so, they showed me the video.

19 Q On what, like a TV or a laptop?

20 A It was a laptop.

21 Q And tell the jury what you saw.

22 A I know they already saw it. It's really embarrassing.
23 Like, I'm a nurse, I shouldn't be, right? There -- I'm in
24 there, I'm naked, it's in the bathroom with -- I don't
25 even remember if I was going to the bathroom or pooping or

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1 what, and my dog was there. I identified myself and, you
2 know, Gabriel was there, naked, full frontal. I couldn't
3 really watch it. It was really hard. It was hard.

4 Q Do you know if you watched the whole thing?

5 A I couldn't watch the whole thing. They showed me
6 another clip of where, I guess, he had secretly put a
7 video something.

8 Q Don't talk about anything except what you saw
9 yourself. Okay?

10 A I saw a tape of us in sexual acts. We were a young
11 married couple. You know, that was our happy times, not
12 for other people's enjoyment.

13 Q Did you ever imagine that you would learn something
14 like that in your life?

15 A No.

16 Q How has your life been affected by the information you
17 learned that day?

18 A I don't live here anymore. I left for now. I can't
19 go to the grocery store. I can't go to the restaurants.
20 I've walked into Fresh Market. I love my Fresh Market.
21 And he's there and I leave. My favorite thing to do -- I
22 work two jobs -- was to go hiking. I love hiking, my
23 downtime. You know, nursing is tough, and that -- I go
24 out and I get my little dog and I go hike. And guess who
25 lives near my favorite place to hike? So I don't go to

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1 that part of Hitchcock Woods anymore because I'm afraid.
2 I'm scared that somebody is watching me. I go in the
3 bathroom. I'm scared -- you know, the mirror. There
4 could be -- I never know. I don't know if somebody's
5 watching me.

6 Q So have you sought any treatment services to help you
7 deal with this?

8 A Yes.

9 Q And tell the jury about that.

10 A I do believe in therapy. And I've been trying to see
11 Dr. Courtney, and I called him and finally was able to get
12 in to him and see him. I work a lot, though, so I wasn't
13 able to get there all the time. We did have a -- one or
14 two Zoom calls, but most of the time was in person. He
15 was highly recommended as a psychotherapist for trauma,
16 PTSD, and he came highly recommended, so.

17 Q And were there any particular techniques or things
18 that you all are doing to help you deal with it?

19 A We work on meditation and breathing techniques and
20 things when I start feeling really anxiety. I have those
21 things he's taught me, tools like that to use.

22 Q Those things have helped?

23 A Yeah. Hiking in the woods helps too.

24 Q I understand you don't live here. I want you to tell
25 the jury what are you doing. You're still working as a

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1 nurse; right?

2 A Yes.

3 Q But -- but what -- what type of job, nursing job, do
4 you have now?

5 A I am a travel nurse. It's -- you do 13-week
6 contracts, so I can travel for a while to different places
7 doing what I love to do, which is critical care recovery.
8 It's temporary, so I try to find where I need to be. But
9 I can also take time out to go see my daughter.

10 Q Where have you been most recently working as a travel
11 nurse?

12 A Right now, I'm in Indianapolis, and going to
13 Massachusetts.

14 Q Do you -- do you plan to stay in Aiken long-term?

15 A Yes.

16 Q I've only got one more thing for you. Okay? Do you
17 remember having your deposition taken in this case?

18 A Yeah.

19 Q And tell the jury, you know, what you did later that
20 day, what happened to you later that day and what you did.

21 A I don't if -- so a deposition is really hard. I felt
22 like I relived my divorce again through it. They brought
23 up really bad things. There was -- I felt like it was
24 never going to end. I felt like I -- I felt like I was
25 being treated like the one -- you know, I wasn't the --

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1 I'm -- I'm a victim. I was the victim, and I felt like I
2 was not being treated like that. I felt like I was being
3 punished again. I felt like it was going on forever. My
4 head was spinning. And when I left, I threw up in the
5 bushes and I thought I was having a heart attack. I know
6 the signs of a heart attack.

7 Q So what did you do?

8 A I went to the emergency room.

9 Q And were -- did you -- were you okay? I mean, did you
10 have to stay in the hospital?

11 A I was there for most of the day. They ran lots of
12 tests on me. Anytime you come in with severe chest pain,
13 they run EKGs and lab work and chest x-rays. And I was
14 having PVCs, which are premature ventricular contractions,
15 which can be caused by a number of different things. But
16 I was basically having a panic attack.

17 Q And then, did you notify anybody that you were going
18 into the ER that day?

19 A I thought I was going to die. I called Gabriel and
20 Alia. I don't know if you've had a panic attack before,
21 but you think you're going to die, so it's very scary.

22 Q For a housekeeping matter, I'm going to ask you to
23 take a look at a document. Okay?

24 MR. FEW: May I approach, Your Honor?

25 THE COURT: Yes, sir.

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1 BY MR. FEW:

2 Q I'm showing you what's marked as Plaintiffs'
3 Exhibit 22. If you could just flip through that and see
4 if you recognize it, please.

5 A Yes. This is my bills from the emergency room.

6 Q Have you been treated by Aiken Regional for any other
7 time other than that?

8 A No.

9 Q So you're certain that this invoice and this billing
10 is for that -- that particular time?

11 A Yes, sir.

12 Q So has this -- what's happened you that's the subject
13 of this lawsuit, how has it affected your -- your memories
14 of your life here in Aiken?

15 A I'm sad here. I feel like that time of my life has
16 been stolen from me. I feel like I'm -- I'm not safe
17 here. I want to be tough. I want to be tough and stay
18 here so my daughter has two homes to come to. I put my
19 house up for sale. I was going to buy it and keep it. I
20 don't know what I'm going to do.

21 MR. FEW: I'm terrible at housekeeping matters.
22 Your Honor, I would move Exhibit 22 into evidence,
23 please.

24 (Plaintiffs' Exhibit 22 was moved
25 for admission into evidence.)

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1 THE COURT: Any objection?

2 MR. GRIFFIN: No objection.

3 THE COURT: Mr. Harte, any objection?

4 MR. HARTE: No objection, Your Honor.

5 THE COURT: Plaintiffs' No. 2 is entered -- I
6 mean 22, sorry.

7 (Plaintiffs' Exhibit 22 was
8 admitted into evidence.)

9 BY MR. FEW:

10 Q Heather, you're tough and you're loved. I have no
11 further questions.

12 A Thank you.

13 THE COURT: Mr. Griffin?

14 CROSS-EXAMINATION

15 BY MR. GRIFFIN:

16 Q Good afternoon, Ms. Crespo.

17 A Hey.

18 Q The -- your deposition was on February the 12th, 2004,
19 according to the records I have. Does that sound right to
20 you?

21 A If you say so.

22 Q Okay. And I took your deposition, did I not?

23 A Yes, sir.

24 Q Okay. And during the deposition, I informed you if,
25 at any point in time, you wanted to take a break we could

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1 take a break, did I not?

2 A Yes, sir.

3 Q And -- and, in fact, one time you were upset and we
4 took a break --

5 A Yes, sir.

6 Q -- didn't we? But it sounds like the deposition
7 process was very traumatic for you; is that right?

8 A The whole process of this is traumatic for me.

9 Q And one of the areas that we covered was what you
10 called the War of The Roses, the -- the -- the very
11 contentious divorce between you and Mr. Crespo; correct?

12 A Yes.

13 Q And during that divorce, there were things filed in
14 court that were, you know, very unflattering about you and
15 very unflattering about Mr. Crespo; right?

16 A Yes.

17 Q And I pointed those out in the deposition?

18 A Yes.

19 Q And -- and we also went over this -- this time when
20 Gina Salatino came to the cottage with you. We talked
21 about that, did we not?

22 A Yes, sir.

23 Q And, in fact, you described that you were -- you
24 described for this jury that you were packing to leave the
25 next day or soon thereafter to go north, and you went to

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1 the bathroom and the -- the door was ajar to what you all
2 believed was Mr. Riviere's office; right?

3 A Yes, sir.

4 Q And -- and you walked in and saw some computer
5 equipment electronics; right?

6 A I did, with Gina.

7 Q Okay. Well, you did before Gina?

8 A I saw the door was open and I looked in.

9 Q And when you looked in you saw --

10 A Computers.

11 Q -- computer equipment. And I think you described it
12 looked like war games or something?

13 A A lot of computers do look like that.

14 Q And -- and -- and you went back outside and you saw
15 Gina, and you asked her to come look at something that you
16 thought was odd; right?

17 A I thought the door being open was odd.

18 Q Did you ask Gina to come look at something that you
19 thought was odd?

20 A I asked Gina to come back with me because the door was
21 open and it was odd. I didn't know if somebody had been
22 in the apartment.

23 Q Ms. Crespo, I'm going to show you your original
24 deposition?

25 A Yes, sir.

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1 MR. GRIFFIN: May I approach the witness, Your
2 Honor?

3 THE COURT: Yes, sir.

4 BY MR. GRIFFIN:

5 Q You can -- you can just go right here and I'll --

6 A Okay.

7 Q -- now, I've got it turned to page 50. Do you see
8 that?

9 A Yes, sir.

10 Q And -- and on the left-hand side, there's some line
11 numbers. And starting at -- at line 9, I asked you
12 regarding Gina coming to the cottage, "What do you
13 recall?" And your answer was, "Because she was friends
14 with the owners of the cottage, I asked her to come look
15 at something I thought was odd;" is that right?

16 A Yes, sir.

17 Q And that -- that was your -- your testimony back in
18 February of -- 12, 2024; right?

19 A Yes, sir.

20 Q And you don't say here that I -- that the door being
21 open was odd, but that you asked her to come look at
22 something that you thought was odd.

23 A The door had never been opened before. Which -- where
24 are you reading that?

25 Q Well, I'm looking at line --

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1 A Okay.

2 Q -- 10 and 11.

3 A I think anybody that would walk in an apartment where
4 a door is open that has not been opened ever before would
5 think it was odd. I felt like that was odd, and looking
6 in and there were a lot of computers that -- here, I said
7 war games was odd.

8 Q Right. And -- and you had previously -- before you
9 went and encountered Gina, you had previously peeked in
10 and you saw what -- you "peeked in and it look like it was
11 war games, or maybe like computers, electronics
12 everywhere. It was extremely weird." Isn't that what you
13 saw?

14 A Yes, sir.

15 Q And then, you went to get Gina and asked her to come
16 look at it?

17 A Not right away. I walked -- I walked to the barn to
18 go take care of my things, and she's the first person I
19 see, because she -- it's just her and I there. I worked
20 for her.

21 Q And -- and -- and you had -- you had said that you
22 asked her to come there because she was a friend of
23 Mr. Riviere; correct?

24 A Yes, because she -- I -- yes, I asked her to come
25 there because she's the first person I saw. Really, it

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1 was just her and I at the barn.

2 Q And then, you and she go back and you bring her in
3 through the bathroom, you open the door, and both of you
4 and -- observe this equipment; correct?

5 A We saw the computers, yes.

6 Q And you had some suspicion that those computers or
7 whatever equipment had something to do with you, did you
8 not?

9 A No, sir.

10 Q Well, why would you have invited Gina Salatino to come
11 in and look at the -- the equipment?

12 A Because the door had never been opened before, and I
13 was -- walked into the apartment during the day, and it
14 had never been opened before, and it was odd that it was
15 open. So I assume that somebody had been in there.

16 Q In -- in where?

17 A The cottage.

18 Q And did you close the door --

19 A I don't remember.

20 Q -- before you left?

21 A I don't remember.

22 Q And -- and we know from the videos that we saw that
23 somewhere in there, there was a camera in that bathroom;
24 correct?

25 A That's what I saw in the video.

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1 Q And that camera was at an angle where you could see,
2 as you described it, the full frontal of Mr. Crespo
3 standing at the entrance of the bathroom; right?

4 A That's what the video I saw, sir.

5 Q And at the other end of that -- of -- of the bathroom
6 is where the door is to Mr. Riviere's office; correct?

7 A Yes, sir.

8 Q And where all that computer and electronic equipment
9 was that you saw?

10 A Where I saw the computers, yes, sir.

11 Q Now, somewhere in there, there was a camera.

12 A I don't know that. I didn't see a camera.

13 Q Well -- well, we do know today, right, because we've
14 seen the video?

15 A Now I do.

16 Q Right. So would you agree with me there was a camera
17 in that bathroom?

18 A I didn't see a camera in the bathroom.

19 Q But you agree with me at some point there was a camera
20 in the bathroom?

21 A There had to have been if there's a video.

22 Q Now, when -- when you're in the bathroom with
23 Mr. Crespo, you didn't see any camera or anything that
24 looked like a camera?

25 A No, sir.

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1 Q So didn't the camera have to come from some hole in
2 the wall?

3 A I don't know. I'm not a -- someone that would -- I
4 don't -- I don't know where it came from.

5 Q Well, didn't Ms. Salatino point out what she thought
6 to be a hole in the wall?

7 A No. We left. I wanted to be out of there because I
8 was invading his privacy in his office.

9 Q And did she not shake her finger at the hole --

10 A No.

11 Q -- and say words to the effect that this is wrong --

12 A No.

13 Q -- in your presence?

14 A No.

15 Q That never happened?

16 A No.

17 Q You did mention to Mr. Salatino that you had seen some
18 unusual equipment in that office?

19 A I don't talk to Lito.

20 Q I'm sorry. You did mention to Mr. Crespo that you saw
21 some unusual equipment in that office that day or the next
22 day?

23 A I might have mentioned something to him.

24 Q So, Ms. Crespo, if you'd go to page 58 of your
25 deposition, and -- and if you'll go to line 8. And I'm

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1 going to read the question in line 8 and then, if you
2 don't mind, reading your answer. The question is, "Did
3 you tell your husband about what you saw?" And what was
4 your answer at line 10?

5 A "I'm sure I mentioned it to him."

6 Q So on February 12th, you were sure you mentioned it
7 him; right?

8 A I'm sure I mentioned it to him.

9 Q Okay. Just a moment ago I thought you said I may have
10 mentioned it to him. But can we agree --

11 A I'm sorry.

12 Q -- you're sure you mentioned it to him?

13 A Yes.

14 Q All right. Now, Mr. Courtney testified about your
15 therapy sessions with him. And -- and I asked him that --
16 that you -- you believe in therapy and he said, yeah. And
17 you just testified you do believe --

18 A Yes, sir.

19 Q -- in therapy. And -- and you've been going regularly
20 to therapy since you and Mr. Crespo went through your
21 divorce; correct?

22 A I've been to see therapists in between, periodically.

23 Q If -- if you'll go to page 34 of your deposition.

24 A Yes, sir.

25 Q And at -- at page 14, you -- you say -- excuse me --

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1 at page 34 at line 14, you state "I was going to Aiken
2 Psychiatric for therapy." And then, at line 17, do you
3 not testify that "I've always seen a therapist since
4 then"? And there, are you talking about since you and
5 Mr. Crespo went through a divorce?

6 A Well, when I was at Aiken Psychiatric, that was 2017.

7 Q Okay. So when you said "I've always seen a therapist
8 since then," so is it accurate then that you've seen a
9 therapist since 2017?

10 A When I can, in between work.

11 Q And -- and again, I -- I don't want to dwell on this,
12 but I mean, you've had -- you've had some struggles which
13 you have overcome with alcohol addiction, have you not?

14 A Absolutely.

15 Q And when I took your deposition, you were proud to say
16 that your sober day was February the 21st of 2022?

17 A Absolutely.

18 Q And is it still that?

19 A Absolutely.

20 Q Congratulations.

21 A Thank you.

22 Q After you married and got divorced from Mr. Crespo,
23 you -- you remarried; correct?

24 A Yes, sir.

25 Q When -- when -- do you remember your -- the date you

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1 remarried?

2 A March 9th, 2019.

3 Q And then, you got a divorce from the second?

4 A We were separated August of 2000 [sic].

5 Q And when did you get a divorce?

6 A The divorce went through later. We didn't do lawyers
7 or anything like that. We were friends.

8 Q Do you remember when -- when the divorce went through?

9 A Sometime in February, the end of January -- in January
10 31st, I think.

11 Q What year?

12 A Of 2002.

13 Q 2022, or '22?

14 A 2022. I'm sorry.

15 Q That's all right.

16 A It's not easy sitting up here.

17 Q Sure. And -- and do you recall when you were talking
18 to Mr. Courtney about leaving the area that -- that part
19 of it was because you're having conflict issues with
20 Mr. Crespo?

21 A Our conflict issues were more in our divorce time. We
22 have been very good parents to Alia for quite some time
23 now. He would not be a reason I would leave here.

24 MR. GRIFFIN: One second, Your Honor.

25 THE COURT: Certainly.

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1 BY MR. GRIFFIN:

2 Q Ms. Crespo, I just want to -- that Exhibit 22 that's
3 -- that's in evidence, that bill. And that bill is dated
4 February -- I mean, excuse me -- July of 2024; correct?

5 A Statement date, but that's -- yeah, I don't know. I
6 mean, I don't know what statement date means, but that's
7 the date on there.

8 Q Right.

9 A Any a due date.

10 Q And -- but you associate that with the panic attack
11 that you had in February of 2024 after I took your
12 deposition?

13 A So the only reason I've been at Aiken Regional is for
14 the panic attack.

15 Q All right. Thank you.

16 MR. GRIFFIN: That's all I have, Your Honor.

17 THE COURT: Thank you, Mr. Griffin. Mr. Harte?

18 MR. HARTE: No questions, Your Honor. Thank
19 you.

20 THE COURT: Any redirect?

21 MR. FEW: No, Your Honor.

22 THE COURT: Thank you, Ms. Crespo. You may step
23 down. Any additional witnesses?

24 MS. BARBIER: No, Your Honor. The plaintiff
25 rests.

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1 THE COURT: Thank you, ma'am. Ladies and
2 gentlemen of the jury, it is 2:42 on a Friday. The
3 plaintiff has just rested their case. I would ask
4 that you be back here on Monday morning by 9:30. You
5 are excused for the weekend. Please do not discuss
6 this case with anyone, including amongst yourselves.
7 Do not look up anything about the topics or people
8 that have been presented to you. Do not read any
9 newspaper accounts, do not look up anything online,
10 do not listen to anything on the radio, do not talk
11 about it at church, do not talk about it in the
12 grocery store, and do not try to discover evidence on
13 your own. As I've stated multiple, multiple times,
14 everything you need, pursuant to the rules of the
15 Court, to make the decisions you need to make will be
16 provided to you in this room. Thank you very much,
17 and have a good weekend.

18 (The jury exited the courtroom.)

19 THE COURT: Counsel, I'm happy to entertain
20 motions now or Monday morning.

21 MR. MCCULLOCH: Your Honor, I think we would
22 prefer Monday morning.

23 THE COURT: Okay.

24 MR. MCCULLOCH: It's been a long week, as you
25 certainly are suffering along the rest of us.

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1 THE COURT: I'm not suffering at all,
2 Mr. McCulloch. Thank you.

3 MR. GRIFFIN: We are.

4 MR. MCCULLOCH: You clearly have more energy
5 than I do.

6 THE COURT: Mr. Harte?

7 MR. HARTE: I'm happy to do either one, Your
8 Honor.

9 THE COURT: Well, we'll defer to Monday morning.

10 MR. HARTE: Thank you, Your Honor.

11 THE COURT: Please be here by 9:00 Monday
12 morning.

13 MR. HARTE: Thank you, Your Honor.

14 THE COURT: Ms. Crespo, I again, I do extend my
15 sympathies to you and understand that you will not be
16 present on Monday morning. Anything else? Yes, sir?

17 MR. HARTE: I heard -- I was not clear on the
18 last part of it. Are they going to do general
19 session in here?

20 THE COURT: No, sir.

21 MR. HARTE: Okay. So we're okay to --

22 THE COURT: We will -- we have this courtroom.
23 This is the only courtroom with a digital court
24 monitoring system on the upstairs level. The only
25 place we could move is into the family court

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1 courtroom, which would not accommodate the number of
2 people that we have. So we will be in here for as
3 long as we need. I hope everyone has a good weekend.

4 (The proceedings were adjourned
5 until 9:00 a.m., September 23,
6 2024.)

1 CERTIFICATE OF TRANSCRIBER
2

3 I, Sandra J. Early, a court-approved
4 transcriber, do hereby certify that I transcribed the
5 electronic recording of the foregoing proceedings in
6 Docket Nos. 2022-CP-02-2323 and 2022-CP-02-2324, held
7 on September 20, 2024, before the Honorable Martha
8 Rivers, and that said transcript is true and correct,
9 all to the best of my knowledge and ability.

10 I further certify that I am not related to nor
11 the employee of any of the parties hereto, nor
12 related to or employed by any attorney or counsel
13 employed by the parties hereto, nor interested in the
14 outcome of this action.

15
16
17 January 10, 2025

18 *Sandra J. Early*
19

20 Sandra J. Early

21 Transcriber
22
23
24
25

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1 STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT NO. 2
2 COUNTY OF AIKEN) DOCKET NOS: 2022-CP-02-2323
3 2022-CP-02-2324

4 -----
5 GABRIEL CRESPO and)
6 HEATHER CRESPO,)
7 Plaintiffs,)
8 versus)
9)
10 RHETT RIVIERE; JOSEE RIVIERE;)
11 CHASE ENTERPRISES, LLC; and)
12 RC PROPERTIES, LLC,)
13 Defendants.)
14 -----

14 J U R Y T R I A L
15 VOLUME NO. 6

16
17 DATE: September 23, 2024
18 TIME: 9:09 a.m. to 5:46 p.m.
19 LOCATION: South Carolina Circuit Court No. 2
20 JUDGE: Martha Rivers
21 TRANSCRIBED BY: Sandra J. Early

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<u>WITNESSES:</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>
Gina Salatino	65	71	88/90
Dacre Stoker	92	96	

<u>Plaintiffs'</u>	<u>Moved</u>	<u>Admitted</u>
23 - Signed affidavit of G. Salatino	71	91

(Exhibits retained by counsel.)

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THE SPEAKER.)

JURY TRIAL, VOL. 6

1 P R O C E E D I N G S

2 THE COURT: Mr. Griffin is going to argue for
3 directed verdict; is that correct, Mr. Griffin?

4 MR. GRIFFIN: Yes, Your Honor.

5 THE COURT: All right. You may proceed.

6 MR. GRIFFIN: Thank you, Your Honor. Your
7 Honor, at the conclusion of the plaintiffs' case, the
8 defendants that we represent, Rhett Riviere and Chase
9 Enterprises, LLC of South Carolina and RC Riviere
10 Properties, LLC, hereby move for a directed verdict
11 on all causes of action: negligence, negligence per
12 se, invasion of privacy, intentional infliction of
13 emotional distress, constructive fraud, and unfair
14 trade practices. Your Honor I was -- we did -- we
15 submitted a written motion.

16 THE COURT: You did, and I haven't had the
17 chance to that before today.

18 MR. GRIFFIN: And -- and we have actually filed
19 it this morning into the record, and so I'll skip the
20 standard of review. I'm sure Your Honor is well
21 aware of that. The -- but getting to substance of
22 our arguments, defendants are entitled to a directed
23 verdict on plaintiffs' claims for negligence and
24 negligence per se because plaintiffs have failed to
25 present any evidence of physical injury. And, Your

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1 Honor, we're allowed upon the case of Babb v. Lee
2 County Landfill, 405 S.C. 129, that requires to -- to
3 bring an action for negligence. And the only way you
4 can get damages for pure emotional distress is
5 limited in South Carolina. Negligence and negligence
6 per se are not one of those avenues. In order to
7 make a claim for damages under negligence or
8 negligence per se, you have to have physical injury,
9 then -- or property damage. It's questionable when
10 you get emotional distress attached to property
11 damage, but you can get it for physical injury. But
12 the only way you can sue for pure emotional distress
13 is intentional infliction of emotional distress and
14 invasion of privacy. Then, there is negative
15 infliction of emotional distress, but that requires
16 you to be in zone of impact where you witness a loved
17 one killed in an automobile accident or something
18 like that.

19 Those are the only three -- only three avenues
20 to seek recovery for emotional distress. Here, the
21 plaintiffs have failed to present any physical -- any
22 evidence of physical injury or property damage and,
23 therefore, their damages are strictly limited to
24 emotional distress, which are not recoverable under
25 negligence or negligence per se. I don't know if you

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1 want to take them one a time or if you want me to keep
2 rolling.

3 THE COURT: Why don't you keep going.

4 MR. GRIFFIN: Okay. The -- the -- the -- we
5 also argue under negligence per se that the statute
6 that they pled was intended to protect against a harm
7 and that they claim that they suffered and,
8 therefore, the negligence per se claim should be
9 dismissed. The -- essentially, Your Honor, they --
10 they have -- they plead a -- a licensing statute that
11 -- that real estate agents have to be licensed or
12 brokers have to be licensed in the State of South
13 Carolina. The -- there's -- there's really a legal
14 question as to whether that licensing statute has
15 ever applied to short-term rentals by owners of
16 property or persons affiliated with property.
17 There's no case law South Carolina, which we cited
18 the Pennsylvania case where they -- where the court
19 ruled that it did not and that applying it to
20 short-term rentals was unconstitutional. And that's
21 Pennsylvania.

22 But -- but the point of the matter is, the
23 evidence that they tried to elicit it is that real
24 estate agents are under a duty to inspect the
25 property. Well, they had no expert, and Your Honor

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1 precluded any witness from testifying as to what the
2 duties were for a licensed real estate broker as --
3 with regard to property, you know, listing property
4 for sale or even rental property. And -- and as I
5 recall, the one witness who did address that says it's
6 not my job to do the inspection, I don't do the
7 inspections of the property. So, Your Honor, there's
8 just simply no evidence of proximate cause here that
9 if whoever they think should have had a license, how
10 that would have changed the outcome in this case.
11 There's zero evidence of that, zero evidence of that.
12 So the negligence per se claim should be out on this
13 record.

14 Your Honor, we also move for a directed verdict
15 on intentional infliction of emotional distress
16 because neither plaintiffs have put up any evidence
17 that they suffered extreme or severe emotional
18 distress as a result of the -- the taping or their
19 awareness or learning of the taping. All we have --
20 and there's -- and -- and -- and the test is that the
21 emotional distress is -- must be so severe that
22 another reasonable person couldn't be expected to
23 endure it. And -- and here, the evidence in the
24 record is -- is that -- is -- is that the plaintiffs
25 essentially have ordinary symptoms.

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1 You -- you have Mr. Crespo, who testified that
2 she went to counseling with Mr. -- I don't know --
3 Mr. Portnoy, and -- and it was a continuation of
4 counseling that she's had since she went through a
5 divorce with -- with Mr. Crespo. She did testify as
6 to a panic attack, but the panic attack was brought on
7 by the litigation that she testified to after her
8 deposition when she had to relive the horrible
9 episodes of her divorce, and combined with, you know,
10 having to -- to sit through here deposition. And --
11 and so, the panic attack didn't come on until after
12 she filed the lawsuit, had to sit for a deposition.
13 There's no evidence of any severe emotional distress
14 upon her learning that she was secretly videotaped.
15 There really is no evidence. And her friend, Laura
16 Phillips, testified that that -- that she -- Ms.
17 Crespo -- was -- showed up for work every day and did
18 her job every day, and she talked about this, she
19 talked about her divorce, she talked about a multitude
20 of things. But these were ordinary symptoms.

21 And then, Mr. Crespo has a singular telemedicine
22 visit with Mr. Trezza, and -- and that he has never
23 went back. He has been very successful in his
24 business, even his -- his damages witness essentially
25 corroborated that -- that, if anything, Mr. --

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1 Mr. Crespo is reluctant to go out in the community and
2 not -- you know -- you know, he stays in more than he
3 used to. I mean, those are ordinary symptoms. That's
4 not emotional distress so severe that no person should
5 -- should be able to endure it.

6 The next claim, Your Honor, is negligent
7 misrepresentation. And -- and again, Your Honor,
8 what's totally missing in this record is -- is a
9 representation. I mean, there's evidence that -- that
10 -- that Mr. Crespo and Ms. Crespo entered the property
11 or they were shown the property. There is no
12 testimony that there was any representation about
13 anything about the property, any representation. Now,
14 you know, they -- they may come forward and say, well,
15 there was nothing -- we're not disclosing the
16 existence of -- of this -- these video cameras. And
17 -- and the -- in order to have requirement of
18 disclosure, you have to have a fiduciary relationship.
19 There's no evidence to establishing a fiduciary
20 relationship in this -- in this -- in this record, and
21 so -- and, frankly, there's no evidence as to when
22 that recording equipment was in there, and what's in
23 there at the beginning of the lease. Did it get put
24 in there during the middle of the lease? There's
25 simply a devoid of evidence on the record about that.

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1 So we move for summary judgment on that.

2 THE COURT: Directed verdict.

3 MR. GRIFFIN: Excuse me?

4 THE COURT: Directed verdict.

5 MR. GRIFFIN: Excuse me, directed verdict on --
6 on that ground as well. And to the extent that it's
7 required, we would move for a directed verdict to --
8 to the extent that they seek damages for emotional
9 harm or anything beyond out-of-pocket expenses
10 because that's all you can recover in a fraud case,
11 is out-of-pocket expenses. In fraud, you can't get
12 damages for emotional distress, personal injury. All
13 you can get is out-of-pocket expenses. And we cite
14 Sparrow v. Toyota of Florence, 302 S.C. 418 for
15 that -- for that standard.

16 And -- and there's no evidence that -- and the
17 evidence -- I mean, excuse me -- the damages in -- in
18 a fraud or a negligent misrepresentation case is the
19 measure -- actually, the measure of damages is the
20 difference in the fair market value of whatever you
21 purchased, what you paid versus what you would have
22 paid, had you known. And again, there's -- there's
23 evidence that Mr. Crespo wrote a check to some
24 corporate entity for, I think, he said \$2,400.
25 There's no evidence that he says I wouldn't have

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1 written that check or I would only pay \$1,200. I
2 mean, it's totally speculation as to what the damages
3 are. There is no evidence of cognizable damages for
4 negligent misrepresentation and, therefore, we -- we
5 likewise move for a directed verdict on those grounds.

6 And -- and the same point is with the unfair
7 trade practice claim, Your Honor. Again, there's
8 --you can't get personal injury compensation for a
9 violation of an unfair trade practices claim. The
10 most you can get is -- is the loss of money or
11 property. 39-5140 says "Any person who suffers any
12 ascertainable loss of money or property, real or
13 personal, may sue." And again, there's evidence they
14 paid \$2,400. There's no evidence of what he would
15 have paid or he would have paid anything. I mean,
16 that did not come before the jury. That did not enter
17 the record. And I mean, Your Honor can sit there and
18 say, well, of course he wouldn't have paid anything,
19 but he never testified to that. I mean, we -- we
20 can't make evidence for the plaintiff. They've got to
21 put it into the record, and the record is totally
22 devoid on any actual monetary loss or property damage
23 as a result of -- of the alleged unfair trade
24 practice.

25 And then, Your Honor, we move for a directed

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1 verdict on the company defendants, Chase Enterprises,
2 RC Properties because there's zero evidence in the
3 record about who Chase Enterprises is, who RC
4 Properties is. Did Chase Enterprise own the property?
5 Did they own it in 2001? Did RC Properties own the
6 property? Did they own it in 2001? I don't know.
7 You don't know. This jury doesn't know. There's
8 nothing in the record as to ownership of the property
9 of Chase Enterprises or RC Properties' relationship to
10 the properties. There's none whatsoever. Plaintiff
11 Gabriel Crespo testified he made a rent check payable
12 to a company. He did not identify the company by
13 name. Mr. Rhett Riviere was asked questions, to which
14 he asserted the Fifth Amendment, but these questions
15 were not asked to establish the ownership of the
16 cottage.

17 And -- and -- and lastly, you know, to the
18 extent that plaintiffs would argue that, well, his
19 invocation of the Fifth Amendment is imputed to these
20 companies, the -- the law is crystal clear that
21 corporate entities do not have a Fifth Amendment
22 right, period, end of story. They can't assert the
23 Fifth. So you can't impose an adverse inference
24 against someone or some entity that doesn't have a
25 right to assert the Fifth. Now, in fact, I mean, they

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1 could have -- and -- and the case that I cite here,
2 Brazil v. United States, stands for the proposition of
3 no matter how small a company is, they -- could serve
4 a subpoena requiring the custodian of records to
5 testify as to the owner of the property, as to what
6 the relationship was because the -- now, you know,
7 would it be incumbent upon the corporation to present
8 another person? Yeah. But they didn't do any of
9 that, zero of that.

10 And again, what is left is nothing in the
11 record. What is left is argument of counsel wanting
12 Your Honor to say, well, you know what, we -- we asked
13 him didn't you use these entities to further your
14 voyeurism or, you know, it was along -- a few
15 questions along those lines, and he pled the Fifth.
16 But it doesn't -- but I don't recall a single question
17 of did RC Properties own it in 2001, did -- did Chase
18 Enterprises own it in 2001, who owned the property at
19 the time when this occurred? And you know, the sort
20 of general question of didn't you use these entities
21 to further your voyeuristic or videotaping, but they
22 never tied it -- in my mind, they never tied it to --
23 to April-June -- of timeframe, Your Honor.

24 And so, if I did not state all the arguments in
25 our -- our motion and incorporated memo that we filed,

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1 I will do so now as a part of the record. And so, for
2 those reasons, we move for a directed verdict.

3 THE COURT: Thank you, sir, Mr. Griffin. And I
4 think you did. I have your paper motion sitting in
5 front of me, so I think you followed it pretty
6 clearly. For the plaintiff, who is arguing this for
7 the plaintiff?

8 MR. FEW: I'm going to take this one, Your
9 Honor.

10 THE COURT: All right. Mr. Few, let's start
11 with where we ended.

12 MR. FEW: And go backwards?

13 THE COURT: Yes, sir. And will that be okay?

14 MR. FEW: Sure, Your Honor.

15 THE COURT: Explain to me how we keep Chase
16 Enterprises or RC -- and/or RC Properties in this
17 case.

18 MR. FEW: Well, Your Honor, there was testimony
19 -- there's numerous ways. There was specific
20 testimony that Chase owned the 115 3rd Avenue
21 property, so that shows the continuing repetition of
22 the rental. And, Your Honor, the Fifth Amendment is
23 the thing as well. If there's anybody in this
24 courtroom that knew who owns the property, it was
25 Mr. Riviere, and he wouldn't answer the questions.

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1 And so, there's evidence in the record, even if
2 Gabriel wrote a check out to a company, they could
3 have taken that check and run it through personal
4 accounts, they could have done all types of things
5 with it to show that the actual business that they
6 were running was done by those who two individuals,
7 because that's all that my client dealt with. My
8 client's whole testimony was that Salatino, someone
9 he trusted and knew from South America, told him that
10 this place was available. Both of them testified
11 that they rented it sight unseen, so they trusted him
12 that they had it. Gabriel's testimony is that he
13 thinks he paid it to a company. He doesn't have the
14 records because of the nature of this type of a tort.
15 It was not discovered until when it was discovered in
16 July of 2022, Your Honor.

17 And so, there's evidence in the record that the
18 jury could infer that Rhett Riviere and Josee Riviere
19 were running the rental enterprise. There is evidence
20 in the record that they could infer that RC Riviere
21 Properties was running the enterprise -- the rental
22 enterprise, or Chase. All of those companies were
23 formed and were existing at that time period in 2000,
24 Your Honor. So that's up to the jury to -- as to how
25 they're going to make their inferences from the

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1 record, specifically including Mr. Riviere's refusal
2 to answer the statements. He -- he could have --
3 yeah.

4 And we're going backwards. Sue Hook testified
5 that his mother owned the property and, of course, we
6 had the litany of questions about the Fifth Amendment
7 that he invoked to everything, and he wouldn't answer
8 any questions, Your Honor. So the jury has wide
9 latitude to infer what they wish from the scope and
10 the substance of the questions to which he invoked his
11 Fifth Amendment privilege.

12 THE COURT: So Mr. Few, he invoked his personal
13 Fifth Amendment privilege. And what the defense is
14 saying is that he cannot do that as to the
15 corporation, so we could have had other witnesses
16 come in to discuss that and, therefore, you don't get
17 an inference as to the corporation. Do you have
18 anything to address that?

19 MR. FEW: Well, Your Honor, I think the facts
20 were established that those two companies were both
21 owned by him and run by him and managed by him, so
22 I'm not sure that there's -- would be any other
23 person that could come in and testify, except maybe
24 Mr. Harte or somebody that served as his counsel over
25 the years for that company. So he was the -- I mean,

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1 they were just pass-through entities that he created
2 to run for himself. And we asked him those
3 questions, and he wouldn't answer them. He could
4 have said, with respect RC Riviere, you need to talk
5 to my property manager, but he didn't do that,
6 because he strategically chose to invoke the Fifth
7 Amendment privilege to every single thing that was
8 out there, Your Honor. And that's why the jury --
9 because had we not sued one of these entities, then
10 their defense would have been well, it was them. And
11 instead, their -- their defense, which was a general
12 denial, but we have the -- the breadth of the Fifth
13 Amendment privilege which was asserted to every
14 single question he was asked, was that, you know, I'm
15 just not going to answer that question, I'm not going
16 to answer that question. And so, that's why the jury
17 could infer that it was run by one of the companies
18 or it was run by him, but they could -- they could
19 choose any -- any of the defendants to be a part of
20 this rental enterprise, Your Honor.

21 And, Your Honor, if we had tried to force him to
22 testify as a corporate representative, I'm quite
23 confident that there would have been opposition and
24 there would have an invocation of the Fifth Amendment
25 privilege to any of those questions as well. So as a

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1 plaintiff, you're left -- and -- and I recall -- my
2 cocounsel was asking the -- the litany of questions,
3 and I think we -- we moved on because it was clear he
4 was going to invoke the Fifth Amendment privilege to
5 all of these things, Your Honor. So they could have
6 easily brought in someone -- well that's their burden
7 now, but that's the evidence that's in the record,
8 Your Honor. The Fifth Amendment privilege leaves it
9 wide open for the jury to infer that it could have
10 been one of these companies. We know these companies
11 are in existence. We know that these companies were
12 used by him. We -- we got that much into evidence
13 through other people. And, Your Honor, the --

14 THE COURT: Through who? Tell me who.

15 MR. FEW: -- Deirdre Stoker Vaillancourt
16 testified that she knew that they rented them. She
17 testified that she was trying to put a young girl in
18 there that was working at Nandina in the summer of
19 2019. She testified that they knew they had been
20 rented all along. Suzy Haslup's groom -- not a
21 fiancé -- stayed there during the relevant time
22 period. As I understood that testimony was that
23 person rented way back during the time period that
24 Heather and Gabriel were renting in there.

25 THE COURT: And help me remember, were those

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1 witnesses asked about rental as a corporation or
2 rental as an individual?

3 MR. FEW: They were familiar with the corporate
4 entities, Your Honor, because Suzy Haslup had the
5 listing agreement from 2010 to 2020 with Deirdre
6 Vaillancourt, and I specifically asked here about the
7 fact that RC Riviere Properties was on the listing
8 agreement that they had, Your Honor. And -- and so,
9 she was certainly familiar that. And then, she
10 pivoted to let everybody know that -- that when she
11 sold it, it was in the name of Cam-Ash Holdings,
12 which is the company that Mr. Riviere -- well,
13 attempted to transfer into his children's name. So
14 there's an abundance of evidence, Your Honor, that
15 goes from at least as early as 2010. And then, I
16 also asked Mrs. Vaillancourt about the rentals. I
17 actually asked about the name VanderVliet Scolattli
18 [ph], or something like that, and she knew both of
19 them. And those were people that had rented the big
20 house in the earlier years back in the 2010, '11, '12
21 time period, I believe that was.

22 So, Your Honor, you know, given that it's so
23 long ago, and we -- we could have more evidence of
24 this, but those companies have been existing. There
25 was testimony from those witnesses that were their