

RECEIVED

Mar 05 2026

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-2023
Case No. 2022-CP-2024

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.

Respondents/Appellants Heather Crespo and Gabriel Crespo
Motion to Take Judicial Notice

Pursuant to Rule 212¹ of the South Carolina Appellate Court Rules, Respondents / Appellants Heather and Gabriel Crespo hereby respectfully move this Court to take judicial notice of the following public records: (1) Criminal Indictments for Voyeurism (Exhibit A); (2) Sentencing Sheets (Exhibit B); and (3) the Feb. 17, 2026 Transcript of the Guilty Plea Hearing of Rhett Riviere (Exhibit C). Rule 201(b), S.C. Rules of Evidence, permits judicial notice of facts “not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” *Id.*; *see e.g., Kincannon v. Ashely Suzanne Griffith*, No. 2023-UP-070, 2023 S.C. App. Unpub. LEXIS 84, at *3 (Ct. App. Feb. 22, 2023) (holding “the circuit court did not err by taking judicial notice of family court orders from Kincannon and Griffith's divorce action.”).

On February 17, 2026, Defendant Rhett Riviere pleaded guilty to three counts of Voyeurism in the Court of General Sessions for Aiken County, South Carolina. The charges arose from Mr. Riviere’s criminal conduct in Aiken County and were prosecuted by Second Judicial Circuit Solicitor Bill Weeks before the Honorable Courtney Clyburn Pope.

Indictment No. 2021A0210700228 concerns Mr. Riviere’s secret videotaping of Julianne Foster while she was a tenant in his rental property, which was offered through Airbnb in 2019. The remaining two indictments, Nos. 2022A0210700181 and 2022A0210700182, relate to Mr. Riviere’s secret videotaping of his tenants, Respondents/Appellants Heather and Gabriel Crespo, while they were renting a cottage he owned in Aiken County, South Carolina in 2001.

On February 17, 2026, Mr. Riviere entered guilty pleas to all three indictments. He was sentenced to three years’ imprisonment, followed by a consecutive term of three years’ probation.

¹ As provided for in Rule 212(b), the undersigned sought consent from Appellant Rhett Riviere’s counsel to supplement the record as requested herein, but such consent was not provided.

During the plea hearing, Mr. Riviere admitted under oath to the criminal conduct underlying these charges—the same conduct that forms the basis of the issues presented in the instant appeal.

The indictments, sentencing sheets, and plea transcript are matters of public record and are not subject to reasonable dispute. They are capable of accurate and ready determination by reference to official court records. Accordingly, they are proper subjects for judicial notice.

Any portion of Appellant Rhett Riviere’s appeals to this Court purporting to complain of errors of law that contributed to the jury finding he committed the acts of voyeurism against the Respondents Appellants Crespos is now moot, as he has plead guilty to the crime of Voyeurism, which is codified at S.C. Code Ann. § 16-17-470, which reads in pertinent part, as follows:

A person commits the crime of voyeurism if, for the purpose of arousing or gratifying sexual desire of any person, he or she knowingly views, photographs, audio records, video records, produces, or creates a digital electronic file, or films another person, without that person's knowledge and consent, while the person is in a place where he or she would have a reasonable expectation of privacy. A person who violates the provisions of this subsection.

Id.

In *Doe v. Doe*, 346 S.C. 145, 148-49, 551 S.E.2d 257, 258-59 (2001), our Supreme Court stated, “[w]e now adopt the rule that once a person has been criminally convicted he is bound by that adjudication in a subsequent civil proceeding based on the same facts underlying the criminal conviction.” *Id.* (citing 47 Am. Jur. 2d Judgments § 733 (1995) (stating, “[u]nder the modern approach, a judgment of conviction precludes the defendant from denying the allegations in a subsequent civil complaint as to issues that were actually litigated and adjudicated in the prior proceeding.”).

In reviewing Appellant Rhett Riviere’s Brief, and specifically his Statement of Issues on Appeal, the following analysis shows that the guilty pleas with which Respondents/Appellants

herein wish to supplement the record address each of Appellant Rhett Riviere's Issue on Appeal, as follows:

- I. Complaining of additional videos that, presumably, Appellant Rhett Riviere will contend caused the jury to believe he made the subject recording of the Crespos;
- II. Complaining of character evidence is moot because Appellant Rhett Riviere has admitted he committed the acts in question;
- III. Complaining of other alleged bad acts is also moot because Appellant Rhett Riviere has admitted he committed the acts in question;
- IV. Complaining of prejudicial evidence, and speculative references to other victims is also moot because Appellant Rhett Riviere has admitted he committed the acts in question;
- V. Is, *arguably*, **not addressed by the guilty plea** as it relates to an allegation of lack of proof of physical injury to the Crespos;
- VI. Is, *arguably*, **not addressed by the guilty plea** as it relates to an allegation of lack of proof of extreme or severe emotional distress to the Crespos;
- VII. Complaining of a lack of negligent misrepresentation when Appellant Rhett Riviere has now pled guilty to the recordings in 2001, and his knowledge of doing so intentionally;
- VIII. Is, *arguably*, **not addressed by the guilty plea** as it relates to an allegation of lack of proof of damages to the Crespos;
- IX. Complaining of lack of proof of control of the property in question by Appellant Rhett Riviere has admitted he committed the acts in question;

- X. Is, *arguably*, **not addressed by the guilty plea** as it relates to an allegation that the verdict form was improper as to damages;
- XI. Is, *arguably*, **not addressed by the guilty plea** as it relates to another allegation that the verdict form was improper, and that the jury was motivated by passion or prejudice;
- XII. Is, *arguably*, **not addressed by the guilty plea** as it relates to an allegation that the trial court committed error by not allowing Appellant Rhett Riviere to selectively waive his 5th Amendment rights. However, to the extent his invocation of the 5th Amendment was allowed, that too is moot because Appellant Rhett Riviere has admitted he committed the acts in question;
- XIII. Is, *arguably*, **not addressed by the guilty plea** as it relates to an allegation that the trial court committed error by not awarding a new trial on the S.C. UTPA claims;
- XIV. Complaining of facts not supported by evidence is moot because Appellant Rhett Riviere has admitted he committed the acts in question;

Accordingly, at least seven, at a minimum, of Appellant Rhett Riviere's thirteen (13) Issues on Appeal are directly impacted and made moot by the guilty pleas of Appellant Rhett Riviere on Feb. 17, 2026, and the court records herein provided to supplement this record under Rule 212 and S.C. Rule of Evidence 201(b). Respondents/Appellants Crespos would be prejudiced if these court records were not added to the Record on Appeal, and this Court would be unnecessarily wasting precious judicial resources to not allow this record to be supplanted with these most relevant materials.

WHEREFORE, Respondents/Appellants respectfully request that this Court take judicial notice of Exhibits A, B, and C for purposes of this appeal, and grant such other and further relief as this Court deems just and proper.

Deborah B. Barbier, S.C. Bar No. 6920
DEBORAH B. BARBIER, LLC
1811 Pickens Street
Columbia, South Carolina 29201
Phone: (803) 445-1032
Email: dbb@deborahbarbier.com

Wesley D. Few, S.C. Bar. No. 15565
WESLEY D. FEW, LLC
Post Office Box 9398
Greenville, South Carolina 29605
(864) 527-5906 | wes@wesleyfew.com

Ryan L. Beasley, S.C. Bar No. 68307
RYAN L. BEASLEY, ATTORNEY AT LAW, P.A.
416 East North Street
Greenville, South Carolina 29601
Phone: (864) 679-7777
Email: rlb@ryanbeasleylaw.com

Attorneys for Respondents/Appellants Heather
Crespo and Gabriel Crespo

March 5, 2026
Greenville, South Carolina