

**RECEIVED**  
**May 12 2026**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

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Appellate Case No. 2025-000150  
Case Nos. 2022-CP-02323 and 02324

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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.

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**RESPONDENTS/APPELLANTS HEATHER & GABRIEL CRESPOS' MOTION TO  
DISMISS APPELLANT RIVIERE'S APPEAL OF INVASION OF PRIVACY CLAIM**

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Pursuant to Rules 240 and 267 of the South Carolina Appellate Court Rules, Respondents/Appellants Heather Crespo and Gabriel Crespo (“the Crespos”) hereby respectfully move this Court to Dismiss at least that portion of Appellant Rhett Riviere’s Appeal challenging the jury’s verdicts against him for Invasion of Privacy in favor of each of them in the amounts of \$5,000,000.00 in actual damages returned on September 24, 2024, and \$2,000,000.00 in punitive damages entered on September 25, 2024 in a bifurcated trial.

On March 5, 2026, Respondents/Appellants filed their Motion to take Judicial Notice of Guilty Plea documents related to Appellant/Respondent Rhett Riviere’s guilty pleas to three (3) charges of voyeurism entered on February 17, 2026. On April 8, 2026, this Court granted the motion stating, “any impact this ruling may have on the appeal will be considered in conjunction with the court’s further consideration of the appeal.” (Order entered April 8, 2026). On April 28, 2026, the undersigned filed the 3<sup>rd</sup> Amended Supplemental Record on Appeal, adding pages 002837 to 002891, as follows:

- Indictment No. 2021A021070022B – J. Foster (videotaping in May 2019);
- Indictment No. 2022A0210700181 – Heather Crespo (recording in 2001);
- Indictment No. 2022A0210700182 – Gabriel Crespo (recording in 2001);
- Sentencing Sheet, Case 2021A021070022B – J. Foster (videotaping in May 2019);
- Sentencing Sheet, Case 2022A0210700181 – Heather Crespo (recording in 2001);
- Sentencing Sheet, Case 2022A0210700182 – Gabriel Crespo (recording in 2001); and
- Hearing Transcript, Feb. 17, 2026 (46 pages).

(R. at pp. 002837 to 002891).

This case was tried before a jury in the Court of Common Pleas from Monday, September 16 to the following Thursday, September 26, 2024, in a bifurcated trial. The jury returned actual and punitive damages verdicts against Appellant/Respondent Rhett Riviere and his two companies arising from Appellant’s secret recording and retention of videos of the Crespos

while they were in private areas of their residence and in circumstances giving rise to a reasonable expectation of privacy. The jury's verdicts in favor of Respondents-Appellants:

- **Negligence** v. Appellant-Respondent Rhett Riviere and his two companies:
  - Actual damages: \$500,000.00; and
  - Punitive Damages: \$500,000.00;
- **Unfair Trade Practices Act** v. Rhett Riviere and his two companies:
  - Actual damages: \$500,000.00;<sup>1</sup> and
  - Trebled Damages: \$1,500,000.00;
- **Negligence Per Se** v. Appellant-Respondent Rhett Riviere:
  - Actual damages: \$1,500,000.00; and
  - No Punitive Damages;
- **Intentional Infliction of Emotional Distress** v. Appellant-Respondent Rhett Riviere:
  - Actual damages: \$3,000,000.00; and
  - Punitive Damages: \$1,00,000.00;
- **Invasion of Privacy** v. Appellant-Respondent Rhett Riviere:
  - Actual damages: \$5,000,000.00; and
  - Punitive Damages: \$2,000,000.00;
- **Constructive Fraud** v. Appellant-Respondent Rhett Riviere:
  - Actual damages: \$500,000.00;<sup>2</sup> and
  - Punitive Damages: \$500,000.00.

(R. pp. 13-48).

As of February 23, 2026, all parties had fully briefed the issues on appeal, and filed the Record on Appeal. On February 17, 2026, Appellant Rhett Riviere entered three separate guilty pleas to the crime of Voyeurism pursuant to S.C. Code Ann. § 16-17-470(B). Two of those guilty pleas specifically arose from the same conduct concerning the Crespos which is the subject of

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<sup>1</sup> In its Order(s) on Post-Trial Motions filed March 14, 2025, the trial court reduced the UTPA verdicts, as follows: (i) \$4,320.00 and trebled to \$12,960.00 for Heather Crespo, and (ii) \$2,525.00 and trebled to \$7,575.00 for Gabriel Crespo. (R. p. 56, 68).

<sup>2</sup> In its Order(s) on Post-Trial Motions filed March 14, 2025, the trial court reduced the Constructive Fraud verdict on actual damages to \$2,400.00 to the Plaintiffs jointly. (R. p. 57, 68).

this appeal, and in pleading guilty Appellant/Respondent Rhett Riviere has admitted that he secretly videotaped them, and retained recordings from 2001. With respect to whether or not Rhett Riviere later digitized and preserved those recordings in 2007, he invoked his 5<sup>th</sup> Amendment Privilege against self-incrimination. However, the evidence at trial showed Riviere had a digitized file with the names “Heather” and “Gabriel” on it, and that recording was included in the recordings shown to the jury as part of Plaintiffs’ Trial Exhibit 18 (R. pp. 2476 to 2498, filed under seal pursuant to this Court’s Order dated Mar. 17, 2026).

The third guilty plea involved Appellant/Respondent Rhett Riviere’s secret digital recording of another individual at a separate rental property in May of 2019 (R. pp. 2837-38, 2843), demonstrating an additional substantially similar act of criminal voyeuristic conduct, and eliminating any doubt that Appellant/Respondent Rhett Riviere’s conduct was anything other than intentional.

These post-verdict guilty pleas constitute formal criminal admissions directly bearing upon the core factual and legal issues presented in this appeal, including but not limited to the propriety of the jury’s verdicts, the sufficiency of the evidence, Appellant/Respondent’s intent and course of conduct, and the existence of wrongful intrusion into matters entitled to privacy protection under South Carolina law. In *Zurcher v. Bilton*, 379 S.C. 132, 136, 666 S.E.2d 224, 226-27 (2008), the Supreme Court found “no legal or practical justification for excluding guilty pleas from the ambit of the doctrine of collateral estoppel.” The Court held that a “guilty plea freely and voluntarily [entered is] an admission of guilt fully and fairly litigates the matter in the same manner as a contested trial in which a defendant is adjudicated guilty.” Accordingly, the Court held that “a defendant who enters a guilty plea may be collaterally estopped from litigating the same issue in a subsequent civil suit.” *Id.*

Here, in light of Appellant/Respondent's guilty pleas and criminal admissions, the issues raised in the appeal are now either moot, fatally undermined, barred by principles of judicial estoppel and invited error, or otherwise incapable of supporting meaningful appellate relief. Appellant/Respondent should not be permitted to continue pursuing appellate relief predicated upon factual positions materially inconsistent with sworn his guilty pleas entered in South Carolina criminal proceedings.

The Court of Appeals possesses inherent authority to dismiss an appeal where subsequent events render the controversy moot or where appellate review would no longer have any practical legal effect. *See Byrd v. Irmo High Sch.*, 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996) (dismissing appeal and noting that “[a] case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.”) (alteration in original). Here, Appellant/Respondent's guilty pleas constitute admissions to criminal conduct that directly overlaps with and substantiates the factual basis underlying the civil verdicts he is still challenging on appeal.

For at least these reasons, Respondents/Appellants respectfully move this Court to dismiss Appellant/Respondent Rhett Riviere's appeal of the civil judgments against him for common law Invasion of Privacy.

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May 11, 2026  
Greenville, South Carolina

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Martha M. Rivers, Circuit Court Judge

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Appellate Case No. 2025-000150

Circuit Court Case Nos. 2022-CP-02-02323 and 2324

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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.

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**PROOF OF SERVICE**

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### **PROOF OF SERVICE**

The undersigned hereby certifies that on May 11, 2026, **Respondents / Appellants Heather Crespo and Gabriel Crespo's Motion to Dismiss Appellant-Respondent's Invasion of Privacy Appeal** was filed and served on all counsel of record, and to the Court of Appeals

Clerk of Court via Email as follows:

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals, Clerk of Court  
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May 11, 2026  
Columbia, South Carolina

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**Via Email-Filing:**

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**RE:** Gabriel Crespo/Heather Crespo v. Rhett Riviere, Josee Riviere, Chase Enterprises, LLC and R.C. Riviere Properties, LLC  
Appellate Case No. 2025-000150  
Case No. 2022-CP-02-2324; 2022-CP-02-2323  
Our File No.: 00305-002

Dear Ms. Kitchings:

Enclosed for filing please find Respondents / Appellants Heather Crespo and Gabriel Crespo's Motion to Dismiss, along with our Proof of Service and motion filing in the amount of \$50.00 that will be hand delivered tomorrow. Please return to us a filed copy of the motion via email.

If the Court has any questions, please contact me via email or at either number above.

Sincerely Yours,



Wesley D. Few

Enclosures

WDF/cgy

CC: All Counsel of Record (*Via Email*)  
Client (*Via Email*)