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**Jun 01 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

Appellant 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.

**APPELLANTS/RESPONDENTS RHETT RIVIERE, CHASE ENTERPRISES, LLC, AND  
R.C. RIVIERE PROPERTIES, LLC'S MEMORANDUM IN OPPOSITION TO  
RESPONDENTS/APPELLANTS' HEATHER AND GABRIEL CRESPOS' MOTION TO  
DISMISS RIVIERE'S APPEAL OF INVASION OF PRIVACY CLAIM**

## INTRODUCTION

Respondents/Appellants Heather and Gabriel Crespo ("the Crespos") move to dismiss Appellant Rhett Riviere's appeal of the jury's Invasion of Privacy verdicts on the ground that Riviere's February 17, 2026, guilty pleas to voyeurism charges purportedly render the appellate issues moot, judicially estopped, or otherwise incapable of meaningful appellate relief. The Motion should be denied.

The guilty pleas do not moot this appeal. Mootness requires that a judgment would have no practical legal effect upon the existing controversy. Here, the appellate issues Riviere has raised—including the admission of highly prejudicial and irrelevant evidence, the defective verdict form, the excessive and internally inconsistent damages award, the erroneous Fifth Amendment ruling, and the trial court's invasion of the jury's province—are entirely independent of the factual question of whether Riviere committed voyeurism. Even if Riviere admits the underlying act, this Court must still determine whether the jury's \$7 million award per plaintiff on the Invasion of Privacy claim alone (and \$36 million in total) was the product of a fair trial. It was not.

A guilty plea to a criminal charge does not and cannot validate every legal error that infected the civil proceedings below. The Crespos conflate the question of liability with the question of whether Appellants received a fair trial. Whatever Riviere did, he was entitled to a trial free from the admission of inflammatory, irrelevant evidence; a rational, legally correct verdict form; a damages award supported by the evidence; and proper application of his constitutional rights. Those entitlements did not evaporate when he entered his guilty pleas.

## ARGUMENT

### **I. THE MOTION TO DISMISS MUST BE DENIED BECAUSE THE GUILTY PLEAS DO NOT MOOT THE APPELLATE ISSUES RAISED IN THIS APPEAL.**

A case is moot only when a court's judgment “will have no practical legal effect upon [the] existing controversy.” *Byrd v. Irmo High Sch.*, 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996). The test is whether “it is impossible for [the] reviewing Court to grant effectual relief.” *Id.* Here, this Court can grant highly effectual relief: a new trial, remittitur, or outright dismissal of improperly submitted claims. The appeal is not moot.

The Crespos argue that because Riviere has now admitted to the underlying voyeuristic conduct, his challenges to the civil jury’s verdicts are foreclosed. This argument fundamentally misunderstands the nature of Appellants’ claims on appeal. Appellants do not challenge the factual finding that Riviere filmed the Crespos. Rather, they challenge: (1) the admission of grossly prejudicial and irrelevant evidence that denied him a fair trial; (2) the structurally defective verdict form that produced irrational and inconsistent damages awards; (3) the grossly excessive damages unsupported by the evidence; (4) the erroneous evidentiary rulings that cumulatively deprived Appellants of a fair trial; and (5) the trial court’s erroneous amendment of the judgment rather than granting a new trial. None of these issues has been mooted by a guilty plea.

To illustrate: the jury awarded \$5,000,000 per plaintiff in actual damages on the Invasion of Privacy claim—\$10,000,000 total—despite the plaintiffs incurring less than \$5,000 in combined medical expenses, missing no work, and suffering no physical injury. The guilty pleas say nothing about whether that award was the product of passion and prejudice, or whether the confusing

verdict form caused the jury to pile on duplicative damages. Those are purely legal and evidentiary questions this Court must resolve regardless of the criminal proceedings.

## **II. THE GUILTY PLEAS DO NOT ESTOP APPELLANTS FROM CHALLENGING THE FAIRNESS OF THE CIVIL TRIAL.**

The Crespos invoke the doctrine of collateral estoppel, citing *Zurcher v. Bilton*, 379 S.C. 132, 666 S.E.2d 224 (2008), for the proposition that a guilty plea may preclude relitigation of the same issue in a subsequent civil proceeding. *Zurcher* is inapplicable here and does not support dismissal.

Collateral estoppel forecloses relitigation of a specific *issue* that was actually litigated and necessarily decided in a prior proceeding. See *Zurcher*, 379 S.C. at 136. The “issue” established by Riviere’s guilty pleas is that he committed the crime of voyeurism—i.e., that he secretly recorded the Crespos. That issue is *not* what Appellants contest on appeal. Appellants contest the legal proceedings and evidentiary rulings at the civil trial, not the underlying facts of the recording. Collateral estoppel simply has no application to the appellate arguments presented here.

Moreover, the guilty pleas post-date the trial. They cannot retroactively cure the trial errors that deprived Appellants of a fair proceeding. If anything, the guilty pleas are relevant only to the question of whether Riviere invaded the Crespos’ privacy—a question on which Appellants have not sought appellate relief. Appellants concede liability for purposes of this motion; what they contest is the measure and manner of the civil damages and the trial errors that inflated them.

## **III. THE EXCESSIVE AND IRRATIONAL DAMAGES AWARD INDEPENDENTLY REQUIRES APPELLATE REVIEW REGARDLESS OF THE GUILTY PLEAS.**

Even if Riviere's guilty pleas were somehow relevant to the merits of the Invasion of Privacy claim itself, this Court would still be required to review the damages award. A guilty plea to criminal voyeurism does not establish the amount of civil damages, does not validate a defective verdict form, and does not cure the jury's failure to follow the court's instructions.

The jury awarded \$5,000,000 per plaintiff in actual damages for Invasion of Privacy and \$2,000,000 per plaintiff in punitive damages—\$14,000,000 on this claim alone. These awards are grossly disproportionate to the evidence. The plaintiffs incurred less than \$5,000 in combined medical expenses, lost no wages, and suffered no permanent physical injury. Gabriel Crespo attended a single telehealth counseling session (\$125) and Heather Crespo attended sixteen sessions (\$1,920). There was no evidence of permanent injury or future medical expenses.

The jury's awards across all claims were also internally inconsistent, demonstrating that the verdict was the product of passion, prejudice, and a confusing verdict form rather than reasoned deliberation. The jury awarded different amounts for negligence and negligence per se—claims that carry the same measure of damages—and escalating amounts for invasion of privacy and intentional infliction of emotional distress, which also share the same damages measure. The jury awarded \$500,000 for constructive fraud when the only evidence of value was a \$2,400 rental payment. These contradictions demonstrate jury confusion and passion, not lawful deliberation, and they require correction regardless of any criminal proceedings.

These errors were compounded by the trial court's submission of a verdict form that required the jury to assign separate dollar amounts to each cause of action when the measure of damages was identical across most claims. The jury's compliance—producing arithmetically inconsistent, escalating awards—shows it did not follow the court's legal instructions. A guilty plea to voyeurism cannot retroactively cure a structurally defective verdict form.

**IV. THE ADMISSION OF INFLAMMATORY AND IRRELEVANT EVIDENCE  
INFECTED THE ENTIRE TRIAL AND CANNOT BE EXCUSED BY POST-VERDICT  
GUILTY PLEAS.**

The Crespos' Motion focuses exclusively on the Invasion of Privacy claim, but many of Appellants' assignments of error infect the entire trial—including all other claims—and are not remotely addressed by Riviere's guilty pleas. The trial court permitted the admission of nine sexually graphic videotapes depicting unidentified individuals unrelated to the Crespos, testimony about “thousands” of other videos and images, references to potential victims including young girls, a witness's description of finding Riviere in a tree outside her bedroom window, a former girlfriend's testimony about hidden video equipment and an FBI remark, testimony from Riviere's ex-wife characterizing whoever made the tapes as a “sicko,” and Respondent Gabriel Crespo's improper Golden Rule argument to the jury.

The trial judge herself described the admitted video evidence as “some of the most horrendous things I have seen in my career” and expressed reluctance to subject another jury to watching the videos. That characterization confirms that this evidence was admitted not to establish any element of the Crespos' claims, but to inflame the jury and ensure a runaway verdict. The \$36 million total award is the predictable result.

These evidentiary errors raise purely legal questions of admissibility under Rules 403 and 404(b) of the South Carolina Rules of Evidence that are entirely independent of the underlying facts of the voyeurism. A guilty plea does not retroactively render inadmissible evidence admissible, and it does not cure the prejudice to Appellants from the admission of that evidence. This Court must address those errors.

## **V. THE FIFTH AMENDMENT RULING AND VERDICT FORM ERRORS ARE WHOLLY UNAFFECTED BY THE GUILTY PLEAS.**

Two additional categories of error raised by Appellants have no conceivable connection to Riviere's guilty pleas. First, the trial court erred by ruling that Riviere could not testify about his financial condition during the punitive damages phase without waiving his Fifth Amendment privilege as to all criminal conduct. This forced Riviere to assert his privilege in front of the jury on questions about his net worth—a topic that has no bearing on criminal liability—to the severe prejudice of his ability to contest the punitive award. This constitutional error is not cured by a later guilty plea.

Second, as discussed above, the defective verdict form independently requires a new trial regardless of anything in the criminal proceedings. The form required the jury to assign separate damages to claims sharing an identical damages measure, predictably producing inconsistent and irrational results. The trial court's subsequent amendment of the judgment on the SCUTPA and constructive fraud claims—substituting its own damages calculation for the jury's—itsself constitutes reversible error requiring remand for a new trial on those claims.

### **CONCLUSION**

Respondents' Motion to Dismiss should be denied. Appellant Riviere's guilty pleas to criminal voyeurism establish only that he committed the underlying act—a fact not seriously contested in this civil appeal. The appellate issues raised in Appellants' Brief—including the admission of grossly inflammatory and irrelevant evidence, the structurally defective verdict form, the grossly excessive and irrational damages award, the erroneous Fifth Amendment ruling, and the trial court's improper amendment of the judgment—are all pure questions of law and procedure

that exist entirely independent of the criminal proceedings. This Court has both the authority and the obligation to correct those errors. Respondents' Motion to Dismiss should be denied, and the appeal should proceed on the merits.

Respectfully submitted.

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**PROOF OF SERVICE**

I, Jaime Harmon, legal assistant at Griffin Humphries LLC, attorneys for the Appellants/Respondents, located at 8906 Two Notch Road, Suite 200, Columbia, South Carolina 29223, hereby certify that on June 1, 2026, I have served all counsel in this action a copy of the **Appellants/Respondents Rhett Riviere, Chase Enterprises, LLC and R.C. Riviere Properties, LLC’s Memorandum in Opposition to Respondents/Appellants Heather and Gabriel Crespos’ Motion to Dismiss Appellant Riviere’s Appeal of Invasion of Privacy Claim** by

emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

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