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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 Nos. 2022-CP-02323 and 02324

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 AND GABRIEL CRESPOS' REPLY TO
APPELLANTS/RESPONDENTS' OPPOSITION TO CRESPOS' MOTION TO DISMISS
APPELLANT RHETT RIVIERE'S APPEAL OF INVASION OF PRIVACY CLAIM**

Pursuant to Rules 240(f) of the South Carolina Appellate Court Rules, Respondents/Appellants Heather Crespo and Gabriel Crespo (“the Crespos”) file this Reply to the Respondents/Appellants’ Memorandum in Opposition to the Crespos’ Motion to Dismiss Riviere’s Appeal of the Invasion of Privacy Claim.

Pursuant to Defendants’ election to bifurcate the trial, as provided in S.C. Code Ann. § 15-32-520, the trial was conducted in two phases – the initial one for a determination of liability and the second phase for a determination of punitive damages. (*See* R. 2699, Sept. 15, 2024 Letter from Jim Griffin; R. p. 891, lines 6-7).

Appellants argue that Rhett Riviere’s guilty pleas do not moot the appellate issues raised in this appeal and that they “do not challenge the factual finding that Riviere filmed the Crespos.” (Resp. at 3). Appellants contend:

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.

(Return at 4).

However, if their briefs are any indication, Appellants most definitely request appellate relief on whether Rhett Riviere invaded the Crespo’s privacy. Specifically, Appellants request this case be remanded “for a new trial on the invasion of privacy claim.” (Appellants’ Final Br. at 38). Appellants request “a new trial absolute on all claims.” (Appellant’s Final Reply Br. at 24). Appellants are not simply requesting a new damages hearing, as alleged in their Return, filed June 1, 2026. Much of Appellants’ argument on appeal is that improper evidence of other bad acts was admitted which prejudiced Rhett Riviere and prevented him from receiving a fair trial – at the first

stage of the trial. (Appellants' Final Br. at 21). Appellants argue on appeal that the trial court erred in denying their motions for directed verdict and mistrial.

As set forth in Respondents' Motion to Dismiss, 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." (Motion to Dismiss, at 4). 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." *Id.* at 4 (citing *Zurcher*). 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.*

Under *Zurcher*, the Appellants may not continue litigating issues dependent upon denial of that conduct, intent, intrusion, or wrongdoing. While Appellants attempt to recast their appeal as merely a challenge to damages and procedure, as noted above, their briefs demonstrate otherwise. By pleading guilty to voyeurism involving both Heather Crespo and Gabriel Crespo, Appellant Rhett Riviere has conclusively admitted the very conduct underlying the invasion-of-privacy verdicts. Moreover, as Appellants now state, they are not challenging on appeal that Rhett Riviere invaded the Crepos' privacy.

At a minimum, the Court should dismiss those portions of the appeal challenging liability for invasion of privacy and limit any further review to issues concerning damages or other matters wholly independent of Appellant's criminal admissions. Accordingly, the Court should dismiss from the appeal any issues regarding Rhett Riviere's liability for the Invasion of Privacy claim.

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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

The undersigned hereby certifies that on June 8, 2026, **Respondents / Appellants Heather Crespo and Gabriel Crespo's Reply to Appellants/Respondents' Opposition to Crespos' Motion to Dismiss Appellant Rhett Riviere's Appeal of Invasion of Privacy Claim** was filed and served on all counsel of record, and to the Court of Appeals Clerk of Court via Email as follows:

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June 8, 2026
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