

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

STATE OF MISSOURI,

v.

JOSÉPH ELLEDGE

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Case No. 20BA-CR00698-01

Div. 1

FILED
BOONE COUNTY
MAY 26 2021
CHRISTY BLAKEMORE
CLERK CIRCUIT COURT, COLUMBIA, MO

**STATE’S TRIAL BRIEF REGARDING THE ADMISSIBILITY OF SECRET
RECORDED CONVERSATIONS MADE BY MENGQI JI AND THE DEFENDANT**

ANY MOTION BY THE DEFENDANT FOR THE COURT TO REFUSE TO ADMIT INTO EVIDENCE THE PROPOSED COMPLETE SET OF SECRET AUDIO RECORDINGS MADE BY MENGQI JI AND THE DEFENDANT SHOULD BE DENIED BECAUSE THEY ARE LOGICALLY AND LEGALLY RELEVANT FOR NUMEROUS REASONS INCLUDING THE FACT THAT THE DEFENDANT HAD A VERY STRONG MOTIVE TO MURDER MENGQI JI.

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1=BACKGROUND INFORMATION

Mengqi Ji was born and raised in China. In 2012, she traveled from China to Columbia, Missouri to attend the University of Missouri, and she graduated in 2014 with a master's degree in mechanical and aerospace engineering. After her graduation, Mengqi continued to work in the Columbia area. Mengqi could speak both Chinese and English.

The defendant is from the Kansas City area. Around 2015, he came to Columbia to study engineering at the University of Missouri, and he was a student there up until the time he killed Mengqi. During all times relevant to this case the defendant's mother, Jean Elledge, lived in the Kansas City area.

In about 2015, Mengqi and the defendant worked together at Nanova Biomaterials in Columbia, and during that time they started dating. On 9-22-17, Mengqi and the defendant were married. On 10-3-18, their first and only child, [REDACTED], was born. At the time [REDACTED] was born, Mengqi, the defendant, and [REDACTED] lived in an apartment at the Woodlake Apartment complex in Columbia.

Shortly after [REDACTED] was born, Mengqi's parents, Ke Ren and Xiaolin Ji, who could not speak English, traveled to Columbia from their home in Xi'an, China to help take care of [REDACTED]. It is a Chinese tradition for maternal grandparents to assist in the care of newborn babies. While in Columbia, Mengqi's parents stayed with Mengqi, [REDACTED], and the defendant at their apartment. On about 10-27-18, Xiaolin Ji returned home to China.

On 10-29-18, Ke Ren used the defendant's cutting board to prepare food to eat in the defendant's presence. The defendant said he believed that Ke Ren used his cutting board incorrectly, and he proceeded to communicate his demands to Mengqi that Ke Ren be forced to immediately and permanently leave the residence. This incident marked the beginning of a chain of events that led to the defendant's murder of Mengqi Ji less than 1 year later.

After this "cutting board incident," Mengqi and the defendant used their cell phones to secretly audio record some of their conversations. Mengqi used her cell phone to audio record 2 conversations that occurred on 10-29-18 and 10-30-18. The defendant used his cell phone to audio record 10 conversations that occurred on 5-3-19, 5-11-19 (2 recordings on this date), 5-19-19, 5-27-19, 6-19-19, 6-22-19, 6-28-19, 7-22-19, and 8-20-19. Jean Elledge participated in the recorded conversations that occurred on 10-30-18 and 5-19-19 but apparently did not know the

conversations were being recorded.

Throughout all the recordings, the defendant severely threatened Mengqi and gaslighted her in an effort to gain control over her.

“Gaslighting is a form of persistent manipulation and brainwashing that causes the victim to doubt [herself], and to ultimately lose [her] own sense of perception, identity, and self-worth.”¹ Gaslighting has also been defined as “a type of psychological abuse aimed at making victims seem or feel ‘crazy,’ creating a ‘surreal’ interpersonal environment.”² “Gaslighting can be defined as a combination of brainwashing, psychological bullying, and emotional abuse for the purpose of domination and control.”³ A hallmark of gaslighting is an on-going course of conduct by the “gaslighter” to control the “gaslightee.”^{1,2,3,4,5}

Mengqi was particularly vulnerable to being gaslighted by the defendant for many reasons including she was not a United States citizen, she only had a temporary green card, she had no relatives living in the United States, she had no brothers or sisters, and her parents lived halfway around the world in Xi’an, China.

The recordings show that the defendant constantly and relentlessly gaslighted Mengqi by talking over her and interrupting her while at the same time insulting her in an attempt to wear her down; telling her that her viewpoints were invalid and not worthy of consideration; telling her that her intelligence level was low, especially in comparison to his, so he knew better; telling her things like she was “confused” or that she didn’t “understand;” telling her that she was inferior to him because she was a woman; telling her that he was in charge of the household; telling her that he needed to be treated like a “god;” demanding that she obey him; severely reprimanding her for questioning his absolute authority over everyone and everything within the household; denigrating her Chinese culture; denigrating her mother to whom she was very close; humiliating Mengqi by purposely embarrassing Ke Ren in Mengqi’s presence; trying to isolate her from her mother; trying to isolate her generally; telling her that he was more important to her than her parents; telling her that she did not know how she felt physically, but he knew how she felt physically; telling her that she did not know how she felt emotionally, but he knew how she felt emotionally; denigrating her capabilities; telling her that he understood her capabilities better than she did; hypocritically accusing her of abusing him; hypocritically accusing her of gaslighting him; hypocritically accusing her of wearing him down; hypocritically accusing her of

interrupting him; lying to her generally; lying to her by claiming that he cared about the marriage; and telling her he was monitoring her all the time. The list goes on and on.

Ultimately, the recordings prove that the defendant killed Mengqi because he hated her. The recordings also prove that the defendant deliberated before he killed Mengqi. The recordings are summarized below in the **“SUMMARY OF THE RECORDINGS/MOTIVE AND DELIBERATION EVIDENCE”** section of this brief.

After the recordings were made, the defendant killed Mengqi. Most likely, he killed her at the apartment they shared during the late evening of 10-8-19. The evidence will be that on 10-9-19, the defendant drove to many isolated locations in the Mid-Missouri area looking for a place to dispose of Mengqi’s body. Finally, on 10-10-19 at 3:30pm the defendant notified law enforcement about Mengqi’s disappearance.

The defendant proceeded to make many statements to the police and others about Mengqi’s disappearance. Many of the statements the defendant made after he killed Mengqi were flat out lies. These lies were directly related to his motive to kill Mengqi. These lies prove his consciousness of guilt and are admissions. These lies will be proven by playing footage from the recordings. Some of the specific lies the defendant told after he killed Mengqi along with the ways the recordings will be used to prove the lies are summarized in the **“CONSCIOUSNESS OF GUILT EVIDENCE”** section of this brief.

Also, after the murder, a script was found by law enforcement at the defendant’s apartment that had been written by the defendant that detailed some of the circumstances surrounding the murder. The statements that the defendant made to the police largely mirrored what the defendant wrote in his script. The defendant also made statements about Mengqi’s disappearance to people who were not involved in law enforcement. Many of the statements the defendant made in his script, to police, and to other people are completely innocuous on their face. However, by reviewing all the proposed recordings (and only by reviewing all the proposed recordings) the true meaning of what the defendant said about highly relevant issues can be ascertained. Toward the end of this brief, the State will go into detail about how the recordings provide necessary context and meaning to other evidence in the case in the **“CONTEXT AND MEANING”** section. Below is a short synopsis of the how the recordings will be used for this purpose:

When the defendant spoke to the police, he claimed that Mengqi would “never” “listen” to him, but he acted like this wasn’t any big deal. However, the recordings will prove that what the defendant meant when he said that Mengqi wouldn’t listen to him was that she wouldn’t obey him.

When the defendant spoke to the police, he said that Mengqi “talked to her mom probably every day, maybe twice a day.” When the defendant spoke to a television reporter from KRCG, he said that Mengqi “talked to her mom I think probably 2 or 3 times every single day.” When the defendant made these statements to the police and to the KRCG reporter, he acted like it was no big deal that Mengqi regularly and frequently spoke to her mother close in time to the murder. However, the recordings will prove that the defendant became very upset with Mengqi when she talked to her mother, and that he had ordered her not to do so.

Next, the defendant told the police that on 10-4-19 or 10-5-19, just 3 or 4 days before the murder, he and [REDACTED] were playing with [REDACTED] “tunnel set,” and Mengqi got mad at him because she thought he was endangering [REDACTED]. The defendant said this was the “biggest argument” he and Mengqi had in the last 4 or 5 months, but he claimed “it really wasn’t that big” of an argument. With the use of the prior recordings, the State will be able to prove that without any question the defendant went ballistic on Mengqi just 3 or 4 days before the murder during this “tunnel set” argument.

The defendant told police that on 10-7-19, just 1 day before the murder, Mengqi asked the defendant to arrange for [REDACTED] Medicaid coverage to be renewed, but the defendant told Mengqi she should make those arrangements instead of him. The defendant said that Mengqi was “complaining a little bit about, you know, me not doing anything, ah, for [REDACTED], outside of just playing with her and, you know, changing diapers.” The defendant claimed that this discussion about Medicaid was “a little argument, but I wouldn’t call it a fight.” The defendant went on to say, “Neither of us really talked a whole lot after that. I think we were still just a little bit like distant from each other after that.” The prior recordings will prove that the discussion about Medicaid would have been much more serious than a “little argument.”

The defendant said that on the evening of 10-8-19, the date of the murder, he, Mengqi, and [REDACTED] were at the apartment together. He said that Mengqi was watching a television show on her I-pad, and he said he was “surprised” that Mengqi was watching the show without him

because they had been watching the show together. The defendant said that he told Mengqi to stop watching the show, but she “ignored” the defendant and kept watching it. The defendant implied that it was no big deal in his mind for Mengqi to ignore him and keep watching the show. The recordings will show that the defendant always became enraged with Mengqi if she ever “ignored” him or did not comply with his orders.

The defendant told the police that after Mengqi watched the television show, everyone ate. The defendant told the police that “the rest of the night was just pretty normal.”

The defendant said that later in the evening of 10-8-19, he was in the living room, and Mengqi was in the master bedroom lying on the bed. The defendant said that while he was in the living room, he was thinking about how he could “make her, um, you know, ah kind of pay more attention to doing stuff with me instead of just being distant.” The defendant said that Mengqi was not “interact[ing]” with him. The defendant said he wanted to “go do something for her (Mengqi)” to “make her feel good.” The defendant implied that it was really not that big of a deal that Mengqi was being “distant” from him and not “interact[ing]” with him. However, the recordings will prove that the defendant would become irate with Mengqi if she did not pay attention to him or “interact” with him. The recordings also prove that the defendant hated Mengqi and definitely would not have had the intent to do something nice for her.

The defendant said he then walked into the bedroom where Mengqi was lying on the bed. The defendant said that he lay down on the bed with her. He said that Mengqi was talking on her telephone. The defendant wrote in his script, “I asked her who she is talking to, she says her mom. She doesn’t say anything else, neither do I. She doesn’t even look at me. I’m just waiting for her to do anything to interact with me.” The defendant didn’t indicate there was anything noteworthy about Mengqi speaking to her mother. However, the recordings will prove that if the defendant thought Mengqi was talking to her mother on the telephone he would have become enraged. In the script, the defendant seemed to mildly complain about Mengqi not “interact[ing]” with him. However, as stated above, the recordings will prove that the defendant would become irate with Mengqi if she did not pay attention to him or “interact” with him.

The defendant said he then gave Mengqi a massage. He wrote in his script, “it’s a long massage, ~20-30 minutes. Eventually I stop, and ask her to massage me. She says she has to sleep to get up early in the morning, then rolls away from me.” The defendant implied that it was

no big deal that Mengqi would not give him a massage. The recordings will prove that any refusal by Mengqi to massage the defendant would have caused him to become enraged.

The defendant told police that when he was on the bed with Mengqi on the evening of 10-8-19, he wanted to have sex with her, but that did not occur. The defendant acted like it was no big deal that Mengqi refused to have sex with him. The recordings will prove that any refusal by Mengqi to have sex with the defendant would have caused him to become very angry.

The defendant said that after he finished the massage, he went back to the living room. He said that at about 11:30pm, he went back to the bedroom, and Mengqi was still in bed. The defendant said he went to sleep, on 10-9-19 at 5:00am he woke up, and Mengqi was gone.

2=MEMORANDUM OF LAW

LOGICAL AND LEGAL RELEVANCE

The court in *State v. McWilliams*, 564 S.W.3d 618, 632 (Mo. App. W.D. 2018) stated:

Generally, relevance is a two-fold consideration that encompasses both logical and legal relevance. *State v. Anderson*, 76 S.W.3d 275, 276 (Mo. banc 2002). In order to be admissible, evidence must be both legally and logically relevant. *Tisius*, 92 S.W.3d at 760. Logical relevance is a low hurdle to clear; to be logically relevant, evidence must tend to make a “fact of consequence” more or less probable, *State v. Miller*, 208 S.W.3d 284, 287 (Mo. App. 2006), or “tend[] to corroborate evidence which itself is relevant and bears on the principal issue of the case.” *Tisius*, 92 S.W.3d at 760. “Evidence is legally relevant if its probative value outweighs its costs—prejudice, confusion of the issues, misleading the jury, undue delay, waste of time or cumulativeness.” *State v. Barriner*, 111 S.W.3d 396, 401 (Mo. banc 2003). The determination whether evidence is legally relevant is firmly within the circuit court’s discretion. *Tisius*, 92 S.W.3d at 760.

Id at 632.

THE LAW REGARDING MOTIVE EVIDENCE

“Evidence of motive is logically relevant and admissible even where motive is not an element of the crime charged.” *State v. Hanna*, 420 S.W. 3d, 569, 578 (Mo. App. S.D. 2013),

quoting *State v. Young*, 367 S.W.3d 641, 647 (Mo. App. E.D. 2012). “[W]ide latitude is permitted in the development of motive.” *State v. Washington*, 707 S.W.2d 463, 469 (Mo. App. E.D. 1986).”

Evidence of ill will within a marriage is admissible to show a husband’s motive for murdering his wife. A case factually close on point is *State v. Jones*, 595 S.E.2d 124 (N. C. 2004), where a husband killed his wife and stepson with a shotgun. 10 months after the murder, the wife’s relatives, who were closing out her estate, found in her desk drawer a tape recording she had secretly made of an earlier argument with her husband. They turned it over to the prosecutor’s office, and it was played for the jury over objection. The North Carolina Supreme Court explained why it was admissible:

In the case at bar, the evidence was admitted for the limited purpose of showing that defendant had malice, intent and ill will toward the victims. ‘We consistently have allowed evidence spanning the entire marriage when a husband is charged with murdering his wife in order to show malice, intent, and ill will towards the victim.

Id. at 132-134. The secret recording of conversations between the defendant and his dead wife was admitted over hearsay objections even though the exact time it was made was unknown.

Likewise, in *Yates v. State*, 509 S.W.2d 600 (Tex. Crim. App. 1974), tape recordings made 10 months before the defendant husband killed his wife were admitted against him at trial. The recorded conversations between the husband and wife occurred while they were separated with a divorce pending and were admissible to show the relationship that existed between them even though they had reconciled before the murder.

Similarly, in *Andrew v. State*, 164 P.3d 176, 194 (Okla. App. 2007), audio tape recordings of phone conversations between the defendant wife and her husband (murder victim) “were relevant to show the type of relationship these two people had, which would cause Appellant to kill her own husband. They were relevant to show her level of hostility, rage and hatred toward her husband, all which provide a motive for the killing.” The Court noted that although she did not kill in a fit of rage, her motive was an “I’ll be better off with him dead” attitude.

Missouri law is very clear that evidence of a pre-existing unhappy relationship between a

husband and wife is admissible as the motive in the defendant's prosecution for murder or assault of the victim. *State v. Bolden*, 494 S.W.2d 61, 65 (Mo. 1973) (defendant's prior marital troubles and assault of wife admissible to prove motive for assault with intent to kill); *State v. Morgan*, 137 S.W.3d 477, 481 (Mo. App. S.D. 2004) (evidence of animosity toward ex-wife including chasing and assaulting her admissible in a case where defendant had his accomplice attack her with a "tire thumper").

Missouri law is also very clear that even without a marriage relationship evidence of a defendant's prior animus toward a victim is admissible in a homicide or assault case. *State v. Austin*, 411 S.W.3d 284, 294 (Mo. App. E.D. 2013) (earlier threats toward the victim showed his animosity toward her and his motive to attack her when he hit her with his car); *State v. Haslett*, 283 S.W.3d 769, 781 (Mo. App. S.D. 2009) (defendant's prior abuse of his child was admissible to show his intent to kill the child); *State v. McClanahan*, 202 S.W.3d 64, 71 (Mo. App. S.D. 2006) (evidence of adult daughter's animus toward her mother was admissible to show motive in attempted murder case).

The statements made by the defendant throughout the recordings do not need to amount to specific admissions against his interest to be admissible. As the North Carolina Supreme Court noted in the *Jones* case, evidence spanning the entire marriage is admissible to show the malice, intent, and ill will the husband spouse had toward his murdered wife. 595 S.E.2d at 132-134.

THE LAW REGARDING STATEMENTS THAT SHOW A CONSCIOUSNESS OF GUILT

The law regarding admissions by a defendant that show a consciousness of guilt is well settled in Missouri. "An admission is the statement or conduct of a party that tends to incriminate or connect h[im] with the crime charged, or which manifests a consciousness of guilt. In determining whether a defendant's statement constitutes an admission, the court must consider the defendant's statement in light of the surrounding circumstances." *State v. Isa*, 850 S.W.2d 876, 894 (Mo. banc 1993) (remanded for errors in sentencing) quoting *State v. Spica*, 389 S.W.2d 35, 53 (Mo.1965), cert. denied, 383 U.S. 972, 86 S.Ct. 1277, 16 L.Ed.2d 312 (1966). "Moreover, a statement need not express an acknowledgment of guilt to qualify as an admission. A false denial can constitute an admission as well as manifest a consciousness of guilt. A permissible inference of guilt may be drawn from the acts or conduct of a defendant, subsequent

to an offense, if they tend to show a consciousness of guilt and a desire to conceal the offense or a role therein.” *Id.* at 894, quoting *State v. Walker*, 357 Mo. 394, 208 S.W.2d 233, 236 (1948).

In *Isa*, the parents of a teenage daughter stabbed her to death. The defendant made statements to police that the victim attacked the victim’s father (who was the husband of the defendant) and defendant was forced to grab the victim to prevent the attack, which is a statement that is exculpatory in nature. Other evidence in the case demonstrated that this statement was untrue, and that defendant’s statement was simply another stage in a conspiracy she and her husband engineered as they stood over the victim’s body and planned to conceal the events of the murder. *Id.* at 894. The *Isa* court held that the defendant’s self-serving statements were admissible to show her desire to conceal her role in the offense thereby manifesting a consciousness of guilt. For that reason, her statements were admissions and were admissible. *Id.* at 894.

The law is clear that self-serving false statements are admissible to prove guilt. “Exculpatory statements, when proven false, evidence a consciousness of guilt[.]” *State v. Rodden*, 728 S.W.2d 212, 219 (Mo. banc 1987); *State v. Buchli*, 152 S.W.3d 289, 297 (Mo. App. W.D. 2004). Additionally, “[g]uilt may be inferred when an accused attempts to deceive the police, as in making a false exculpatory statement.” *State v. Hibbert*, 14 S.W.3d 249, 253 (Mo. App. S.D. 2000). A defendant’s conduct or failure to act in circumstances can give rise to an inference of a guilty mind or consciousness of guilt. *State v. Hefflinger*, 101 S.W.3d 296, 301 (Mo. App. E.D. 2003).

**STATEMENTS BY MENGQI AND JEAN ARE ADMISSIBLE TO PUT THE
DEFENDANT’S STATEMENTS INTO CONTEXT**

Mengqi and Jean not testifying about the recordings is not a bar to their admission. Their words are not being offered for the truth of any specific statement. Rather, they are being offered to put the defendant’s statements into context.

Statements made to a defendant are admissible “to supply context for another statement.” Andrea Bell, *Missouri Practice: Courtroom Handbook on Missouri Evidence*, Section 800.3(m) (2020). For example, in *State v. Tripp*, 168 S.W.3d 667, 678-679 (Mo. App. W.D. 2005), the defendant’s only comment was, “Just shut up.” To put those words in context, the person who overheard the conversation was allowed to say that the defendant’s brother had just said, “Where

have you been? Mom's been looking for you for two and a half hours.” Similarly, in *State v. Gilmore*, 22 S.W.3d 712, 718 (Mo. App. W.D. 1999), the overheard conversation consisted of one person asking the defendant if he had killed a white man. The defendant responded, “Man, shut the f___ up.” In *State v. Garner*, 14 S.W.3d 67, 74-75 (Mo. App. E.D. 1999), the victim said to the defendant (his drug dealer) that he didn’t have all the money he owed the defendant. That comment put into context the defendant’s reply that he would kill the victim if he did not get his money. The Missouri Court of Appeals noted that the evidence wasn’t offered to prove the truth of the statement, i.e., that money was owed, but rather to show the motive of the defendant to commit the murder.

THE STATE SHOULD NOT BE LIMITED IN QUANTUM OF PROOF

For reasons stated throughout this brief and thoroughly discussed in the “ARGUMENT” section, the State is requesting that all the proposed recordings in their entirety be admitted into evidence. The recordings are not cumulative in nature for multiple reasons, and none of the recordings should be deemed inadmissible due to their overall volume. In *State v. Black*, 748 S. W. 2d 184, 187 (Mo. App. E.D. 1988), the Court stated that the prosecution, “should not be limited in the quantum of proof it may offer because it has the burden of proving guilt beyond a reasonable doubt.”

3=SUMMARY OF THE RECORDINGS/MOTIVE AND DELIBERATION EVIDENCE

EXHIBIT200=10-29-18 RECORDING BY MENGQI:

This recording occurred after Ke Ren used the defendant’s cutting board in a manner that he said was not correct. The defendant then demanded that Mengqi force her mother to leave the apartment immediately and permanently for committing this major transgression. The defendant told Mengqi there was going to be “no compromise” on this issue. Mengqi pleaded with the defendant for Ke Ren to be allowed to stay because she had recently gone through a rough delivery with the birth of REDACTED (Mengqi required stitches and the recordings prove that the defendant was aware of that) and was still recovering, and she needed Ke Ren to help care for REDACTED. Throughout this recording, the defendant severely threatened and gaslighted Mengqi. Whenever Mengqi defended her mother in any way, the defendant went ballistic on her.

At the beginning of the recording, Mengqi told the defendant, “I’m not fully recovered.”

The defendant blatantly gaslighted Mengqi by informing her that she did not know how her own body felt when he said, “You’re fully recovered now.”

The defendant continued to insult Mengqi and callously tell her that she was physically okay:

“You can take care of [REDACTED] fine. You’re a mom, fine. You can cook and clean. Yeah, you know, you’re spoiled. You’re spoiled and I don’t know what bullshit your mom’s feeding you, and you’re just taking it all in. All that bullshit is becoming you. You are what you eat. Seriously.”

The defendant laid down the law to Mengqi: “Listen to me. Your mom is not staying in here.”

The explained the hierarchy of the household:

=Defendant= “She (Ke Ren) ain’t staying here.”

=Mengqi= “You’re not a god”

=Defendant= “I am the fucking god!”

The defendant threatened and insulted Mengqi during the following exchange. Also, the defendant hypocritically accused Ke Ren of “brainwash[ing]” Mengqi:

=Defendant= “I understand how it would be more acceptable, yeah, if your mom was better about respecting my privacy and my things and my environment.”

=Mengqi= “She’s trying her best already.”

=Defendant= “No she is not! Don’t ever say that to me again!”

=Mengqi= “She’s trying her best.”

=Defendant= “Wow.”

=Mengqi= “She respects your stuff.”

=Defendant= “You’re stupid. You’ve been brainwashed by your fucking mom.”

The defendant equated Mengqi and Ke Ren together when he said, “You’re just like your fucking mom!”

The defendant emotionally abused Mengqi by threatening to isolate her and make her a single mother when he said, “Maybe I should just run off...Should I even be here? Do you want me to be unhappy?”

The defendant told Mengqi that her mother, who Mengqi loved, was a “bitch,” and that

since Ke Ren was “back talking” she needed to “get the fuck out of here!”

In an effort to demoralize Mengqi, the defendant spoke about her father, Xiaolin Ji, in a very insulting manner. The defendant referred to Mengqi’s father as a “pathetic swine, pathetic stupid little pussy.” The defendant also reminded Mengqi that since she was a woman, she was inferior when the defendant informed Mengqi that her father, “just cooks and cleans. He’s the woman of the family.”

The defendant let Mengqi know he, alone, was in charge of the household: “You’re not listening to me, obviously! I tell you she goes!”

The defendant said that it wasn’t “working” with Ke Ren being at the apartment, and the Chinese tradition of maternal grandparents helping with newborns never “worked” before. Mengqi told the defendant that the help of maternal grandparents with newborns worked well in thousands of families. The defendant then severely threatened Mengqi:

“Thousands of worthless piece of shit families. That’s what I’m talking about... You find all those stories about men and or women beat the shit out of their spouse, killed them, whatever! That’s the thousands of families you’re talking about!”

Mengqi told the defendant that she wanted her mother to stay until 12-15-18. The defendant then threatened Mengqi: “There’s going to be some fucking problems if she tries staying until that time.”

The defendant emotionally abused Mengqi by telling her what her station in life as a woman was. He also severely terrorized Mengqi by threatening to kill her:

=Defendant= “Do you want me to fucking break shit? Do you want me to hurt somebody?”

=Mengqi= “I don’t. Do you hear me? I don’t.”

=Defendant= “Okay.”

=Mengqi= “And I believe you will not.”

=Defendant= “Then stop fucking poking me! I fucking want to! That’s nature! It’s fucking stupid that I can let you, both of you talk to me like this! I should be able to call the police, ‘These people are fucking stupid! Lock them up right now!’”

=Mengqi= "Nature. If you can conquer nature you are a great person."

=Defendant= "You know how I conquer nature? I fucking kill it! I grab its head, break its fucking neck! That's how you conquer fucking nature! Yeah, I'm trying to be sophisticated! Trying to be help to you guys! Yeah, I'm not going to live with you very well!"

=Mengqi= "How do you help us?"

=Defendant= "You're being very unsophisticated. You're being like the natural evil bitches, seriously. You think you're so empowered because of this society. Well, don't forget that nature exists. You're still just a woman and there's nature in that. There's nature in your brain."

=Mengqi= "A woman gave you life. Your mom gave you life."

=Defendant= "Yeah, that's right. And she doesn't forget that there's nature in her brain. Don't listen to your fucking mom. This ain't affecting your milk."

=Mengqi= "She is just telling me not to cry."

=Defendant= "Yeah, I agree."

=Mengqi= "I don't want to cry."

=Defendant= "I don't want you to cry either, but you're sitting here causing all these problems! You keep poking this bull! How many times do I have to tell you, 'Don't poke the bull!'"

Throughout this conversation, the defendant expressed his ire toward Mengqi for what he told her was excessive food consumption. Mengqi responded that since she was breast feeding, she needed to produce enough milk for [REDACTED]. The defendant emotionally abused Mengqi when he said:

"I hope you realize you're probably eating too much. You can eat less if you want. I hope you know that. You're gonna have plenty of milk, I guarantee you that, and you know that too. You can eat nothing! You can eat nothing!... You don't need to eat like you're a fat pig."

The defendant emotionally abused Mengqi by unjustifiably accusing her of plotting to get him in trouble:

=Defendant="What are you trying to do? Are you, seriously, are you trying to like

get the baby away? Are you trying to make me go crazy so that you can call the police on me and take my fucking baby away from me?"

=Mengqi= "No."

=Defendant= "Seriously, what are you trying to do? Tell me what are you trying to do?"

=Mengqi= "I'm just trying to recover."

=Defendant= "What are you trying to do?"

=Mengqi= "My body needs to recover."

=Defendant= "What about me? Tell me what you're trying to do to me. Why are you doing this to me? Hmm?"

In addition to the defendant trying to isolate Mengqi from her mother by kicking Ke Ren out of the apartment, he also tried to isolate Mengqi from Ke Ren by prohibiting verbal communication between them. The defendant warned Mengqi, "You better not listen to her (Ke Ren)." The defendant also told Mengqi, "Don't listen to what the bullshit comes out of your mom's mouth."

The defendant emotionally abused and severely threatened Mengqi:

=Defendant= "You don't need it (food). Yeah, you want to talk to a doctor? Go talk to a doctor about this. Fine. Ask her if you eat a tenth of the amount that you eat now, doctor's gonna say, 'Don't worry, baby will be fine. You're gonna be fine. Everything's gonna be fine. You're gonna be healthy. As long as you have the right mindset. As long as you have a healthy relationship. As long as you aren't torturing your husband!'"

=Mengqi= "You're torturing me now."

=Defendant= "The only thing I'm doing is not letting you torture me!"

=Mengqi= "I'm not happy when you do this."

=Defendant= "I ain't happy when you do this! That's the only reason why I'm so pissed off right now! You understand? Why don't you all ever understand the same thing, the same exact thing that has always happened that has always led to all of our arguments! And now your mom is just making it worse! I see where you get it from. Your mom should fucking leave because this is just making you

worse! You don't need to be around this! You need to forget about the way she is! Go ahead and tell her! I hope you both understand how terrible this is! If she wants you to have a happy relationship, then she should not talk to you! She should not show you how she acts especially."

=Mengqi= "My priority right now is just to recover that's all."

=Defendant= "You're one hundred percent!"

=Mengqi= "The stitches hurt. I need to rest a lot."

=Defendant= "You're one hundred percent priority is, yeah, being mom and husband. I'll tell you what, if your stitches recover it ain't gonna matter if your baby's a fucked up little runt! If baby acts this way, huh, that ain't gonna be pretty! If you keep acting this way, I've told you before, it ain't gonna be pretty! Nobody's gonna be happy! It ain't gonna matter whether or not your stitches are cured!"

The defendant continued to emotionally abuse Mengqi by saying, "What the fuck is the matter with you? Fucking brainless!... You can recover by yourself. You don't need this fucking caustic...terrible woman!"

The defendant expressed his exasperation with Mengqi for not obeying him: "The only thing I've ever asked is you just listen to me."

The following dialogue occurred where the defendant loudly yelled threats at Mengqi:

Defendant= "Please, then please. I ain't gonna beg. If this keeps going on, I'm more likely go out and fucking blow my brains out! Fuck this shit! I ain't living like this! You understand that's what you're doing to me? That's what your mom's action does. I don't know what to do. Yeah, I've tried a lot. I've tried being so sophisticated, being so nice. Like I told you, I'm ready to do something. I want to fucking break shit. That's the only way I feel I can do anything around here! I don't want to! I'm trying really hard not to!"

=Mengqi= "Your...you can play games."

=Defendant= "I don't want to play games! I want to have a wife and a baby!"

=Mengqi= "You have us."

=Defendant= "Wait, wait, wait. Let me let me take that back. I have a wife and a

baby. Ain't nothing I can do about that now!"

=Mengqi= "What do you want?"

=Defendant= "But I want it to be good. I don't want to just sit around play fucking video games! Well, that ain't what I want to do with my life! But I'm stuck with a wife and baby!"

During the next passage, the defendant blatantly gaslighted Mengqi by informing her that he understood her physical condition better than she did and by directly questioning her sanity. The defendant severely threatened Mengqi and emotionally abused her by insulting her and her Chinese culture:

=Mengqi= "I just want to recover very well, and I will take care of baby."

=Defendant= "You're recovering just good, just fine. You're so good right now. I know you can't go on a mile hike; you can't climb mountains. Grab some sense of reality! Just imagine you're a single mom. What'd you, what are you going to do? Are you just going to keel over and die? 'Oh, I don't have anybody to help me!'"

=Mengqi= "My parents will help me."

=Defendant= "Just imagine you don't have mom, your parents, what, what are you going to do? You're just going to dead?"

=Mengqi= "I will raise my kid, but maybe I won't have healthy body. I won't be looking pretty good recovering very nice. No, I won't. I'll be ugly"

=Defendant= "Maybe not so much."

=Mengqi= "miserable."

=Defendant= "But you'll still be fine. You'll still be"

=Mengqi= "I'm surviving, that's all."

=Defendant= "Yeah, it's gonna be stressful."

=Mengqi= "The bone open from zero to ten centimeters."

=Defendant= "Yeah, I know that."

=Mengqi= "You saw it"

=Defendant= "Yeah."

=Mengqi= "That's a lot to recover from."

=Defendant= "I know. Is this a harsh environment? Is it hard for you to wake up

and waddle into the kitchen and make some food, eat a little bit, feed baby, go sit down, nap the rest of the day? Is that so tough? Yeah, get up every couple hours and do it. Is that tough? As a matter of fact, that's probably best thing you can do. You need to walk around. You're sitting too much! It's better for you to be up and about. It's not like you're running. Yeah, that's bad. But if you can walk around the house a little bit, cook something. Please open your mind!"

=Mengqi= "I'm a Chinese. Please open that mind. Please accept that fact."

=Defendant= "So you're not going to open your mind? That's what you just said. Is that what you're going to do?"

=Mengqi= "I'm Chinese."

=Defendant= "You're Chinese? You're not going to open your mind?"

=Mengqi= "I have my ways. We have our way to recover from giving birth."

=Defendant= "Chinese ways is going to get a boot in your ass!"

The defendant continued to insult Mengqi and emotionally abuse her by denigrating her Chinese culture:

=Defendant= "Chinese way is wrong!"

=Mengqi= "Then why do you marry me?"

=Defendant= "There ain't no right. Because I didn't think you were so single minded about this. I didn't think you were just so single minded, period. Yeah, if I knew you were gonna be like this I'd say 'fucking no. No way. She ain't ever gonna marry anybody. Not a woman like that' ... I don't know. Unless you find another Chinese man who's just plain boring."

The defendant emotionally abused Mengqi by threatening to make her a single mother:

"Do you get it yet? Seriously, do you want me to leave? I'll leave and I'll never come back here! The way you're acting, that's the only thing you want. I know you say a lot of shit, but the way you're acting you don't want me here! You don't care about me! I'll fucking leave! I'll find a happier life! Fuck this shit! I ain't, I ain't happy here! And you know what? This ain't good for anybody! Yeah, fuck this! Tell me, do you want me to leave? I'll leave forever! I'll disappear tonight! I'll drop my classes. I'll finish them somewhere else."

The defendant commanded Mengqi to obey him and take his side against her mother:

“Don’t fucking talk to me about this! Talk to her about this! Say, ‘Mom why are you, why are you fucking with my husband? Why are you fucking with my relationship? Don’t be talking to my fucking husband that way! That’s my husband! He’s gonna be the man of my, my life! For the rest of my life! That man is the father of my child! So, stop fucking with him!’ Go tell her! I don’t understand how you’re not pissed off at your mom!”

The defendant continued to emotionally abuse Mengqi by denigrating her Chinese culture when he said, “Culture’s bullshit around here.”

The defendant threatened Mengqi again: “Hope you understand that when you poking me with a stick, I hope you expect to get poked with a stick!”

The defendant threatened Mengqi by telling her that he would harm her mother, who she loved very much:

“What that is is nature. You know, you know what? Do you know what that is? That’s sophistication. If you aren’t there, then I’m looking at that cutting board I ain’t speaking to her. I’m choking her fucking neck! If it ain’t the way that I did it, then it’s like that. There ain’t no Chinese, American, British, German, fuck all that shit. If it ain’t me saying, ‘Hey don’t, don’t do my cutting board like that,’ then it’s me fucking wringing her out.”

The duration of this entire recording is about 56 minutes. The redacted version the State wishes to admit into evidence is about 45 minutes long.

EXHIBIT250=10-30-18 RECORDING BY MENGQI:

On 10-30-18, despite the defendant’s imperious demands that Ke Ren be banished, she was still at the apartment. However, on that day the defendant’s mother and ally, Jean Elledge, came to Columbia ostensibly to provide counseling to Mengqi and the defendant. However, throughout this recording the defendant and Jean skillfully worked together to gaslight, manipulate, and gang up on Mengqi. Kicking Ke Ren out of the apartment was just the short-term goal of the defendant and Jean. Their overall goal, as evidenced by this recording, was to make sure the defendant had complete and total control over Mengqi.

At the very beginning of the recording the defendant admitted he had been controlling

Mengqi by among other things forcing her to drink cold milk against her wishes.

The defendant hypocritically asserted to Mengqi that she was being “brainwashed” by her parents.

The defendant expressed his concern to Mengqi that her parents, instead of him, were “controlling things and changing things unnecessarily.”

The defendant bitterly complained to Mengqi by saying, “You’re not respecting me at all. You’re not listening to me just like you always, always have in the past.”

During the following dialogue, the defendant overtly gaslighted Mengqi by telling her that her feelings about her own physical condition were not valid:

=Mengqi= “Why do you say I’m fully recovered? Why do you think I can go to South Dakota?”

=Defendant= “I never say that you’re fully recovered.”

=Mengqi= “Oh, my gosh! I, I, I have your word?”

=Defendant= “I did not say you are fully recovered. I said you’re fully capable.”

The defendant emotionally abused Mengqi when he made it clear to her that males were superior to females and thus, he was superior to her: “Well, I guess since your dad was here your mom knows not to act up. Now that your mom’s here she’s taking control. Your dad was doing everything, your dad was controlling before. That’s good. I was fine with that.”

During the following dialogue, the defendant told Mengqi that her thoughts about her culture were invalid:

=Mengqi= “That’s our culture. We respect. We don’t just go and hurt people’s feelings”

=Defendant= “How many times have I got to say I don’t care about culture. I care about interaction.”

The defendant lied to Mengqi: “You never listen to me. I’m the open minded one.”

The defendant informed Mengqi that any defiance of his orders was equivalent to a serious physical attack by her against him:

“I’m just very, very tired of being stabbed for no reason...from you especially. It started from the very beginning, but I was okay with it at that time. I’m never, never angry like this, never. But you just keep stabbing me, you and your mom.

Now it's even worse. Your mom comes here, I know that's where you got it from."

The defendant emotionally abused Mengqi by telling her, "You never listen to my reason and you don't even try."

The defendant basically admitted he had been gaslighting Mengqi by wearing her down:

"You say a lot of things. Every time we have an argument you promise, 'Okay, I won't have this type of thing again.' 2 days later, same thing. 2 days later, same thing. Week later, same thing. 2 days later. How many times have we done this? How many times have I said to you 'This is the same argument that we had a couple nights ago, couple weeks ago?' I'm tired of having this argument. I'm tired of you doing this to me. I realize you're a different person, and I realize you think about things differently and you want different things. That doesn't mean that you ignore me and show a lack of trying to work this relationship. You're not caring about me. You're not caring about the relationship. I don't know what you're thinking about, just yourself or your mom only, but I need you to widen your view, and I need you to listen to me. As I always say, 'I don't want you to take my word like, like it's the command.' I want you, but I, I feel like I'm very reasonable, and I feel like a lot a lot a lot of people agree with me, and I'm confident about that."

The defendant admitted to trying to control Mengqi when he said, "I feel like I haven't had enough respect, and I don't think people have been listening to me. Yeah, maybe I've been trying to be controlling...But I need some respect, and I need people to listen to me."

More insight into the defendant's efforts to gaslight Mengqi by trying to make her think things were the opposite of how they were can be gleaned from the following dialogue:

=Mengqi= "You're always trying to change me....little things. When there's little things I keep agreeing with you, okay that's fine."

=Defendant= "Well there are things. I'm trying to help you."

=Mengqi= "Then you, you become more and more. I feel like it's my fault. It's really my fault to tolerate all these little bitty things so now you can just tell me 'you have to go to South Dakota with me. I don't care if you're recovered or not."

You can recover. You just tell yourself you're just brainwashed by your mom. Your body's fully recovered. You're fine. You're fine. You're welcome.' Until you say that sentence to me and I realize what a big mistake I made. It's all my fault."

=Jean= "It's not a mistake."

=Defendant= "I don't feel like any of that is true."

=Mengqi= "You didn't say those things to me about South Dakota?"

=Defendant= "But, okay, the things, yes, that I said yes, but the reasons."

=Mengqi= "I know the reasons."

=Defendant= "Like you like you said. You feel like it's a big mistake that you made. I don't know. I think you're thinking about it wrong, wrong mistake. I don't know."

=Jean= "What did you mean by big mistake?"

=Mengqi= "By tolerating him. By just agreeing with you too much. By just always, always do it your way."

=Defendant= "You've done exactly the opposite! That's always how you think. You always think it's exactly the opposite of how it is."

The defendant hypocritically accused Mengqi of wearing him down:

"You've driven me a lot recently. Yes, I agree I've, my emotions have been easily compromised recently. In the past I feel like I've been a strong, upstanding person. But I absolutely feel that I have dwindled, withered. I've definitely been broken a few times!"

The defendant emotionally abused Mengqi when he told her that all their arguments occurred due to 1 reason: "You don't listen to me."

The defendant gave some insight into what the word "listen" meant to him during the following dialogue:

=Defendant= "You don't listen to me is the problem, and it makes me very, very hurt!"

=Jean= "What type of things doesn't she listen about? With, what are some of the things she doesn't listen about?"

=Defendant= “Just anytime I’m trying to give my thoughts, my reason to the way that I acted, she doesn’t she doesn’t, ah, accept it, she doesn’t accept my, my reason.”

The defendant unjustly accused Mengqi and Ke Ren of plotting against him:

“I feel that you and your mom are like trying to exhaust me, trying to prod me, trying, you’re trying to lead me on to I don’t know, do something bad! I don’t know what you want. I feel like you’re trying to get me out of the way so you can have REDACTED. I don’t know. I don’t know what, but I feel that you are trying to hurt me! Trying to wear me down!”

The defendant informed Mengqi that her opinion did not matter:

“What do I always, always say? That I think you have a problem with and that you need to learn when to stop talking. Is what I always say. You need to learn to stop talking.”

During the following dialogue, the defendant expressed his hatred toward Mengqi and threatened her by saying he had a “craving” to “smack” Mengqi or “beat” Mengqi “down”:

=Defendant= “Just like my mom said the equivalent is a man, yes, a man is, is physical, big person. Something bad happens I’m the one who says, ‘I forgive, it’s okay.’ Well, she comes, and she opens her mouth as the woman equivalent. Do I just smack her? Do I just beat her down?”

=Mengqi= “You wanted to.”

=Defendant= “I have that craving. I’ll admit that, yes.”

=Jean= “You can’t go there.”

=Defendant= “I’m not going to though, and I don’t, I don’t want to. I know it’s going to, it’s bad. I know it’s not right.”

=Mengqi= “I know it’s bad. That’s why I told her. We talked after you left.”

=Defendant= “And you need to realize that you make me feel that way! I hope you realize that! I don’t like it! I don’t like feeling that way!”

The defendant emotionally abused Mengqi when he told her:

“Every time I talk to you, I feel like I’m just wasting my life. I have this baby it’s not going to go anywhere though not with you here not listening to me, not

working with me, anything.”

The defendant and Jean, acting together, emotionally abused Mengqi by lecturing her about how she was not performing well in her marital duties. The defendant and Jean severely emotionally abused Mengqi by informing her that since she was married it was her duty to satisfy the needs and wishes of her husband over the needs and wishes of her parents. The defendant said he “agree[d]” with Jean’s statement to Mengqi that, “You have to choose to know that now your husband is more important than your parents.”

The defendant emotionally abused Mengqi when he said he felt weighted down by being married and having a child. He said that since he was married with a child, he had given up his “dream” to “make big money.” In a resigned tone, the defendant went on to say, “I’ve accepted my situation, my fate.”

The defendant continued to emotionally abuse Mengqi by making sure she understood that since she was a woman, she was intellectually inferior to the defendant. The defendant said to Jean in Mengqi’s presence, “She is a woman, and she has a master’s degree in engineering that she hardly knows. It’s hardly applicable.” Then the defendant directly said to Mengqi, “And I hope you realize that.”

The defendant expressed his ill will toward Mengqi for not having a job and merely taking care of her newborn baby which of course was a very simple task: “You have infinity days off! Congratulations!”

Throughout this recording, Mengqi pleaded with the defendant and Jean for Ke Ren to be allowed to stay at the apartment to help her take care of [REDACTED] due to her painful injuries. In response, the defendant and Jean, acting together, callously disregarded Mengqi’s statements about her own bodily condition and told her she was fine. The following is a dialogue that occurred between the defendant and Jean (while Mengqi sobbed to herself) that illustrates how they worked together to gaslight Mengqi by informing her that despite her statements to the contrary, she was physically okay:

=Jean= “Look at how well she’s taking care of [REDACTED].”

=Defendant= “Yeah, you do.”

=Jean= “Um hm.”

=Defendant= “You feed her. I know it’s rough, I know it’s not”

=Jean= "Um hm."

=Defendant= "it's not easy."

=Jean= "Um hm."

=Defendant= "And I know you're, I know you're weak, especially you're recovering you're even weaker."

=Jean= "Um hm."

=Defendant= "Now and"

=Jean= "Yeah"

=Defendant= "And it's hard for you to hold her and pick her up and change her diaper."

=Jean= "Um hm. Yeah."

=Defendant= "But you still do it sometimes."

=Jean= "Um hm."

=Defendant= "And yeah, I'm glad you do."

=Jean= "Um hm."

=Defendant= "And I know you can."

=Jean= "Yeah."

=Defendant= "And I don't like hearing when, when you say that you don't think you can do those things. I understand if you don't do it sometimes and you can say 'I, I, I don't want to do this now. I can't do this now.' But I don't like you affirming (sic) me that you cannot do this thing."

=Jean= "Because you see it in her that she can do it?"

=Defendant= "Because I see it in her that she can do it."

=Jean= "Yeah."

=Defendant= "And I know that."

=Jean= "Yep, you are strong."

=Defendant= "She made a choice to be a mother. She has to do it."

=Jean= "You're very strong and you gotta tell yourself that every day that little REDACTED needs her mom and her dad."

=Defendant= "That's right."

=Jean= “Um hm, and you are going to recover. You are you’re already halfway recovered.”

=Defendant= “You’re recovering so well.”

=Jean= “Um hm.”

=Defendant= “How great the birth was.”

=Jean= “Um hm. Do you”

=Defendant= “How great our baby is. Just”

=Jean= “Are you”

=Defendant= “don’t be so pessimistic. You are so wonderful, such a wonderful condition.”

=Jean= “Um hm.”

=Defendant= “I know it’s still”

=Jean= “Are you”

=Defendant= “Not pristine condition. I know you’re still”

=Jean= “Yeah”

=Defendant= “injured, wounded from this thing.”

=Jean= “Um hm.”

=Defendant= “But you should be so grateful about how how well you are doing.”

The defendant continued to emotionally abuse Mengqi by informing her that since he was a man, she was his subordinate:

=Mengqi= “That’s kind of what you say a lot sometimes. ‘You just do what I say. I’m the man of the house you’re just a woman. Just do it.’”

=Defendant= “And I hope you do realize that. I truly believe that for some things. I know I know I, I don’t want to force you to do things and make you uncomfortable, but for some things I do believe I am the man. I believe I’m very reasonable. I believe that I”

=Jean= “There is going to be conflict like that.”

=Defendant= “make a lot of good decisions, and I believe I should have respect and I should be listened to.”

At another point, the defendant and Jean, together, reemphasized to Mengqi that her

priorities were out of whack and that her husband should be more important to her than her parents:

=Defendant= “You’re putting your mom above me and your family. Thank you, a lot.”

=Jean= “And that’s what’s hard.”

=Mengqi= “This is all backwards. In China we really put parents first.”

=Defendant= “That’s backwards.”

The defendant expressed to Mengqi how much he regretted marrying her. He also made it clear that he regarded any defiance of him by her as being equivalent to her initiating a serious physical attack against him:

=Mengqi= “You took off your ring so many times, and you tell me that you don’t, you regret marrying me. You regret this, you regret that, you hate your life, you’re just miserable. All those things when you’re angry, when you say, I try to forget them.”

=Jean= “Do you wish you never would have said them?”

=Defendant= “Yes, I do.”

=Jean= “Okay.”

=Defendant= “Those are never good. Never did any good.”

=Mengqi= “Then why do you say them?”

=Defendant= “Because that’s the way you make me feel.”

=Jean= “He, he’s just in an angry state when, when he”

=Defendant= “And you continue to stab me! I tell you I’m being stabbed, I’m hurt, I’m dead, I’m done, I’m out of the battle, and you’re still stabbing me!”

Throughout this recording, the defendant tried to isolate Mengqi from Ke Ren. The defendant scornfully and loudly reprimanded Mengqi for defending her mother. The defendant expressed extreme ill will toward Mengqi for objecting to the defendant’s degrading and humiliating practice of making Ke Ren bow to him and address him as “sir” in Mengqi’s presence. The defendant informed Mengqi that he was the “boss” and the “master” of Ke Ren in the apartment.

The duration of this entire recording is about 3 hours and 39 minutes. The redacted

version the State wishes to admit into evidence is about 2 hours and 10 minutes long.

EXHIBIT300=5-3-19 RECORDING BY THE DEFENDANT:

On this recording, the defendant for the first time to the State's knowledge began to secretly record conversations with Mengqi. Throughout this recording, the defendant rebuked Mengqi for not doing things that he told her to do such as taking [REDACTED] for walks, having sex with him, or painting things he wanted her to paint.

The defendant hypocritically accused Mengqi of mistreating him. At one point, Mengqi said, "My primary focus is [REDACTED]...before kindergarten. First 3 years. She will be my work. She will be my art that I mold, that I paint. I'll paint on her, I'll paint her." The defendant insultingly replied, "So how are you going to mold her? Are you going to have her treat people the way you treat me?"

During this conversation, the defendant and Mengqi talked about marriage counseling they had been attending. The defendant said, "I've become very impatient with you...but yeah, I think this counseling has helped me control my emotions and maintain a decent level of patience with you specifically." Very significantly, the defendant would later admit to the police that he stopped going to the marriage counselor before Mengqi disappeared.

The defendant emotionally abused Mengqi by accusing her of being "unreasonable."

The defendant emotionally abused Mengqi by telling her, "Many, many times you make it extremely clear that you don't understand what I am saying."

The defendant expressed his displeasure with Mengqi for not massaging him correctly.

The defendant emotionally abused Mengqi when he said, "What makes you think I'd want to talk to you? ... you're horrible to talk to."

The defendant insulted Mengqi's level of intelligence: "You just have no capacity to listen to me."

The defendant told Mengqi that he knew she was "addicted" to her phone. This statement is highly significant because the defendant would later strongly suggest to law enforcement that Mengqi voluntarily "left" the apartment that they shared when she disappeared, and she "left" her cell phone behind at the apartment. Since the defendant said in this recording that Mengqi was "addicted to" her cell phone it is clear the defendant was lying when he claimed to police that Mengqi had voluntarily abandoned her phone.

The defendant insulted Mengqi by telling her she was not a thoughtful person, and her words were of no value: "I have told you many times that to help our arguments you should be more patient, and specifically that you should stop before you speak. You should think for a while and then speak."

The defendant emotionally abused Mengqi by informing her that she was his inferior and subordinate when he said he was "reaching out" his "hand" to pull Mengqi "up" to his level.

The defendant insulted Mengqi by telling her, "You have the incapacity to reason." The defendant also insulted Mengqi when he told her she was "incompetent."

Mengqi told the defendant she did not like him playing loud video games involving gun violence around [REDACTED] because she thought that was detrimental to [REDACTED] welfare. The defendant rebuked Mengqi for questioning his authority. The defendant said, "I have become annoyed of playing games so quiet, so unreasonably quiet." The defendant also characterized Mengqi's request as being "ridiculous."

The defendant insulted Mengqi by asserting that he was smart, and she was stupid. The defendant said, "I have ears, and I'm smart. I have a brain. I've got a good brain too as is well proven." Right after this, the defendant told Mengqi that it was "plain" that Mengqi didn't "want to use" her brain.

Toward the end of this discussion, the defendant announced to Mengqi, "What I want to say is I don't want to be with you."

The defendant emotionally abused Mengqi: "I don't trust you. Yeah, and I, there's a lot of things that I think that you are basically very bad... The way that you ignore me. You absolutely refuse to listen to me. You absolutely refuse to try to work with me....you just want to burn me or something."

The duration of this entire recording is about 2 hours and 1 minute. The redacted version the State wishes to admit into evidence is about 59 minutes long.

EXHIBIT310=5-11-19, 2:50PM RECORDING BY THE DEFENDANT:

On this recording, Mengqi told the defendant that she did not think he was allowing [REDACTED] to have enough room to move around on the floor, and the defendant reprimanded Mengqi for questioning his authority and objecting to how he took care of [REDACTED].

The defendant later made statements about doing household chores. The defendant

expressed his ill will toward Mengqi by hatefully accusing her of wanting the defendant to behave like her “slave.” The defendant made sure that Mengqi understood what her place was in the relationship when he angrily told her he was not her slave and “no way I’m going to act like that.”

The defendant bitterly complained about Mengqi wanting the defendant to massage her.

The defendant insulted Mengqi by making it clear to her that her feelings were not valid when he said that he should not have to ask her if she was feeling okay.

Mengqi asked the defendant to be quiet so that [REDACTED] would not be awakened. The defendant reprimanded Mengqi for questioning his absolute authority and asserted that she was being “ridiculous” to make such a request.

The defendant displayed ill will toward Mengqi when he insulted her during a lecture he gave her about how to pronounce “cam” versus “chem.”

The defendant insulted Mengqi when he told her she was not a good Chinese language teacher.

The duration of this entire recording is about 1 hour and 18 minutes. The redacted version the State wishes to admit into evidence is about 24 minutes long.

EXHIBIT320=5-11-19, 3:35PM RECORDING BY THE DEFENDANT:

The defendant’s horrible gaslighting of Mengqi continued in this conversation.

The defendant hypocritically accused Mengqi of “abus[ing]” him.

On this recording, Mengqi once again told the defendant that she thought [REDACTED] needed more space to move around, and the defendant bitterly objected to Mengqi questioning his authority.

The defendant informed Mengqi that he was smarter than her when he said, “My brain is imaginative. Yes, I see more.”

The defendant made comments about household chores.

The defendant insulted Mengqi by telling her she was “unreasonable.”

The defendant expressed his extreme ill will toward Mengqi by accusing her of being a “monster.” He went on to say, “Well, I’ve tried to reason with this monster. I’ve tried to yell at this monster. I’ve tried to ignore this monster, but the monster doesn’t change.”

The defendant emotionally abused Mengqi when he accused her of wanting to abandon

REDACTED:

=Mengqi= "You want me to abandon her. Just leave, I know."

=Defendant= "That's what you seem to want to do. That's what I see in my eyes."

=Mengqi= "I will never abandon her."

=Defendant= "Okay. I respect you for that. That's good. That shows you love her very much and you value her over yourself and to me that is a good mother."

The above passage shows that the defendant had been thinking about what he would tell police long before he killed Mengqi because after the murder the defendant told police the same thing which was that Mengqi abandoned her daughter. The defendant's statement is relevant to prove the defendant deliberated before he killed Mengqi.

The duration of this entire recording is about 29 minutes. The redacted version the State wishes to admit into evidence is about 16 minutes long.

EXHIBIT330=5-19-19 RECORDING BY THE DEFENDANT:

On this recording, the defendant once again joined forces with Jean to gaslight, manipulate, and gang up on Mengqi in an effort to enable the defendant to have complete control of her.

During this discussion, the defendant, with Jean's support, emotionally abused Mengqi for having the audacity to bother him (while he was trying to play video games) about post-dated rent checks she had written on her own account that had been prematurely cashed. The defendant said that Mengqi needed to "suck it up," "rest" her "mind," and not complain about her problem to the defendant.

Near the beginning of this recording, the defendant bitterly complained about Mengqi not interacting with him:

"Mom, I liked what you said about going back to the basics. I feel like I have been tiptoeing on the tiniest pebble of basics and the littlest expectations possible but my biggest expectations from for Mengqi right now are just basic, common, human interaction. For example, if I say something to you, I expect you to listen to it and respond appropriately."

The defendant continued to emphasize how important it was for Mengqi to interact with him when he complained to his mother as if Mengqi were not even present (which she was):

“That is my biggest expectation for her. Just basic human interaction... That is how little I have stooped for our relationship now.”

The defendant told Mengqi that he was upset with her for taking a job at Upwork, a company that provided translation services. The defendant complained that while Mengqi worked, he had to take care of [REDACTED] rather than play video games like he wanted. The defendant told Mengqi, “Your job is to take care of [REDACTED]” The defendant erupted on Mengqi during the following dialogue:

=Mengqi= “So you shouldn’t be taking care of [REDACTED]? I have to do everything because I got it covered. I can do my money and my translation and take care of my baby because my husband is busy playing games.”

=Defendant= “I still have to take care of [REDACTED].”

=Mengqi= “Then don’t get mad when you, when you help me.”

=Jean= “So the thing is”

=Defendant= “What I don’t want is for you to get mad at your, at me for you taking a translation job! That’s the point! That is what happened! You got mad because you made yourself too busy!”

=Mengqi= “Because you playing games and I want you to help with [REDACTED].”

=Defendant= “Because you’re taking a translation job that has a deadline and you’re blaming me!”

=Jean= “So stuff like that has to be worked out up front.”

=Mengqi= “Which one is important? Your games or me at that time? If I can be away for 5 hours every day, just like you go to school, I go to work I can get the stress away before I enter the home, before I enter the home.”

=Defendant= “Either one. I don’t need to be playing games, that’s true. You don’t need to be taking translation job!”

At one point, the defendant insulted Mengqi by telling her that her feelings were invalid. The defendant said, “I know you want me to come up to you and just say ‘Mengqi are you okay?’ Those are the specific words that you want from me, and I told you many times before I do not say those words!”

The defendant continued to emotionally abuse Mengqi by asserting that he was smart,

and she was stupid, so she needed to do what he said:

“I know you don’t understand that about me, but I’m kind of a smart person. I kind of have some experience in in people’s emotions and a lot of problems. I have experience dealing with people, and I know obviously you don’t have that, and you have a hard time seeing that in me. So that’s why I asked you many times to just work with me, listen to me.”

At another point during this recording, the defendant acknowledged that he had “no money.”

The defendant went on a long, angry diatribe where he compared his role and Mengqi’s role within the family. The defendant informed Mengqi that it was not hard work for her to merely take care of [REDACTED]. The defendant made it clear to Mengqi that his life as a student, by comparison, was much more demanding than hers as a mother. He made it clear to Mengqi that she should not ask him to perform household chores or take care of [REDACTED] because those duties “interrupt[ed] his “important life.” The defendant expressed his extreme ill will toward Mengqi when he said that in a couple of years, he would be making a lot of money, she would be able to freeload off him, and she would not have to take care of [REDACTED] as much anymore. The defendant told Mengqi the mindset he would have if the roles were reversed between himself and Mengqi:

“For example, if you were at school studying for your degree and if I, especially if I knew you had told many times ‘Joe, after a couple of years don’t you worry. I’m going to be making a lot of money, and you don’t ever have to work again.’ If you told me those things I would go, ‘Wow, I want to do everything I can to help you.’ And you’re, you know, I’m not gonna worry about anything that you do you know, school wise because you, you’re learning everything you can. I’d never be mad at you. No, you tell me those words, ‘Joe you never have to work again.’ You know what? I would just be thinking, ‘Yeah, in a couple of years [REDACTED] going to be gone to, to school all day. What am I going to do then? I’m going to be free as a bird.’ I’m going to say, ‘I love this life!’ Absolutely! I’m looking at every best possible situation that I can come to. No, I’m not looking at any, anything bad. I’m not, I’m not sitting home every day thinking, ‘Oh my gosh. I just hate this. I just hate taking care of [REDACTED]’”

The defendant accused Mengqi of trying to set herself up to be a millstone around his neck:

“Just wait, just wait, Mom, please. Think about, think about this. I’ve given you an opportunity. ‘Hey Mengqi, you need to work for, ah, 5 years. After that you’re retired.’ How many people in the world do you think given that opportunity will take it?”

In case the defendant failed to beat Mengqi down enough, he informed her that she should be very grateful for his benevolence toward her:

“And you know what? You’re not locked into it either. If you want to leave anytime you can. If you don’t like this 5-year job that you will retire after you can leave. There’s no commitment. How many people in the world do you think would take that opportunity?”

The statement above establishes that the defendant was deliberating on Mengqi’s murder by suggesting that she would at a later point abandon the family. This is the exact lie the defendant told the police after he killed Mengqi.

During this recording, the defendant insulted Mengqi by telling her she was irrational: “It’s not until you are irrational with me that I’m just saying, I’m just begging you, yeah, I’m desperate at this point, just saying please listen to me.”

During the following dialogue, the defendant basically admitted he had been gaslighting Mengqi by trying to wear her down:

=Mengqi= “Do you fully understand him? Or I don’t fully understand him, why he talks like that.”

=Jean= “He, he’s upset. Um, you mean when he goes on and on?”

=Mengqi= “Yeah, when he goes on and on.”

=Jean= “Well”

=Mengqi= “Sometimes I”

=Defendant= “I’m not necessarily upset. What I am is tired of you just ignoring me. Yeah, it’s very hard.”

=Jean= “He’s telling you something that he feels.”

=Defendant= “So, yeah, at this point I’m trying really hard to just make you listen

to me. Yeah, I admit that. It's probably not the best thing, but I know that you have a horrible time struggling to listen to me. I don't know why."

=Jean= "Okay, can you start acknowledging when you hear what he says? Maybe you repeat it back. Say, 'I, I heard, I hear you say this. I understand it.' And then move on?"

=Defendant= "That would be great."

=Jean= "And then, Joe, try not to repeat it over and over again."

=Mengqi= "Does he do that?"

=Jean= "Yeah, but that's normal for a lot of people."

=Defendant= "Sometimes I do... When you're showing, when you are explicitly showing me that you don't understand what I'm saying. So, yeah, I repeat it."

Shortly after this, the defendant demanded in a very loud and condescending voice for Mengqi to answer him: "Do you understand me, or not?" After Mengqi said she understood, the defendant commanded Mengqi to "act with that understanding."

Later in the conversation, the defendant basically admitted he had been gaslighting Mengqi by incessantly and relentlessly lecturing her and wearing her down:

"We've done this thing before where you repeated or summarized the things that I said and to show that you understood. And that in those cases I would say, 'No, you didn't understand.' And then I would just keep talking, talking, talking. I, I, kind of remember that very vaguely. But what I'd like to point out is that you never understood what I was saying, and so that is why I had to keep talking, talking, talking, and so I would explain it one more time. And then I'd ask you, 'Do you understand?' And you'd repeat it back and I'd say, 'No you still don't understand.' So, I'd talk, talk, talk, again explain it more. Yeah, to be honest maybe my talks would get longer, longer each time. I don't know. I'm trying to explain deeply. But it's plainly obvious that you don't understand."

The next passage demonstrates how the defendant and Jean worked together to inform Mengqi that she should not defy the defendant:

=Defendant= "As I keep saying to you, 'Then you just better listen to me or like do what I say sometimes because if you're having a hard time understanding this

then you better understand yourself.' You better just acknowledge, 'I have a hard time understanding Joe. So, yeah, sometimes I just need to go along with it.'"

=Jean= "Well, but it's important for each other to understand each other and, and"

=Defendant= "Well let me tell you something: What is not right to do is to always just get mad at me and argue with me!"

=Jean= "Um hm."

=Defendant= "That's not right to do. You either do that, which is wrong, or you work really, really hard which apparently requires for you to understand what I am saying. And that would be nice, and I would like that most of all. Or what you can do is just listen to me and just, and just try and follow along as, as well as you can and not make a big deal out of it because you understand that it's hard for you to understand me."

=Mengqi= "Are you done talking?"

=Defendant= "Yes."

=Mengqi= "Good."

=Defendant= "Do you understand what I'm saying? Can you repeat back those, those three things?"

=Mengqi= "You have 3 things. Hm, can you repeat? Well, let me repeat. I don't know we should probably write it down. Anyway, let's not do that. Um your core is I need to listen very carefully because you pay, pay attention to detail. Your choice of words are very delicate and they need to be respected. They need to be repeated exactly like what you said, and sometimes I may not be doing that, and you think if I don't do that, and after a long time trying, I still don't do that, I just try, I just do it one way brainless, and just do Joe's way. Joe said because Joe is wisest, the nicest, rightest person."

=Defendant= "If that's the way you understand it then fine."

=Mengqi= "You present it that way. You say, 'I am wise. I am the one.' Anyway, okay, that's your idea. I'm just rephrasing right now, not putting any of my thoughts. Understood it try to....try repeat it as accurate as possible because your choices are very, very wisely, very carefully selected. Second is if you don't, you

couldn't do that just follow it blind, whatever, just do it. That's my two point ... have three points."

=Defendant= "The third option is just to get mad and argue with me."

=Mengqi= "Oh."

=Defendant= "And that's the bad one, but that's the one you shouldn't do, but that's the one you do."

The defendant expressed his ill will toward Mengqi when he said, "You know what the problem is? You don't listen to me."

The defendant issued a threat to Mengqi that he eventually followed through with when he warned her, "Next time you dig a hole just, just, I'm going to just let you jump in and I'm going to bury the dirt over you." Significantly, on 3-25-21, the remains of Mengqi's body were found in a shallow grave at the Rock Bridge State Park.

The defendant became exasperated with Mengqi. Clearly, she didn't "understand" that she needed to 100% completely obey the defendant. The following dialogue between Jean and the defendant illustrates their efforts to penetrate the denseness of Mengqi's brain:

=Jean= "Can you elaborate on how it's going to help her to understand that? Can you put little pointers down of how she can understand to make sure she hears you?"

=Defendant= "The most basic one is to literally listen to the words that I am saying."

During the following dialogue the defendant and Jean let Mengqi know that she needed to straighten up and obey the defendant:

=Defendant= "And unfortunately you (Mengqi) do the exact same stuff every single day. Today."

=Jean= "But is Mengqi willing to try to make it better?"

=Defendant= "No, she's not."

=Jean= "Well, let her answer. Are you willing to try to make it better?"

=Defendant= "Don't listen to her. Whatever she's gonna say is a lie probably."

=Jean= "You gotta listen to her too. Are, are you willing to make it better?"

=Mengqi= "Yes."

=Jean= “Okay, so”

=Defendant= “That’s nice. How many times have you said that? Let me think for a moment.”

=Mengqi= “You should just stop talking, we should both.”

=Defendant= “I bet I’ve asked her that, ‘Are you going to listen to me? Are you going to try and’”

=Jean= “It’s never too late.”

=Defendant= “‘Are you going to try and fix’ ... I bet I’ve asked her that probably 40 or 50 times and every single time, every single time she’s answered, ‘Yeah, yeah, Joe, I’m going to listen to you. I’m going to listen to you. I do listen to you, yes.’”

=Mengqi= “How do you listen to me?”

=Jean= “No one is ever perfect though, and it takes time.”

=Mengqi= “Well, if you’re just so good listening to me I should learn from you. How do you listen to me? Describe.”

=Defendant= “You should learn from me, yes. You should listen to me.”

The defendant insulted Mengqi during the following dialogue:

=Mengqi= “What’s my core, Joe?”

=Defendant= “Ah, impatience and ignorance.”

The defendant informed Mengqi that but for his benevolence, she would not be able to live in the United States. He told her, “You’re very fortunate to be in America.”

During this “counseling” session performed by Jean, she suggested that the defendant should write on a piece of paper “pointers” he had for Mengqi so she could “hear” him. Eventually, the defendant wrote down on a piece of paper some “pointers” for Mengqi about how she should listen to him. The defendant gave the piece of paper to Mengqi, and she read the defendant’s strict instructions aloud:

“How to listen to Joe. ‘Number one: Circled. Be quiet when Joe talks and pay attention. Number two: Take time to understand. Stop and think about what Joe said then think about what you should say and how it may affect Joe.’”

During this conversation, the defendant harshly criticized Mengqi for giving him a sub-

par massage in the past.

Toward the end of this recording, the defendant said he could not forget about all of Mengqi's transgressions against him: "I can't ever forget about the past. If I forget about the past, then we're just going to go through this whole spiral again because the past tells me what's happening now and what's happening in the future." The relevance of this statement in proving deliberation is obvious.

The duration of this entire recording which the State wishes to admit into evidence is 1 hour and 53 minutes.

EXHIBIT340=5-27-19 RECORDING BY THE DEFENDANT:

On this recording, the hot button topic of Ke Ren arose again. By this time, Ke Ren had returned to China and was not present for the defendant's tongue-lashing of Mengqi. The defendant expressed his extreme hatred for Ke Ren, and he said that it was his desire to kick her. The defendant became infuriated with Mengqi for supporting her mother.

The defendant informed Mengqi that she was required to regard him as being more important than her mother. The defendant screamed the following:

"Because if you want to defend your mom then you have to answer incorrectly and prove that your morals are messed up! But if you want to answer and show that you have good morals, then you're not defending your mom and you're defending me! Which you do not want to do! So, tell me about that! Why is it that you're inconsiderate to me? Why is it that you have no consideration of any reason, for example, why I might say something like 'I'd kick your mom?' Why don't you consider those things?"

At one point, Mengqi asked the defendant for permission to talk. The defendant then loudly insulted Mengqi: "No you can't because you obviously have a hard time understanding what you are even talking about!"

The defendant insulted Mengqi by telling her she was "irrational."

Mengqi told the defendant that she did not want him to yell cuss words in front of [REDACTED]. The defendant let Mengqi know that he was in charge of the household, and he would yell cuss words in front of his daughter whenever he wanted:

"What's important for [REDACTED] to learn is: Treat others how you want to be treated.

So, for example when Mommy's walking around the house pissed off at Daddy, won't talk to him, now Daddy has a right to say, 'Okay, you're mean to me! You're being really mean to me, and I don't like it! This is hurting my feelings! So, what the fuck are you doing? What the fuck is wrong with you?' REDACTED that's a correct way to use that word because that lets Mommy know, 'Wow! Yeah, something bad is happening! Something bad is, is going on to Joe! I'm doing something pretty bad to Joe cause Joe doesn't normally use that word!'"

The defendant insulted Mengqi by telling her she was irrational and threatened her when he said, "You're very irrational sometimes, so I hope you, you pay attention to yourself a little more, too! You clear that up first, okay?"

The defendant and Mengqi discussed household chores.

At one point, Mengqi asked the defendant where his wedding ring was, and the defendant said, "It's over there." The significance of this will be discussed in the "**CONSCIOUSNESS OF GUILT EVIDENCE**" section of this brief.

At one point, the defendant talked over Mengqi and yelled, "Listen! No! No! No! Listen! No! No! No! Please, please listen to me for a second!"

The defendant severely threatened Mengqi during the following dialogue:

=Mengqi= "Yelling higher and louder it doesn't mean you have more, ah, sense or anything."

=Defendant= "It means I'm portraying my emotions more. What's funny is that when I portray all my emotions like that, and you get like a quarter of them!"

=Mengqi= "Cause that's not helpful."

=Defendant= "When I say 'fuck' and you understand all of that. But whenever I say it big, loud, yell it, and, ahh, use my body to show it, too, and you get the same feeling from that. That's funny. You need to open your eyes and your ears a little more. Open your mind a little bit. You need to understand, 'Wow, my husband is pissed off! I need to think about what's been going on! I really need to slow down and think about what I did to get my husband to this point where he's so pissed off!'"

=Mengqi= "I'm fine."

=Defendant= "You did nothing. You better stop and think about that again!"

The defendant warned Mengqi that she needed to make sure she never crossed him, and she better be on her toes around him by saying, "There's a right and a wrong, and I'm watching that all the time."

The defendant expressed his great frustration with Mengqi when he said, "Why is it that you have such a hard time with...listening to my emotions and accepting my emotions."

The defendant continued to issue severe threats while screaming at Mengqi:

=Defendant= "That's not chill. Walking around the house all pissed off about your husband saying, 'I'd kick your mom.' That sure as hell ain't chill! You know that?"

=Mengqi= "Who's going to be chill when they hear that? Who?"

=Defendant= "I would."

=Mengqi= "I just said that."

=Defendant= "I would be chill! You know why? Because I'm actually a chill person!"

=Mengqi= "Oh."

=Defendant= "Do you know that? Do you know that now?"

The defendant insulted Mengqi by labeling her as being "morally incompetent."

The defendant insulted Mengqi when he said she was "irrational."

The defendant issued the following severe threat to Mengqi for supporting her mother:

"And like I've said many times before, in that situation your mom deserved a firm boot to be rooted up her ass! So, if you still have no idea why I might say something like 'I'd kick your mom,' then that's just great to know that you're just completely inconsiderate to me and you know what? That does not make me look at you and think, 'Yeah I can be chill around this person.' That puts me on edge!"

The defendant hatefully declared to Mengqi, "You know I'm rational!"

At the end of this recording, the defendant condescendingly expressed his great displeasure with his subordinate for not obeying him by saying, "I hope this never happens again."

The duration of this entire recording which the State wishes to admit into evidence is 46

minutes.

EXHIBIT350=6-19-19 RECORDING BY THE DEFENDANT:

This recording begins with a 9-minute diatribe by the defendant where he insulted Mengqi and her painting abilities. The defendant told Mengqi that her paintings lacked originality, and they looked like they came from a “printer.” The defendant informed Mengqi that she was being too sensitive, and she should not have had her feelings hurt by the defendant’s insults. The defendant told Mengqi she “obviously” didn’t “understand” what he was trying to “portray” by comparing her art to what came out of a printer.

The defendant unjustly accused Mengqi of “attack[ing]” him and “punch[ing]” him.

The defendant blatantly lied to Mengqi when he told her he was a “peacekeeper.”

During the following passage, the defendant relentlessly talked over Mengqi, and he also reminded her that she was his subordinate:

=Defendant= “Please! Please! Please! Please! No! No! No! No! No! No! No!”

=Mengqi= “No more listening to your bullshit now.”

=Defendant= “No!”

=Mengqi= “Tonight is enough. You talk too much. You need to know when to stop.”

=Defendant= “You don’t listen enough! You need to know when to listen! I can stop after one sentence if I can understand that you are listening to me. Do you get that? You say I talk too much. It’s because you don’t listen! What did I say earlier? I said I’m working very hard to make you happy! Because you’re just sitting here staring at me like you’re a dying animal!”

=Mengqi= “Can you be quiet?”

=Defendant= “And I’m like trying to pull you up. I’m like you’re not dying! Have some warmth! Have a blanket!”

=Mengqi= “Sit down. Sit down. Please. Relax yourself.”

=Defendant= “You relax yourself! I am relaxed! I’m okay! I’m in my natural environment.”

The defendant informed Mengqi that she committed a serious offense when she defended herself against the defendant’s allegation that her artwork was similar to something that came

from a printer. He said, “You stabbed me by making fun of me!”

While the defendant screamed at Mengqi, he very convincingly told scorher that she was not able to get under his skin:

=Defendant= “You’re trying to piss me off right now, and it’s not working!”

=Mengqi= “Okay.”

=Defendant= “And I don’t appreciate that! You’re trying to piss me off!”

=Mengqi= “I get that.”

=Defendant= “You get that? Okay!”

During the following dialogue, the defendant talked over Mengqi while yelling at her:

=Defendant= “Please! Please! No! No! Please! Listen!”

=Mengqi= “Make it quick!”

=Defendant= “I will! If you stop interrupting me!”

=Mengqi= “Fuck you.” (Mengqi whispered this)

=Defendant= “So, yeah, that’s not a good attitude. What I need you to do right now is listen to me! And try to understand! Think about what I’m saying, okay? So, somebody, please just listen to me!”

=Mengqi= “5 minutes.”

=Defendant= “And then we won’t ever have to do this again!”

=Mengqi= “5 minutes.”

=Defendant= “I’m going to be done far before then!”

=Mengqi= “Shoot. Shoot.”

=Defendant= “How long have I stayed here asking, begging you to listen to me?”

The defendant insulted Mengqi by accusing her of having a low intelligence level.

During the following dialogue, the defendant claimed he would never interrupt Mengqi, but he interrupted her over and over again:

=Defendant= “Listen to me always when I’m talking! Is that fair? I’ll never interrupt you, and you always listen to me! Is that fair?”

=Mengqi= “Try...”

=Defendant= “Is that fair?”

=Mengqi= “First.”

=Defendant= “Is that fair? I won’t interrupt you, and you always listen to me! Is that fair? I think that’s fair!”

=Mengqi= “You won’t interrupt me, and I will always listen to you?”

=Defendant= “You, yes when I’m talking, you always listen because you don’t do that right now. You definitely haven’t been doing that tonight!”

=Mengqi= “When do you stop?”

=Defendant= “Sorry. I’m sorry. Actively listening. When do I stop? I stop when my, when I understand, when I can tell that my point has been taken.”

=Mengqi= “Silently by giving...looks.”

=Defendant= “By appropriately responding. I’m not saying you can’t talk. I’m saying that you actively listen to me. Do you understand that?”

=Mengqi= “Let me finish my sentence.”

=Defendant= “Yeah, we would, we have, we could’ve been done.”

=Mengqi= “Let me finish my sentence.”

=Defendant= “35 minutes ago.”

=Mengqi= “Let me finish my sentence.”

=Defendant= “Let me finish my thought! You need to listen to me! If you don’t listen to me, I’m going to interrupt you all the time! Cause you never listen to me, so I’ll just, I’ll always interrupt you!”

The defendant made it clear to Mengqi that she had no right to object to the defendant’s insult about her artwork. He yelled very loudly at her, “What’s not good is to get...truly pissed off about it!”

The defendant screamed at Mengqi that she was not “willing” to “actively listen!”

The defendant capped off his abuse of Mengqi by telling her one of the biggest lies of all when he claimed he cared about the marriage:

=Mengqi= “Quiet.”

=Defendant= “I really think you’re just hearing sounds out of my voice and seeing my actions.”

=Mengqi= “Quiet.”

=Defendant= “And you’re just responding in the most inappropriate way that you

possibly can! I know you love seeing me pissed off something. But I genuine, I genuinely care about our relationship and our conversations, and so I'm trying very hard to make them right!"

=Mengqi= "I can hear you clearer without doing that so please lower your voice."

=Defendant= "I am talking louder because you have a tendency to interrupt me. But I know I'm louder than you and so I can counter your interruptions. Do you, do you understand? So"

=Mengqi= "If I can't hear you, I will put my hand up."

=Defendant= "So if you will learn then you can stop interrupting me and start actively listening to me."

=Mengqi= "I can still hear you."

=Defendant= "Then we won't, then we won't have to stand here all night talking about it. It is not good that you make me do this because I have told you many times before that I, well you've experienced it many times, and I have told you that I that I like doing this because I hope that it can help us. What I don't like is when you give absolutely no effort to understand and work with me."

=Mengqi= "Are you done talking?"

=Defendant= "Yes, I'm done talking."

The duration of this entire recording which the State wishes to admit into evidence is 37 minutes.

EXHIBIT360=6-22-19 RECORDING BY THE DEFENDANT:

On this recording, Mengqi had walked into a room where the defendant was trying to put a teether in REDACTED mouth, and Mengqi objected to the way he was handling REDACTED. The defendant then severely reprimanded Mengqi for challenging his authority over REDACTED.

The defendant once again informed Mengqi that he was to be in control of the household because he was a man, and she was a woman. The defendant gave Mengqi an example of how the power structure in the household was supposed to work by telling her, "My dad's dad wasn't no pussy...If a woman was acting up around him, I'm sure he wouldn't let it happen." Mengqi said that was "messed up." In response, the defendant said, "No, it's not messed up. It's, it's being the head, the smart, strong head of the family. It's being the manager."

The defendant reached the height of hypocrisy during this conversation when he accused Mengqi of “gaslighting” him.

Mengqi tried to explain to the defendant how much she liked to hold and take care of [REDACTED], but the defendant incessantly interrupted her and talked over her. The defendant blatantly gaslighted Mengqi by telling her she did not understand the nature of the relationship she had with her own daughter. The defendant said, “Just let me explain real quick. What I need you to do is listen to me because I think you don’t understand very well.” The defendant told Mengqi that her thoughts about how she had a strong connection to [REDACTED] were “misguided.”

The defendant then insulted Mengqi by telling her how worthless she was especially when compared to him. The defendant asserted that he was the very “best” human being the United States of America had to offer: “You know what? I think it’s best you go back to China. It’s obvious you Chinese not good here. You’re not good with the best American, the best American. You get that? So why don’t you just leave? I don’t think you have any place here.”

Significantly, the passage above helps establish that on this date the defendant was deliberating about killing Mengqi because when he talked to the police after he killed her, he heavily insinuated that she must have returned to China.

After Mengqi said she wanted to hold [REDACTED], the defendant issued the following threat:

“I’ll tell you what, Miss Chinese: The absolute worst way of getting that (for Mengqi to be able to hold [REDACTED]) is to run in and to stab your husband in the heart and throw him down and grab the baby. That’s never going to happen... So next time when you think in your own head ‘I really want to hold her,’ you can come in and you can find a way to hold her and make everybody happy. Okay? But if you come in and start smacking Daddy, punching and screaming and kicking, you’re out! You get it?... Can you tell me affirmatively or negatively do you get it? Yes or no?”

The defendant insulted Mengqi by asking her, “Do you understand that everything you said is, is, is, meaningless?”

The defendant hypocritically accused Mengqi of “abus[ing]” him.

The defendant ended this conversation by issuing the following severe threat: “I’m ready to be done talking to you forever cause I know this is going to happen again.” The relevance of

this statement to prove deliberation is obvious.

The defendant expressed his hatred of Mengqi when he said, "I know it's my fault for being so naïve to stay with you for this long and to have a baby with you. Wow, silly of me."

The duration of this entire recording which the State wishes to admit into evidence is 28 minutes.

EXHIBIT370=6-28-19 RECORDING BY THE DEFENDANT:

At the very beginning of this recording, the defendant severely threatened Mengqi:

=Mengqi= "You can ask. I can just always say go ahead whatever you want to do."

=Defendant= "Yeah, and you know what? Smart people don't keep that kind of person around!"

=Mengqi= "How do you keep them around? You don't say their advice is abusing or insults because they're not. They're good intentions, okay? They're all good intentions."

=Defendant= "I want good advice. I don't want blabbering and talking and nonsense and wasting my time. That's, that's the kind of person you go, 'Whoa, get out of here right now!'"

The defendant hypocritically accused Mengqi of "abus[ing]" him.

The defendant insulted Mengqi by telling her that her viewpoints were invalid, and she talked too much. He said, "That mouth runs too much, you understand...Hey, hey, you understand?...I want wisdom and not just a running mouth. I want them to be in in tandem, connected."

The defendant let Mengqi know that if she verbally defied him he equated that with her attempting to mortally harm him. The defendant said, "I'm just jelly absorbing all your knives."

The defendant told Mengqi, "You don't listen, actively listen to what I'm saying."

The defendant emotionally abused and threatened Mengqi:

=Defendant= "Just don't talk when you don't need to and listen to me actively."

=Mengqi= "Then you want to have a second wife. Is that what you want? I'll play dumb."

=Defendant= "No. And before you started that sentence you should have thought

a little bit about it! You see that that's what I'm trying to get at! You don't say stupid stuff! You don't say, you don't say stuff that pisses me off!"

=Mengqi= "Don't interrupt me again please. Can you promise me that?"

=Defendant= "No I can't! Fuck no, I can't! Because you promised me about a thousand times that you're going to listen to me actively!"

=Mengqi= "Because you interrupt me."

=Defendant= "And you're not going to interrupt me, and, and you're not going to do this. You told me a million times you're not going to do that."

The duration of this entire recording which the State wishes to admit into evidence is 8 minutes.

EXHIBIT380=7-22-19 RECORDING BY THE DEFENDANT:

This recording involved the defendant emotionally abusing Mengqi by relentlessly scolding her for doing a very bad thing: Mengqi incorrectly referred to Bass Pro as "it." How dare she!

Throughout this recording, the defendant constantly talked over and interrupted Mengqi.

The defendant blatantly lied to Mengqi when he said, "I value our relationship."

The defendant tried to make Mengqi question herself by telling her she was "confused."

The defendant again lied to Mengqi: "I'm not doing this just for me. I, I don't do this just for me, I do this for us."

The defendant hypocritically accused Mengqi of being self-centered:

"Sounds to me like you just value your own peace and quiet, and you don't care what I think or know unless if it's the same as you, yours. And it seems that you never want to help me know what you know so all that being said it sounds like you don't care about me."

The defendant made statements about the interests and hobbies of himself and Mengqi.

At the end of the recording, the defendant put his finishing touches on his emotional abuse of Mengqi by calling her "stupid."

The duration of this entire recording which the State wishes to admit into evidence is 13 minutes.

EXHIBIT390=8-20-19 RECORDING BY THE DEFENDANT:

To the State's knowledge, this is the final recording the defendant made of his abuse of Mengqi. The recording began with the defendant severely reprimanding Mengqi for wanting to participate in a program called "Parents as Teachers." The defendant was adamantly opposed to people from "Parents as Teachers" coming to Mengqi's, [REDACTED], and the defendant's apartment. At one point, the defendant became so upset with Mengqi for seeking help from Parents as Teachers he exclaimed:

"So, you told me that they're going to come to our home and teach us how to take care of [REDACTED] and play with [REDACTED] and stuff. I said, 'No, don't want that!' I said, 'I do not want that! I do not want them to come to our home!'"

Eventually, the defendant announced his desire to divorce Mengqi. Unsurprisingly, the defendant threatened Mengqi and hypocritically accused her of abusing him:

=Defendant= "I'd like to discuss our relationship, and I am kind of ready to discuss the end of it, as well, because after today, especially after today, yeah, I'm seriously, I'm seriously ready. I think I'm going to start filling out paperwork to end this, so I think we should talk about that. What do you think?"

=Mengqi= "Yeah, let's talk about it."

=Defendant= "Okay. You abuse me a lot, and I think I would bring that up in court."

=Mengqi= "Oh, I'm not going to hear this."

=Defendant= "Okay. We can talk about it in court. So, here's the statement that I really want, that I'm very earnest about: I want to divorce you. Okay? I want that to happen this summer. Sorry, not this summer. This, during this semester. I want it to happen soon, sooner better. Okay? I don't like being married to you. I don't like living with you, anything with you. It's been a terrible relationship, and I'm eager to end it."

The defendant continued to hypocritically accuse Mengqi of abusing him: "If you would have listened to me a minute ago, you know. If you would just stop abusing me and getting mad and ignoring me, whatever."

Later, the defendant and Mengqi engaged in the following dialogue:

=Defendant= "I know, I know you want me to, to hit you or something. You said it before. I don't know if you're constantly trying to get me to do that. So, yeah, I'm ready to act on it. I'm not going to do what you want me to do, though, so let's talk about our divorce. What do you want to do after we're not married anymore? Are you going to try and stay here?"

=Mengqi= "Why do you want to know that?"

=Defendant= "So we can get through the divorce quick, and easy, and cheap, so it doesn't ruin our lives. Is that considerate? Personally, I don't want to spend 20, 30 thousand dollars on a divorce. Do you want to do that?"

=Mengqi= "If it has to."

=Defendant= "If it has to? Okay, well I can tell you that I have read up on the topic and if we agree on everything before we even apply it's just going to go through easy. We can represent ourselves, you know, we don't have, we don't have to get lawyers to finish this whole process. We can file paperwork, we'll go to court and judge will say, 'Do you both agree on this?' 'Yes.' 'Yes.' And then, boom, done."

=Mengqi= "How do you think we're going to agree on this and this?"

The defendant continued to threaten Mengqi and hypocritically accuse her of abusing him:

=Mengqi= "Agree on what? Tell me. What? Agree on what?"

=Defendant= "On the terms of the"

=Mengqi= "What's the term? What do we need to talk about? What?"

=Defendant= "Should I mention in court that you're abusive to me? Should I ask them to deport you?"

=Mengqi= "Any other things?"

=Defendant= "Child custody. Yeah, of course."

=Mengqi= "Yeah, what do you want."

=Defendant= "I'm open to joint custody if you're staying in America. Otherwise, I can tell them about all the abuse. You'll probably get deported. REDACTED mine. So, I don't know. Are you going to play nice? Are you going to try and play

good? Obviously, I'm not going to represent you to stay in America anymore. I mean you can. I don't know how you're going to stay in America, but, but [REDACTED] not leaving America, I can tell you that."

=Mengqi= "So you thought about divorce today? Only today? Or yesterday?"

=Defendant= "I thought about it in the past."

The defendant scornfully told Mengqi he had been "dealing with an abusive wife."

The defendant insulted Mengqi when he criticized her performance as a mother. The defendant accused Mengqi of being "awkward" around [REDACTED]. When Mengqi said she did not feel awkward around [REDACTED], the defendant repeatedly informed her that she was "confused." The defendant continued this cruel emotional abuse by telling Mengqi she was "unsure" and not "confident enough" around [REDACTED].

The defendant lied to Mengqi when he said, "I'm open minded," "I just go with the flow," and "No matter what's happening, I can deal with it."

The defendant reiterated his urgent desire to permanently get rid of Mengqi by saying, "I'm really eager to to break our marriage, to break our ties." The relevance of this statement to prove deliberation is obvious.

Toward the very end of this recording, Mengqi informed the defendant that she did not want to agree to his "terms," and she did not want a divorce. The defendant wrapped things up by hypocritically accusing Mengqi of abusing him:

=Mengqi= "I don't want to give up for [REDACTED]. She's my first child. She's my everything."

=Defendant= "Yeah, she's a beautiful baby. I think she's really smart. She's growing a lot. She's going to be a good girl. I just hope she doesn't have this kind of abuse. No child should ever have anybody with this kind of communication towards them."

The duration of this entire recording is about 35 minutes. The redacted version the State wishes to admit into evidence is about 29 minutes long.

4=CONSCIOUSNESS OF GUILT EVIDENCE

With the use of all these recordings the State will be able to prove that many of the

statements the defendant made to the police and others after Mengqi's murder were deceptive, misleading, and flat-out lies. The defendant's lies were intended to deflect any suspicion that Mengqi had been killed and to deceive the police and the public into believing that Mengqi left the marriage voluntarily. Many of his lies were intended to delay an investigation into a murder, deflect suspicion from himself, and misdirect any investigation to a missing person who was still alive.

The following list contains just some of the many directly relevant lies the defendant told after he murdered Mengqi:

"I WAS ALWAYS THERE FOR HER" LIE

After the defendant killed Mengqi, he told one person, "I was always there for her." Every single one of the proposed recordings prove that the defendant was incessantly hateful toward Mengqi. Rather than "being there" for Mengqi, he was constantly emotionally abusive to her. Since the defendant said he was "always there" for Mengqi, virtually every second of all the proposed recordings prove that this statement was a huge lie.

II "ALWAYS TRIED TO GET HER TO OPEN UP TO ME" LIE

After the murder, the defendant told a television reporter from KRCG that he "always tried to get her (Mengqi) to open up to me." However, the defendant incessantly talked over Mengqi and interrupted her on the recordings proving this statement to be a lie. He didn't want her to open up. He wanted her to obey him without dissent.

Further, the defendant's statements listed below prove that the defendant's statement that he always tried to get Mengqi to open up to him was a lie:

On 10-30-18 (EXHIBIT250), the defendant said, "You need to learn to stop talking."

On 5-3-19 (EXHIBIT300), the defendant said, "What makes you think I'd want to talk to you? ... you're horrible to talk to." He also said, "I have told you many times that to help our arguments you should be more patient and specifically that you should stop before you speak, you should think for a while, and then speak."

On 6-28-19 (EXHIBIT370), the defendant said, "Just don't talk when you don't need to and listen to me actively... Before you started that sentence you should have thought a little bit about it. You see that that's what I'm trying to get at! You don't say stupid stuff!! You don't say, you don't say stuff that pisses me off!"

Since the defendant said he “always tried to get her (Mengqi) to open up” to him, virtually every single second of every single recording proves that this statement is a huge lie.

“I ALWAYS ASKED HER IF SHE WAS FEELING OKAY” LIE

After the murder, the defendant claimed to a police officer, “I always asked her (Mengqi) if she was feeling okay.” The totality of the recordings shows this statement to be a lie; instead, the defendant constantly bullied Mengqi and didn’t care at all about her feelings. Further, the State summarized information (above) contained in EXHIBIT310 and EXHIBIT330 that proves that the defendant’s statement was a lie.

Since the defendant said, “I always asked her (Mengqi) if she was feeling okay,” virtually every single second of every single recording proves that this statement is a huge lie.

THE LIE ABOUT NOT KNOWING WHY MENGQI STARTED BEING DISTANT AT THE BEGINNING OF THE SUMMER

After the defendant killed Mengqi, while being interviewed by a television reporter from KRCG, the following dialogue occurred:

=KRCG reporter= “Now as far as you saying that she was distant in maybe the last few months, was she like that when you met her or was that just a change?”
=Defendant= “That was just a change and it, I don’t know where it came from really, um, she kind of started being distant at the beginning of the summer.”

The first day of summer was on 6-21-19. On every single recording after 6-21-19 the defendant was horribly abusive to Mengqi. Therefore, every recording after 6-21-19 proves that the defendant’s claim that he didn’t know why Mengqi was distant during that time period was a massive lie.

“I DON’T KNOW WHY SHE DIDN’T WANT TO KEEP LOVE ALIVE WITH ME” LIE

After the defendant killed Mengqi, while being interviewed by the television reporter from KRCG, the defendant said, “I don’t know why she didn’t want to keep love alive with me.” All the recordings show this statement to be yet another big lie.

THE DEFENDANT’S ACTING JOB ON THE 311 CALL

On 10-10-19 at about 3:30pm, the defendant finally called 311 and reported to law enforcement (for the first time) that his wife was missing. On this 311 recording, the defendant

played dumb and acted very meek, timid, and distraught.

Every single one of the prior recordings prove that the defendant hated Mengqi and hated his life with her. The prior recordings prove that the defendant's behavior on the 311 call was a big act, and his actions were designed to deflect suspicion from himself.

"I WANT HER TO KNOW THAT I LOVE HER" LIE

After the defendant killed Mengqi, while being interviewed by the television reporter from KRCG, the defendant said, "I want her to know that I love her." All the recordings show this statement to be a blatant lie.

THE DEFENDANT'S STATEMENT THAT "SHE WAS JUST A GREAT PERSON TO HAVE AROUND" LIE

After the defendant killed Mengqi, while being interviewed by the television reporter from KRCG, the defendant said, "She was just a great person to have around." Every single one of the prior recordings prove that the defendant actually hated having Mengqi "around." In addition, as detailed above, on 6-28-19 (EXHIBIT370), near the very beginning of this recording, the defendant severely threatened Mengqi by saying, "Smart people (like the defendant) don't keep that kind of person (like Mengqi) around."

THE BIRTH WENT SMOOTH LIE

After the defendant killed Mengqi, he told the police that the birth of [REDACTED] went "smooth." As detailed above, the recordings on 10-29-18 (EXHIBIT200) and 10-30-18 (EXHIBIT250) show that the defendant knew that Mengqi was injured during childbirth proving that the statement he made to the police that the birth went "smooth" was a lie.

THE DEFENDANT'S STATEMENT THAT MENGQI WAS "REALLY TOUGH" AFTER GIVING BIRTH LIE

After the defendant killed Mengqi, while being interviewed by the television reporter from KRCG, the defendant said that after Mengqi gave birth, "she was really tough about everything."

As detailed above, the entirety of the 10-29-18 (EXHIBIT200) and 10-30-18 (EXHIBIT250) recordings show that the defendant incessantly berated Mengqi for not being tough enough to take care of [REDACTED] on her own. These recordings prove that the defendant told a mammoth lie when he praised Mengqi to the media and said that his opinion was that she was

“really tough about everything.”

MENGQI HAD NO “ISSUES” AFTER GIVING BIRTH LIE

After the defendant killed Mengqi, he told a police officer that Mengqi didn't have any “issues” after giving birth. The recordings on 10-29-18 (EXHIBIT200) and 10-30-18 (EXHIBIT250) prove that the defendant knew full well that Mengqi received stitches after giving birth, that she was in pain, and that he berated her for not being tough enough. These recordings prove that the defendant's statement about Mengqi having no “issues” after giving birth was a colossal lie.

THE DEFENDANT WAS CORDIAL WITH KE REN LIE

After the defendant killed Mengqi, when talking to the police, he portrayed his relationship with Ke Ren as being cordial. The recordings prove this to be one of the most enormous lies the defendant told.

PEACEKEEPER LIE

When the defendant talked to police, he claimed he was a “peacekeeper.” (Amazingly, on 6-19-19, as stated above, he tried to claim he was a peacekeeper to Mengqi also.) The prior recordings as detailed above prove that when it came to how he treated Mengqi nothing could be farther from the truth, and the defendant knew it.

THE DEFENDANT SUPPORTED MENGQI WORKING LIE

After the murder, the defendant told the KRCG reporter that Mengqi liked to work hard and make money, and he strongly implied that he supported her in those efforts. On 5-19-19 (EXHIBIT330), the defendant was enraged at Mengqi for taking a translation job because while she was working, he had to take care of REDACTED instead of playing video games. This proves that the statement the defendant made about this topic after he killed Mengqi was another huge lie.

MENGQI “WOULD HAVE GOTTEN” HER PERMANENT GREEN CARD LIE

After the murder, the defendant told the police the following:

“She (Mengqi) has a temporary green card for now, but a 2-year probation period, period which, that was coming up, to end in January or February, something close to that, so pretty soon, but, and, and at that point, we would have had an interview again just to make sure that it, like our marriage, is still all valid and everything,

and then she would have gotten it (her permanent green card).”

The recordings listed above, particularly the recording made on 8-20-19 (EXHIBIT390), prove this to be a huge lie because the defendant told Mengqi he wanted to divorce her before she became eligible to get her permanent green card.

THE DEFENDANT’S LIE ABOUT MARRIAGE COUNSELING NOT HELPING HIM

After the murder, the defendant told the police that he “wasn’t really getting a lot out of” marriage counseling. As written above, on 5-3-19 (EXHIBIT300), the defendant admitted that marriage counseling had helped him “control” his “emotions and maintain a decent level of patience” with Mengqi. This recording proves that the defendant’s later statement to the police regarding counseling was a huge lie.

MENGQI TOOK HER WEDDING RING OFF A LOT LIE

After the defendant killed Mengqi, he made the following statement to the police:

“She actually takes her ring off a lot, um, like anytime she cooks or she does like her makeup or anything she always takes her ring off. And she always likes to keep it off too until I tell her, until I find it laying around somewhere, and I say you know, ‘What’s it doing here?’ and I just put it back on her finger.”

As detailed above, on 10-30-18 (EXHIBIT250), Mengqi pointed out that the defendant frequently took his wedding ring off and he admitted to this. No accusation was made by the defendant that Mengqi took her wedding ring off. A strong inference can be drawn that based on the conversation on 10-30-18 the defendant was lying when he told the police that Mengqi “always takes her ring off.”

As detailed above, on 5-27-19 (EXHIBIT340), Mengqi asked the defendant where his wedding ring was, and the defendant said, “It’s over there.” Based on this, an inference can be drawn that contrary to what the defendant told the police, it was the defendant, and not Mengqi, who had difficulty keeping a wedding ring on.

THE DEFENDANT FAILED TO TELL THE POLICE HE WANTED A DIVORCE LIE

The police asked the defendant a lot of questions about the status of his relationship with Mengqi before he killed her. The police, and not the defendant, broached the topic of marriage

counseling, and the defendant did not mention anything at that time about divorcing Mengqi. As a matter of fact, the defendant didn't tell the police at any time anything about wanting a divorce. Evidence of the defendant's statements to Mengqi about divorcing her is contained in EXHIBIT390. The defendant lied to the police by omitting to tell them about his statements to Mengqi that he wanted to divorce her, and that will be proven by playing EXHIBIT390 for the jury.

5=CONTEXT AND MEANING

The recordings provide context and meaning to critical evidence in the case:

"LISTEN" MEANT "OBEY" TO THE DEFENDANT

As stated above in the "BACKGROUND INFORMATION" section of this brief, when the defendant spoke to the police, he claimed that Mengqi would "never" "listen" to him. Taken at face value, the statements the defendant made about Mengqi not listening to him could reasonably be interpreted as her pressing her fingers into her ears to drown out the defendant's words or perhaps walking away from the defendant's vicinity when he tried to talk to her. That simply was not the case.

The recordings will help the jury understand what the word "listen" really meant to the defendant. As can be seen above, constantly, throughout the recordings, the defendant accused Mengqi of not listening to him, and this infuriated him. Over time, the defendant's own words during these recordings reveal that what he meant when he said that Mengqi wouldn't "listen" to him was that she wouldn't obey him and do things the defendant wanted her to do.

Evidence that the defendant constantly demanded that Mengqi obey him and that she failed to do so is highly probative evidence of his ill will toward her and thus his motive to kill her.

THE SIGNIFICANCE OF THE DEFENDANT'S KNOWLEDGE THAT MENGQI AND KE REN WERE REGULARLY AND FREQUENTLY COMMUNICATING WITH EACH OTHER

As stated above in the "BACKGROUND INFORMATION" section of this brief, the defendant made statements to the police and to the television reporter that Mengqi talked to Ke Ren 2 or 3 times every day. Taken at face value, the defendant's statements about his knowledge

of the frequent communication between Mengqi and Ke Ren seem like no big deal. The defendant tried to give the impression that he supported Mengqi talking to her mother. The recordings prove, however, that the defendant hated Mengqi for associating with her mother, and he ordered Mengqi not to talk to her mother. The recordings prove that the defendant would have been very upset with Mengqi for regularly disobeying him close in time to the murder.

**ON 10-4-19 OR 10-5-19 THE DEFENDANT ERUPTED ON MENGQI DURING THE
“TUNNEL SET” DISCUSSION**

As stated above in the “BACKGROUND INFORMATION” section of this brief, the defendant told the police that on 10-4-19 or 10-5-19, just 3 or 4 days before he killed Mengqi, he and [REDACTED] were playing with her “tunnel set.” The defendant said that Mengqi got mad at him because she thought he was endangering [REDACTED]. The defendant said this was the “biggest argument” he and Mengqi had in the last 4 or 5 months, but he claimed “it really wasn’t that big” of an argument.

Taken at face value, the defendant’s statements to the police made it seem like the disagreement wasn’t very serious. However, as is detailed above, the prior recordings dating “4 or 5 months” back from 10-4-19 or 10-5-19 show that there were numerous times during that time period when the defendant went ballistic on Mengqi by severely threatening her.

In order for the jury to understand the magnitude of the “argument” about the tunnel set they must be able to review all the recordings dating back to at least 6-5-19 (4 months before 10-5-19) so they can gauge how big the “argument” was. It is critically important that the jury be allowed to hear these recordings so they are not misled by the defendant’s statement that the argument regarding the tunnel set “really wasn’t that big” when in fact the recordings prove that the “argument” about the tunnel set was undoubtedly a titanic tongue-lashing by the defendant against Mengqi that occurred within just a few days of the murder. The probative value of this motive evidence is off the charts.

**ON 10-7-19 THE DISCUSSION REGARDING MEDICAID WAS NOT “A LITTLE
ARGUMENT”**

As stated above in the “BACKGROUND INFORMATION” section of this brief, the defendant said that on 10-7-19, just 1 day before the murder, he had a “little argument” with Mengqi about [REDACTED] Medicaid coverage. As can be seen in the “SUMMARY OF THE

RECORDINGS/MOTIVE AND DELIBERATION EVIDENCE” section of this brief, on numerous occasions, the defendant severely upbraided Mengqi if there was a disagreement about REDACTED. Since the recordings show the defendant always became very angry with Mengqi if she ever disagreed with him, they will be used to prove that the defendant would have been very upset with Mengqi in this instance also.

**ON 10-8-19 THE DEFENDANT WOULD HAVE BEEN VERY UPSET WITH MENGQI
MOMENTS BEFORE HE KILLED HER**

As stated above in the **“BACKGROUND INFORMATION”** section of this brief, the defendant told the police that on the evening of 10-8-19, he and Mengqi were both in the apartment. He described the circumstances leading up to the murder. The defendant characterized the night as being “pretty normal,” and he certainly did not indicate there were any serious arguments. The defendant tried to downplay everything that happened right before the murder, and he was very misleading in doing so. The recordings, however, prove that the defendant would have been very upset with Mengqi for many different reasons just moments before he killed her.

On the recordings, the defendant constantly ordered Mengqi to obey him, and he became irate with her when he believed she did not. Therefore, based on the recordings, a very strong inference can be drawn that on the evening of 10-8-19 when Mengqi disobeyed the defendant’s commands to stop watching the television show, he became very angry with her.

On the recordings, the defendant demanded that Mengqi cater to his every need and always give him her full attention. The defendant constantly reprimanded Mengqi if she “ignore[d]” him or did not “interact” with him. Therefore, based on the recordings, a very strong inference can be drawn that on the evening of 10-8-19, when Mengqi allegedly “ignored” the defendant and did not “interact[]” with him, he became enraged.

On the recordings, the defendant became extremely upset with Mengqi when she supported her mother. The defendant tried his best to isolate Mengqi from her mother. The defendant also commanded Mengqi to not talk to her mother. Therefore, based on the recordings, a very strong inference can be drawn that on the evening of 10-8-19, just moments before the defendant killed Mengqi, when Mengqi told the defendant she was talking to her mother on the telephone, he became infuriated.

On the recordings, the defendant became extremely upset with Mengqi when she did not massage him correctly. The defendant told the police that on the evening of 10-8-19, after he gave Mengqi a long massage, she refused to massage him at all. Based on the recordings, a very strong inference can be drawn that on the evening of 10-8-19, probably seconds before the defendant killed Mengqi, he became enraged with her.

On the recordings, the defendant expressed extreme displeasure with Mengqi for not having sex with him. Therefore, based on the recordings, a very strong inference can be drawn that on the evening of 10-8-19, just moments before the defendant killed Mengqi, when Mengqi refused to have sex with the defendant, he became very upset.

6=ARGUMENT

All the proposed recordings are highly relevant in this case. Per *McWilliams*, the recordings are logically relevant because they either make a “fact of consequence,” (the defendant’s murder of Mengqi) more probable, or they “corroborate” other relevant evidence that “bear[s] on the principal issue of the case.”

Also, per *McWilliams*, all the recordings are legally relevant. First, the probative value of the recordings in this case is extremely high. Further, the probative value of the recordings “outweighs its costs” because the evidence has no “costs” at all. As a matter of fact, the recordings will only provide **benefits**. First, playing the recordings will cause no unfair “prejudice” to the defendant. The recordings will clear up any “confusion of the issues” and will decrease the chances of the jury being “misle[d]” for reasons stated in this brief. Lastly, the recordings will expedite this trial rather than cause “undue delay” or “waste time” for reasons set forth later in this brief. Lastly, these recordings are not unfairly “cumulative” for many reasons. As a matter of fact, it is extremely important, for reasons detailed later in this brief, to play all the proposed recordings in their entirety. Ultimately, the determination of the recordings’ legal relevance is “firmly within the circuit court’s discretion.” *Id* at 632.

The probative value of these recordings in this particular case is extremely high since much of the evidence of the defendant’s guilt is circumstantial. There are no eyewitnesses to this murder, and the defendant repeatedly denied having any involvement in this murder to the police and other people.

The proposed recordings are admissible to prove the defendant's motive to kill Mengqi. Federal and State Courts across the U.S.A. and in Missouri have consistently held that "wide latitude" should be given to the State in all cases to develop motive. Further, there are numerous cases cited in this brief where motive evidence similar to the evidence contained in the recordings was admissible.

Evidence of the defendant's strong motive to kill Mengqi is pervasive throughout the recordings. The defendant frequently threatened Mengqi while yelling and screaming. The defendant constantly emotionally abused Mengqi. Further, the defendant engaged in a very damaging form of emotional abuse of Mengqi: gaslighting. This motive evidence is so powerful and probative it must be admitted. The motive evidence is of the highest probative value in this circumstantial evidence case.

As detailed above, the recordings in this case prove that the defendant told numerous significant and highly relevant lies after the murder. Therefore, the recordings are admissible to prove the defendant's consciousness of guilt. The defendant told these lies to others in an effort to cover up his motive for the crime and deflect suspicion away from him. Such lies, if allowed to stand unchallenged, at first glance appear exculpatory in that they project an appearance that defendant was a grieving husband who believed Mengqi had left him, that he did not know what had caused Mengqi to disappear or what had happened to her, that he did not know she was dead, and that if anyone did suspect she was dead that he had no reason to kill her. His lies were told so that Mengqi would be considered a missing person instead of a murder victim. The defendant also told the lies so that the police and public would think that he had no reason to kill Mengqi. The defendant repeatedly lied in an effort to portray himself as a loving and supportive husband of Mengqi when nothing could have been further from the truth. The lies the defendant told were not trivial or lies about issues unrelated to this case. The defendant lied about issues that were directly pertinent to the murder. The defendant knew if he told the truth to people about how abusive he was to Mengqi he would surely be held accountable for her murder because the motive evidence against him would be so strong. The provable lies that he told about having no motive to murder Mengqi serve to enhance the motive evidence that already exists in the recorded conversations because the lies show that he knew he was so horribly abusive to Mengqi he needed to lie about what had really been going on in their marriage. The evidence contained

in the recordings showing that the defendant lied to others about the murder after he killed Mengqi is of the highest probative value.

The recordings are essential to provide meaning and context to a tremendous amount of other evidence in this case. In particular, the recordings establish that there was extremely significant motive evidence just a few days before the defendant killed Mengqi, the day before he killed her, and just moments before he killed her. The probative value of the recordings for this purpose could hardly be any higher.

ALL THE PROPOSED RECORDINGS MUST BE PLAYED IN THEIR ENTIRETY

It is of paramount importance that all the proposed recordings be admitted into evidence because their probative value is so high, and they are essential to proving the defendant's guilt.

During almost every second of the recordings, the defendant emotionally abused Mengqi in some way or another thus proving he hated her. Since all the footage in the recordings proves the defendant hated Mengqi, it is admissible as motive evidence.

The full body of the recordings shows that the defendant engaged in a classic gaslighting technique of relentlessly and constantly trying to wear Mengqi down by talking over her and interrupting her while at the same time insulting her. The State can only prove how far the defendant went to wear Mengqi down and how much ill will he had toward her if it is allowed to admit all the proposed recordings.

It is also critically important that the jury be allowed to listen to all the proposed recordings to understand the motive evidence in this case because, over time, it becomes clear that the defendant becomes increasingly more exasperated with Mengqi because she doesn't let him control her. Each time Mengqi defies him, the defendant's accumulated dissatisfaction builds. In EXHIBIT330, as written above, the defendant said he could not forget about all of Mengqi's transgressions against him: "I can't ever forget about the past. If I forget about the past, then we're just going to go through this whole spiral again because the past tells me what's happening now." He stores everything in his memory bank, deliberating and plotting. If the jury were only allowed to hear portions of the proposed recordings, they would not have any way of understanding that at the end, before he killed Mengqi, the defendant was at the point where he decided he'd be better off with her dead. They wouldn't understand how deeply angry the defendant felt due to Mengqi's refusal to obey him. They wouldn't understand how he perceived

that Mengqi had committed numerous transgressions against him and that this caused him to murder her. The accumulation of all the disappointment and anger the defendant felt toward Mengqi is highly probative evidence of the defendant's motive to kill her.

The full body of the proposed recordings is admissible to prove that the defendant lied about highly significant matters relating to this case after he killed Mengqi. Quite possibly, the defendant told the biggest lie when he claimed, "I was always there for her." Every single second of the proposed recordings proves that this statement was a very significant lie. This lie, alone, justifies the admission of all the recordings to prove the defendant's consciousness of guilt. Further, arguments made for the admission of all or parts of the recordings to prove each of the major lies were made above in the "**CONSCIOUSNESS OF GUILT EVIDENCE**" section of this brief. The probative value of all the recordings to prove these lies is extremely high.

As stated above, all the proposed recordings are necessary to provide meaning and context to other evidence in the case. For example, the only way to understand what the defendant meant when he said that Mengqi would never "listen" to him is to review all the recordings. The defendant never directly said on the recordings anything like, "Mengqi, you need to listen to me. What I mean by you need to listen to me is that you must to do what I tell you to do, no questions asked." It is only after listening to all the recordings that a person can understand that when the defendant used the word "listen" he meant "obey." Because the defendant was constantly making Mengqi obey him, he was mistreating her and displaying ill will toward her. This evidence shows the defendant hated Mengqi. Therefore, it is probative of his motive to kill her.

All the proposed recordings are necessary to prove this case. Combined, they will help the State establish motive, deliberation, and consciousness of guilt. The recordings in their entirety will be used to provide necessary context to critical evidence. The recordings will also be used for various other important purposes.

Combined, the duration of all the recordings is 13 hours and 5 minutes. The State has made redactions to those recordings, and the total duration of the recordings it seeks to admit in their entirety totals about 9 hours and 9 minutes. For the Court's and defense counsel's convenience, the State has submitted the "complete unredacted recordings" and the redacted "proposed recordings."

The State has done its best to summarize the recordings and to explain their relevance. However, it is impossible to adequately convey in words to this Court the magnitude of the abuse the defendant inflicted on Mengqi: the booming volume of the defendant's voice when he threatened Mengqi, the defendant's maliciously hateful tone, the relentless pace of his cruel insults, and the way it becomes clear that the defendant was physically intimidating Mengqi while verbally abusing her at the same time. These aspects of the recordings can only be appreciated by listening to the recordings themselves. Essentially, the recordings speak for themselves. The defendant is speaking for himself, in his own words. He can't even keep the hatred out of his voice when he is the one doing the recording. The recordings prove the defendant hated Mengqi with everything he had, and he wanted to kill her.

The State is mindful that the recordings will take a relatively long time to listen to. However, this is a murder case and murder trials almost always involve much more evidence and take much longer to try than other cases that involve crimes such as driving while intoxicated or stealing. In addition, this murder case is more complex than most murder cases.

From the beginning, before Mengqi's remains were found, the State predicted to this Court that this case could take several weeks to try. That prediction was made with the expectation that all these recordings would be played for the jury. Because Mengqi's body has now been found the length of this trial will be shortened significantly.

Further, the State is often asked to make predictions about how long it will take to try cases. We are also often asked to predict how long witnesses might be on the witness stand. These predictions often amount to wild guesses because the State never knows how much cross examination witnesses will be subjected to. On the other hand, regarding these recordings, the State can predict, with a high level of certainty, that they will take a little over 9 hours to play and no more.

Undoubtedly, the State does not want to bore the jury or waste its time or the Court's time. To the contrary, admission of these recordings will speed the trial up because the State will not be required to call as many witnesses to testify. Further, the evidence could significantly shorten jury deliberations because the jury will have a clearer understanding of what this case is all about thus decreasing the risk of confusion. Nothing would prevent the defense from arguing to the jury that the State wasted time by playing the recordings or that the recordings are

otherwise irrelevant.

Lastly, but most importantly, if the State is required to make more redactions than it already has the risk of the jury becoming confused about the evidence will be increased greatly.

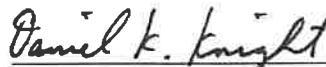
7=CONCLUSION

The evidence contained in all the recordings, taken together, is the very foundation on which this case against the defendant is built: motive. Without this motive evidence, the jury will have no idea why the defendant killed Mengqi. The jury will be left with the defendant's lies about how he had no motive to kill Mengqi. The jury will not be able to understand the significance of the other evidence that developed after he killed her.

The Court is on solid legal ground to let all the recordings into evidence. The decision whether to admit all the recordings is "firmly within the circuit court's discretion." *McWilliams* at 632. Further, if the Court were to exclude any of the proposed recordings and the jury were to acquit the defendant the State would be prohibited from appealing that decision due to the legal principal of double jeopardy. The State only gets one shot to secure justice and that is with this Court. On the other hand, if this Court were to make a legal mistake on this issue (which it would absolutely not be doing), or any other issue, the defendant would be able to appeal to other courts for redress immediately and almost indefinitely.

The defendant himself provided highly incriminating evidence in his own voice as to his motive for killing Mengqi. All these recordings must be brought to light in front of the jury so that the full truth regarding this murder can be revealed. Justice requires their admission.

RESPECTFULLY SUBMITTED,



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=1=(Ni, P. (2017, February 15). 8 signs that someone is in a relationship with a gaslighter.

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=2=(Sweet, P. (2019). The sociology of gaslighting. American Sociological Review, 84(5), 851–875.)

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=5=Ruiz, E. (2020). Cultural gaslighting. Hypatia, 35(4), 687–713.

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2021 an electronic copy of the foregoing was sent through the Missouri e-filing system to: N. Scott Rosenblum. 