

PROSECUTING ATTORNEY'S
FORM AFFIDAVIT
Luke Ferguson
Prosecuting Attorney
Faulkner County

FILED
DATE 7-18-18 e 9:45am
Crystal Taylor, Clerk
By [Signature] DC

Date: 07/17/18

23 CR-18-930

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
AFFIDAVIT FOR WARRANT OF ARREST FOR THE FOLLOWING PERSON

POTENTIAL DEFENDANT'S NAME: Tacori D. Mackrel

ADDRESS: 2307 E. 6th Avenue Pine Bluff, AR 71601 PHONE:

Race: Black Sex: Male DOB: 12/10/1999 DL#: AR 943414675

CSN: 8613785 SID #: 4140955 ATN:

VICTIM NAME (1): Elvia Fragstein

VICTIM ADDRESS (1): 10 Silver Springs Road Greenbrier, AR 72058

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned Affiant(s) duly sworn deposes and states that he has reason to believe that the above named person has committed the offense(s) of violating Arkansas Code Section,

Habitual Offender No Small (2-3 Prior Felonies) Large (4+ Felonies)

Currently out on bond: Yes No Case No.: _____

Charge 1: A.C.A. 5-10-101 (a)(1)(A)(iii);(v)

Capital Murder Class Y Felony

Charge 2: A.C.A. 5-12-102(a)(b)

Robbery Class B Felony

on or about 07/07/18, in Faulkner County Arkansas, and against the peace and dignity of the State of Arkansas

FACTS CONSTITUTING PROBABLE CAUSE

On 07/08/2018 at approximately 12:10 a.m., the Faulkner County Sheriff's Office was contacted by Mr. Helmut Fragstein in reference to his 71 year old wife, Mrs. Elvia Fragstein being missing. I made contact with Mr. Fragstein on 07/08/2018 in the evening hours. Mr. Fragstein provided me with transactions dates, times, and locations of his wife's credit card.

Lieutenant C. Wooley and I went to T.J. Maxx and Kroger on Salem Road where Mrs. Fragstein's credit card was used and obtained video footage. The Kroger video shows Mrs. Fragstein purchasing T.J. Maxx gift card, cherries, water, and food and drink from the Starbucks. The video shows Mrs. Fragstein exiting Kroger near the Starbucks area and walking to her 2013 silver, Honda CR-V. Mrs. Fragstien enters the vehicle and cautiously backs out of the parking space and approaches the front of the business. While waiting for traffic at the stop sign, Mrs. Fragstien has the driver side sun

visor down and what appears to be a black garage door opener attached to the visor. Mrs. Fragstein can be seen safely driving east in front of the business towards Salem Road. According to the T.J. Maxx video footage, Mrs. Fragstien is seen exiting T.J. Maxx at approximately 3:43 p.m. (07/07/18) after purchasing sunglasses, women's attire, swimwear, and men's boxers. At approximately 3:46 p.m., Mrs. Fragstien's silver 2013, Honda CR-V can be seen leaving the T.J. Maxx parking area at a high rate of speed, traveling towards Target. When Mrs. Fragstein's vehicle approaches the entrance area of Target, the driver side visor is down and what appears to be the same black garage door opener is still attached to the visor. The details of the vehicle are consistent with the vehicle shown just hours prior at the Kroger, but not the driving mannerism. We then obtain video footage behind Target which shows Mrs. Fragstien's vehicle traveling north with multiple occupants. The driver with a white t-shirt can be seen pulling over and movement can be seen inside the vehicle. Shortly after the vehicle can be seen driving away. At that time, we began reviewing footage for potential suspects.

On 07/11/18 in the night time hours, we learned through social media of an unidentified deceased female body located in Jefferson County. The following morning I spoke with a detective with Jefferson County Sheriff's Office who described the unidentified female. Due to the description of clothing worn by Mrs. Fragstein the day of her disappearance and the description of clothing on the unidentified female, it was probable of being Mrs. Fragstien. While discussing possible motives, I learned of a gang called "MG" (murder gang) out of the Pine Bluff area. I was told the members of the gang are typically young black males. Later on, we contacted ACIC to see if any law enforcement agency had ran Mrs. Fragstein's license plate sometime after she was last seen walking out of T.J. Maxx. A short time later, we learned an Arkansas State Trooper ran her license plate on Saturday 07/07/18 at approximately 5:00 p.m. on Interstate 530 around Gravel Pit Road which is outside of Pine Bluff, Arkansas.

We began reviewing footage again in hopes of finding possible leads on a suspect or suspects wearing white t-shirts. Just prior to Mrs. Fragstein leaving T.J. Maxx, the video shows at approximately 3:42 p.m. two young, black, males walking in front of T.J. Maxx. One black male is shown wearing a white t-shirt and the other was wearing a multi colored airbrush type shirt. We obtained photographs of the two in the area throughout different shopping centers. The subjects were identified through the assistance of Jefferson County Sheriff's Office and the Pine Bluff Police Department. The subject in the white t-shirt was identified as Tacori Mackrel and the other as Robert Smith. Also in the video, we located Mr. Mackrel and Mr. Smith arriving at Target on 07/07/18 at 2:37 p.m. in a blue, PT Cruiser. Video footage shows the two unusually moving from parking space to parking space in the blue PT Cruiser, eventually ending up in close proximity to TJ Maxx.

After the two incidents circulated through media outlets and social media, Jefferson County Sherriff's Office contacted us stating they had two sisters who came forward and gave a sworn statement about these incidents. The first witness stated on July 9th or July 10th she was at Robert Smith's sisters (Dominique Sikes) residence. The witness stated she walked across the street to an apartment complex and met with Tacori and his girlfriend. According to the witness, Tacori gives Dominique a set of keys to a vehicle described as a silver Honda with a sunroof. The steering wheel had radio controls and had parts missing around the air controller, radio area. Once in the car, the witness stated she was looking for an auxiliary port and noticed men's boxers near the sliding console. The witness stated while riding around, Tacori calls Dominique and tells

them to bring the vehicle back. The following day the witness states she needed a ride to the Family Dollar and Double Header, which is an electronic/game store. The witness stated Tacori and Robert Smith gave her, two children, and Dominique a ride in the same Honda. Video footage from Double Header shows them arriving on July 10th, 2018 in the Honda CR-V. The witness stated she, two children, and Dominique exit the vehicle while Tacori stayed inside the vehicle. She also stated Tacori was driving and Robert was in the front passenger seat. After shopping, the witness stated Tacori took her back home and as they were leaving, she forgot her belongings inside the vehicle. The witness stated she stopped them and retrieved her belongings from the rear of the vehicle. The witness also states while doing so, she noticed female belongings and pink finger nail polish.

The witness stated they left and a short time later, returned, and was pacing inside the home. The witness stated she heard them say "the police were hot". The witness stated they left the car behind the house over night and left the residence. There was talk about contacting the police and having them tow it due to the possibility of it being stolen. Tacori, Robert Smith Jr., and Robert Smith arrived in a blue PT Cruiser to move the vehicle. The witness stated she was told by Dominique they got the vehicle from some old white man in Conway.

According to the second female witness sister to the first one, on July 11th, 2018 she stayed the night with her sister (first witness). The following morning she woke up and heard Dominique say the car was stolen. The witness stated she looked outside and saw a silver Honda that had CR-V on the left side and Little Rock on the right side as if it were purchased in Little Rock. The witness stated it was a nice vehicle and believed it to be a 2017 or 2018 model. The witness stated Dominique told her the local chop shop would not take it because it was too new. The witness stated she told her sister to move the vehicle or she would go to jail and lose her children. The witness stated contact was made with them and a short time later, Robert Smith Jr. and Robert Smith arrived in the blue PT Cruiser. The witness stated Robert Smith exited the PT Cruiser and walked behind the house towards the Honda CR-V. The witness also stated an unidentified male jumped out of the rear of the PT Cruiser and got into the front seat of the PT Cruiser. The witness stated she overheard Robert Smith state they were going to Conway, but did not know who he was talking to. The witness stated she left before seeing the Honda CR-V leaving, but when she arrived back home, the CR-V was gone.

On 07/15/18 in the morning hours, Lieutenant C. Wooley and I went to the Jefferson County Sheriff's to conduct an interview with Mr. Tacori Mackrel who was incarcerated on unrelated charges from Friday, July 13th. Post Miranda, Mr. Mackrel stated he recently got back from Texas and had not been in Conway, Arkansas in a long time. Mr. Mackrel denied being close friends with Smith to the point they didn't hang out due to his people fighting Smith's people. Photos of Mr. Mackrel and Mr. Smith were shown to him of the two being together in Conway Commons on 07/07/18 around the time of Mrs. Fragstein's disappearance. Once the photos were shown, Mr. Mackrel admitted that was him and Mr. Smith in the photos and that they were in Conway on that date. Mr. Mackrel stated Mr. Smith had picked him up from a bingo hall off Oak Street where he had rode with his mother and attended. They proceeded to the Conway Commons in an attempt to talk to girls. Mr. Mackrel and Smith drove around the parking lot smoking marijuana. Mr. Mackrel acknowledged the evidence laid out before him up until the mentioning of the Honda CR-V. Mr. Mackrel's demeanor

changed, becoming defensive to the point he exercised his right to legal counsel. At that time, the interview was concluded.

Also while at the Jefferson County Sheriff's Office, Mr. Mackrel's phone was examined through the execution of a search warrant which resulted in several different correspondences. On 07/07/18 at 10:27 a.m., Tacori text, "I'm finna go to Conway". At 10:56 a.m. his girlfriend Eriya Evans text Tacori asking where he was. At 10:57 a.m., Tacori responded, "McDonalds in Conway". On 07/10/18 at 1:30 p.m., Tacori text Eriya and states, "I'm sorry for getting loud. It's just Tasha say on the news on Conway ah truck got stolen. I'm finna get off of it today or tomorrow".

Based on the investigation and facts of this case, Mrs. Fragstein is captured on video footage exiting T.J. Maxx and walking in the same direction as Tacori Mackrel and Robert Smith within one minute. Three minutes after she exits, it is captured on video footage her silver Honda CR-V driving erratic through the parking lot of Conway Commons. An Arkansas State Trooper runs the license plate within 1hr and 12mins of the last known time her car was at Target near Pine Bluff. Sworn witnesses place Mackrel and Smith in the 2013 Silver Honda CRV days later and Mrs. Fragstein is found deceased in Jefferson County outside of Pine Bluff who suffered from the Arkansas State Crime Lab Medical Examiners cause of death; homicide.

On 07/16/18 in the evening hours, a post Miranda interview was conducted per the request of Mr. Mackrel at the Jefferson County Sheriff's Office. Post Miranda, Mr. Mackrel admitted to the following facts. On 07/07/18, he and Mr. Smith were at the Conway Commons when an unknown Caucasian male with a .357 caliber revolver, pointed out Mrs. Fragstein and instructed them to take her. Mr. Mackrel recalled that she got into the driver side of her vehicle and he got into the back seat. Mr. Mackrel went on to recall that he reached around and grabbed her, pulling her into the back seat between the front seats. Mr. Smith got into the vehicle and wrapped his belt around her legs while Mr. Mackrel wrapped his belt around her arms. Mr. Smith helped get her into the back of the vehicle and put her in the floor board between the back seat and the front seats. Mr. Smith then jumped into the driver's seat and took off. The unknown Caucasian male then jumped in the back seat of the vehicle with him. The Caucasian male punched her couple of times in the stomach, but she was okay. The Caucasian male hit her in the face when she started hollering and making noises. She was lying in the floor and started hollering, but "she was straight"; she was still breathing. This took place while they were on the highway. The Caucasian male forced Mr. Smith to drive to Smith's mother's residence in Pine Bluff and once they arrived, the Caucasian male and female left in the truck. The Caucasian male returned without the female about ten minutes later and gave the truck back to them.

Then Mr. Mackrel's chain events began to change the longer the interview proceeded. The Caucasian male rode with them after taking the woman. The Caucasian male was sitting on one corner of the vehicle while having his feet on the female and Mr. Mackrel sat on the other side, facing towards the Caucasian male. Once they got on the dirt road, the Caucasian male forced them to get out. The Caucasian male grabbed her by her feet and dragged her out of the car. The female's head hit the ground. He said "cuz help grab her", then she was thrown to the side. Cuz was identified as Robert Smith. They jumped back in the vehicle and went a different route. Mr. Mackrel was asked when she was pulled out, was she alive then? Mr. Mackrel stated she was beat up and when her head hit the concrete, "BOOM". Mr. Mackrel stated again, her head just hit, "BOP". Mr. Mackrel stated that "no words were said, nothing". Mr. Mackrel


stated "if your head hit the ground that hard and don't say nothing, then yeah she probably dead before they got down to the dirt road". Mr. Mackrel was asked when the last time he heard her say anything or make any noise and he recalled that it was around Little Rock by rocks on the side like mountains. Mr. Mackrel stated he heard her make a noise; "ahhhhh, ahhh, just a little groan". Mr. Mackrel could not provide any details about the Caucasian male. He didn't have information on a name or where the male was from. He stated that the Caucasian male just pulled up beside him and Mr. Smith and was "strapped" with a .357. After reviewing video footage and getting witness statements, we have not found any evidence to corroborate Mr. Mackrel's alleged Caucasian male being involved.

On 7/17/18, I received the medical examiner case feedback report that states the cause of death for Mrs. Fragstein is strangulation and blunt force trauma to chest and cervical spine. The manner of death is ruled as homicide.

Prosecuting Attorney Carol Crews approved these charges.

Tacori Mackrel is currently in Unit 2 of the Faulkner County Detention Center.

I swear that the allegations contained herein are the truth, the whole truth and nothing but the truth.

Affiant's Signature:  _____

Print Name: Investigator Andy Cook

Address: 324 S. German Ln. Conway, AR 72034

Phone: 501-450-4917

State of Arkansas _____
County of Faulkner _____


SUBSCRIBED and SWORN to before me this 17th day of July, 2018.

Vanda Phillips
NOTARY PUBLIC
My Commission expires: 1-22-24

VANDA PHILLIPS FAULKNER COUNTY NOTARY PUBLIC - ARKANSAS My Commission Expires July 22, 2024 Commission No. 12400381

Prosecutor Accepting Charges: _____

I hereby find that this sworn affidavit demonstrates reasonable and probable cause for the issuance of Warrant of Arrest for the above named Defendant, for the above stated offense(s).

(SEAL) _____ Judge: 

DATE: 7/18/18

PROSECUTING ATTORNEY'S
FORM AFFIDAVIT
Luke Ferguson
Prosecuting Attorney
Faulkner County

FILED
DATE 7-18-18 9:45am
Crystal Taylor, Clerk
By [Signature] DC

Date: 07/17/18

23CP-18-929

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
AFFIDAVIT FOR WARRANT OF ARREST FOR THE FOLLOWING PERSON

POTENTIAL DEFENDANT'S NAME: Robert Smith

ADDRESS: 2307 E. 6th Avenue Pine Bluff, AR 71601 PHONE: N/A

Race: Black Sex: Male DOB: 02/08/2002 DL#: N/A

CSN: N/A SID #: N/A ATN:

VICTIM NAME (1): Elvia Fragstein

VICTIM ADDRESS (1): 10 Silver Springs Road Greenbrier, AR 72058

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned Affiant(s) duly sworn deposes and states that he has reason to believe that the above named person has committed the offense(s) of violating Arkansas Code Section,

Habitual Offender No Small (2-3 Prior Felonies) Large (4+ Felonies)

Currently out on bond: Yes No Case No.: _____

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On 07/15/18 in the morning hours, Lieutenant C. Wooley and I went to the Jefferson County Sheriff's to conduct an interview with Mr. Tacori Mackrel who was incarcerated on unrelated charges from Friday, July 13th. Post Miranda, Mr. Mackrel stated he recently got back from Texas and had not been in Conway, Arkansas in a long time. Mr. Mackrel denied being close friends with Smith to the point they didn't hang out due to his people fighting Smith's people. Photos of Mr. Mackrel and Mr. Smith were shown to him of the two being together in Conway Commons on 07/07/18 around the time of Mrs. Fragstein's disappearance. Once the photos were shown, Mr. Mackrel admitted that was him and Mr. Smith in the photos and that they were in Conway on that date. Mr. Mackrel stated Mr. Smith had picked him up from a bingo hall off Oak Street where he had rode with his mother and attended. They proceeded to the Conway Commons in an attempt to talk to girls. Mr. Mackrel and Smith drove around the parking lot smoking marijuana. Mr. Mackrel acknowledged the evidence laid out before him up until the mentioning of the Honda CR-V. Mr. Mackrel's demeanor changed,

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Based on the investigation and facts of this case, Mrs. Fragstein is captured on video footage exiting T.J. Maxx and walking in the same direction as Tacori Mackrel and Robert Smith III within one minute. Three minutes after she exits, it is captured on video footage her silver Honda CR-V driving erratic through the parking lot of Conway Commons. An Arkansas State Trooper runs the license plate within 1hr and 12mins of the last known time her car was at Target near Pine Bluff. Sworn witnesses place Mackrel and Smith in the 2013 Silver Honda CRV days later and Mrs. Fragstein is found deceased in Jefferson County outside of Pine Bluff who suffered from the Arkansas State Crime Lab Medical Examiners cause of death; homicide.

On the morning of July 16, 2018, Robert Smith was arrested at 2307 E. 6th Ave Pine Bluff, AR on charges of kidnapping and theft of property related to this case. Post Miranda with Det. Brian Williams, Conway Police Department and Inv. Chad Wooley, Faulkner County Sheriff's Office Robert Smith denied being in Conway, AR on July 7, 2018, the day of Mrs. Fragstein's abduction. Mr. Smith was provided with a video surveillance snapshot of he and Tacori Mackrel exiting Target at Conway Commons in Conway, AR on the date of Mrs. Fragstein's abduction. Mr. Smith identified himself and Mackrel as the individuals in the photo but still denied that he was in Conway, AR. Mr. Smith said that he had never been in Conway, AR in his entire life. Mr. Smith denied any involvement in Mrs. Fragstein's abduction, theft of her 2013 Honda CRV, and the death of Mrs. Fragstein. The interview concluded.

Robert Smith requested to speak with Det. Brian Williams and Inv. Chad Wooley stating that he had lied. Robert Smith was shown the same photo of he and Mr. Mackrel exiting Target at the Conway Commons in Conway, AR on July 7, 2018 and he admitted that he had been in Conway, AR on that date. Robert Smith still denied any involvement in Mrs. Fragstein's abduction, theft of her 2013 Honda CRV, and the death of Mrs. Fragstein.

On 07/16/18 in the afternoon hours, Jefferson County Sheriff's Office executed a search warrant at 2307 East 6th Avenue which is the known residence of Robert Smith. Evidence seized from the residence were one pair of shoes, one pair of blue jeans, and one t-shirt which were identified by video footage and worn by Robert Smith on 07/07/18 at the time of Mrs. Fragstein's abduction. I observed suspected blood stains on the t-shirt and shoes.

On 07/16/18 in the evening hours, a post Miranda interview was conducted per the request of Mr. Mackrel at the Jefferson County Sheriff's Office. Post Miranda, Mr. Mackrel admitted to the following facts. On 07/07/18, he and Mr. Smith were at the Conway Commons when an unknown Caucasian male with a .357 caliber revolver, pointed out Mrs. Fragstein and instructed them to take her. Mr. Mackrel recalled that

she got into the driver side of her vehicle and he got into the back seat. Mr. Mackrel went on to recall that he reached around and grabbed her, pulling her into the back seat between the front seats. Mr. Smith got into the vehicle and wrapped his belt around her legs while Mr. Mackrel wrapped his belt around her arms. Mr. Smith helped get her into the back of the vehicle and put her in the floor board between the back seat and the front seats. Mr. Smith then jumped into the driver's seat and took off. The unknown Caucasian male then jumped in the back seat of the vehicle with him. The Caucasian male punched her couple of times in the stomach, but she was okay. The Caucasian male hit her in the face when she started hollering and making noises. She was lying in the floor and started hollering, but "she was straight"; she was still breathing. This took place while they were on the highway. The Caucasian male forced Mr. Smith to drive to Smith's mother's residence in Pine Bluff and once they arrived, the Caucasian male and female left in the truck. The Caucasian male returned without the female about ten minutes later and gave the truck back to them.

Then Mr. Mackrel's chain events began to change the longer the interview proceeded. The Caucasian male rode with them after taking the woman. The Caucasian male was sitting on one corner of the vehicle while having his feet on the female and Mr. Mackrel sat on the other side, facing towards the Caucasian male. Once they got on the dirt road, the Caucasian male forced them to get out. The Caucasian male grabbed her by her feet and dragged her out of the car. The female's head hit the ground. He said "cuz help grab her", then she was thrown to the side. Cuz was identified as Robert Smith. They jumped back in the vehicle and went a different route. Mr. Mackrel was asked when she was pulled out, was she alive then? Mr. Mackrel stated she was beat up and when her head hit the concrete, "BOOM". Mr. Mackrel stated again, her head just hit, "BOP". Mr. Mackrel stated that "no words were said, nothing". Mr. Mackrel stated "if your head hit the ground that hard and don't say nothing, then yeah she probably dead before they got down to the dirt road". Mr. Mackrel was asked when the last time he heard her say anything or make any noise and he recalled that it was around Little Rock by rocks on the side like mountains. Mr. Mackrel stated he heard her make a noise; "ahhhhh, ahhhh, just a little groan". Mr. Mackrel could not provide any details about the Caucasian male. He didn't have information on a name or where the male was from. He stated that the Caucasian male just pulled up beside him and Mr. Smith and was "strapped" with a .357. After reviewing video footage and getting witness statements, we have not found any evidence to corroborate Mr. Mackrel's alleged Caucasian male being involved.

On 7/17/18, I received the medical examiner case feedback report that states the cause of death for Mrs. Fragstein is strangulation and blunt force trauma to chest and cervical spine. The manner of death is ruled as homicide.

Prosecuting Attorney Carol Crews approved these charges.
Robert Smith is currently in the Faulkner County Juvenile Detention Center.

I swear that the allegations contained herein are the truth, the whole truth and nothing but the truth.

Affiant's Signature: _____

Print Name: Investigator Andy Cook

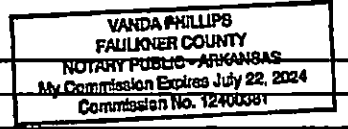
Address: 324 S. German Ln. Conway, AR 72034

Phone: 501-450-4917

State of Arkansas
County of Faulkner

SUBSCRIBED and SWORN to before me this 17th day of July, 2018

Vanda Phillips
NOTARY PUBLIC
My Commission expires: 7-22-24



Prosecutor Accepting Charges: _____

I hereby find that this sworn affidavit demonstrates reasonable and probable cause for the issuance of Warrant of Arrest for the above named Defendant, for the above stated offense(s).

(SEAL) _____

Judge: _____

DATE: 7/18/18