

Declaration of Kevin Wykert

I, Kevin Wykert, declare the following under penalty of perjury:

I am employed by the United States Marshals Service (“USMS”) in the position of Assistant Chief of Administration. My responsibilities include oversight of the Scheduling Section who schedules the transportation of prisoners moving nationally, including prisoners located more than fifty miles outside of a US Marshals District.

The facts set forth in this declaration are based on information that I have obtained from records and documents that I have reviewed, conversations with other government employees, and on my training and experience. Because this declaration is being submitted for a limited purpose, I have not set forth all of the information known to me concerning this matter.

The Justice Prisoner and Alien Transportation System (“JPATS”) is an agency of the U.S. government charged with the transportation of persons in legal custody between prisons, detention centers, and other locations. JPATS is managed by the USMS, and is one of the largest prison transport network in the world. Before the COVID-19 pandemic, JPATS completed over 150,000 prisoner transfers per year, moving prisoners between judicial districts, correctional institutions, and foreign countries. JPATS accomplishes this by, among other things, operating a fleet of aircraft to move prisoners over long distances more economically and with higher security than commercial airlines.

On January 25, 2021, JPATS received a movement request to transfer Troy Anthony Smocks (“the defendant”) from his then-current location, Fannin County Jail in Texas, to the Washington, D.C., area. The next day, January 26, 2021, the defendant was scheduled for a January 29, 2021, transportation from Sherman, Texas, to the Grady County Jail in Chickasha, Oklahoma.

On January 29, 2021, the defendant was transferred from the Fannin County Jail, in Sherman, Texas, to the Grady County Jail in Chickasha, Oklahoma, as scheduled.

JPATS’s hub of aircraft operations is located in Oklahoma. Prisoners who are transferred nationally are typically held over by JPATS/USMS in one of a couple of local facilities in Oklahoma in close proximity to JPATS’ hub of aircraft operations there. JPATS’s other hub of aircraft operations is located in Las Vegas, Nevada, and serves the western area of the United States. During the COVID-19 pandemic, [REDACTED]

During the COVID-19 pandemic, the Bureau of Prisons (“BOP”) has established more restrictive movement protocols, reducing the ability of JPATS to swiftly move prisoners between locations. Capacity on aircraft and ground vehicles has been reduced due to social distancing requirements. Prisoners are also separated for transportation based on whether the movement is a BOP trip or, like the defendant’s travel, a USMS trip. These public safety measures essentially cut transportation capacity in half because JPATS must fly to the same airports twice to deliver BOP and USMS prisoners separately on lighter-than-usual flights. Additionally, JPATS has adopted public health measures requiring that prisoner movements not take place within 14 days of a suspected or confirmed exposure to COVID-19. Prisoner transportation times have increased dramatically during the COVID-19 pandemic.

JPATS runs two aircraft per day from Monday through Friday out of Oklahoma City, Oklahoma. [REDACTED] The USMS does not normally meet prisoners at other locations. On occasion, the USMS will pick up prisoners bound for Washington, D.C., at an airport near Lewisburg, West Virginia, for special movements.

The defendant was scheduled to be transported to Lewisburg, West Virginia, for a special USMS movement on February 8, 2021. Due to an administrative error, the defendant was not transported that day.

The defendant was then available for a transportation on February 17, 2021, to Harrisburg, Pennsylvania (where the USMS would then complete the transportation to Washington, D.C., by motor vehicle). The flight was cancelled due to weather conditions.

As indicated by open source information, a major winter and ice storm had descended on the United States in mid-February, causing blackouts, fatalities, and large amounts of snow throughout the country. Significant snow fell in Texas and Oklahoma on February 14 and 15, and rolling power outages affected millions of people across the south-central states. Record low temperatures were recorded in locations including Oklahoma City on February 16, 2021. Oklahoma entered a statewide winter weather State of Emergency beginning February 12, 2021. On February 18, 2021, the Oklahoma Department of Environmental Quality issued boil-water recommendations for parts of the state that had experienced water service outages, including Oklahoma City, lasting through February 20, 2021. The winter storm caused the cancellation of numerous JPATS flights during the week of February 15-19, 2021, causing a subsequent backlog.

JPATS typically operates under a 3-10 day cycle for planning prisoner transfer flights, but this has been extended to 2-3 weeks during the challenging circumstances of the COVID-19

pandemic, to allow facilities to conduct adequate pre-departure medical testing. As a result, when a flight is cancelled, typically the schedule for the next 2-3 weeks is already made. This often causes delay of at least 2-3 weeks when a flight is cancelled.

The defendant was scheduled on another JPATS flight to Lewisburg, West Virginia, for a special USMS movement on March 8, 2021. During a pre-departure medical screening on March 7, 2021, the defendant was determined to have a medical condition [REDACTED]. The defendant was cancelled from the March 8 flight as a result of this medical condition.

The defendant was then scheduled and transferred on a JPATS flight to Harrisburg, Pennsylvania, on March 25, 2021. I understand that the defendant arrived in Washington, D.C., on or around March 25, 2021.

A handwritten signature in black ink, appearing to read "Kevin E. Wykert", written over a horizontal line.

Kevin E. Wykert
Assistant Chief
United States Marshals Service