

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

MARC MARIER	)	
	)	
Petitioner,	)	
	)	Case No. 22 C 50246
v.	)	
	)	Hon. Iain D. Johnston
THOMAS BERGAMI, Warden, USP Thomson	)	Magistrate Judge Jensen
	)	
Respondent.	)	

**DECLARATION OF NICOLE VIDO**

In accordance with the provisions of Section 1746 of Title 28, United States Code, I, the undersigned, Nicole Vido, hereby make the following declaration, under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746:

1. I have been employed by the United States Department of Justice, Federal Bureau of Prisons, since September 2011. I am currently employed as the Case Management Coordinator at the United States Penitentiary in Thomson, Illinois, and I have been employed in this capacity since October 2021.
2. The statements I make hereinafter are made on the basis of my review of the official files and records of the BOP, my own personal knowledge, or on the basis of information acquired by me through the performance of my official duties. All documents attached hereto are true and correct copies of files and records maintained by the BOP.
3. I have reviewed the habeas petition filed by Marc Marier, Register No. 53804-424. He alleges some, but not all, of his time credits under the First Step Act have been credited against his sentence. He seeks to apply more time credits.
4. Marier was convicted of Wire Fraud, in violation of 18 U.S.C. § 1343, and Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity, in violation of 18 U.S.C. § 1957. See Attachment 1, Sentence Monitoring Computation Data as of 08-07-2022, for Marc Marier, Register No. 53804-424.
5. Marier is eligible to earn time credits under the First Step Act. See Attachment 2, Inmate History – First Step, dated 08-07-2022, for Marc Marier, Register No. 53804-424 (“FTC-Eligible – Reviewed”).
6. Marier has been assigned a Minimum on the PATTERN Risk Tool since he was first assessed in April 2021. See Attachment 2 (“MINIMUM RISK RECIDIVISM LEVEL”).

7. Marier's current FSA needs are as follows: (1) Anger/Hostility – No; (2) Antisocial Peers – No; (3) Cognitions – No; (4) Dyslexia – No; (5) Education – No; (6) Finance/Poverty – No; (7) Family/Parenting – Yes; (8) Mental Health – No; (9) Medical – No; (10) Recreation/Leisure/Fitness – No; (11) Substance Abuse – No; (12) Trauma – No; and (13) Work – No. *See Attachment 2 at 1.*
8. Marier has completed, is participating in, or is waitlisted for several EBRR programs and productive activities, including: (1) Managing your Diabetes; (2) Money Smart General Population; (3) Live Healthy with Chronic Conditions; (4) Health and Wellness Lifespan; (5) Brain Health as You Age; (6) Healthier Me; (7) Basic Cognitive Skills; (8) National Parenting Program; (9) VT Welding; (10) ACT Work Keys; and (11) Advanced Work Keys. *See Attachment 3, Inmate History – PT Other, dated 08-07-2022, for Marc Marier, Register No. 53804-424; Attachment 4, Inmate History – WASPB, dated 08-07-2022, for Marc Marier, Register No. 53804-424; Attachment 5, Inmate Education Data – Transcript, dated 08-07-2022, for Marc Marier, Register No. 53804-424.*
9. The Bureau is in the process of incorporating FTC tracking capabilities into SENTRY and updating sentencing computations, when appropriate. The current focus is on inmates closest to their release date first, like Marier, and then the Bureau will move on to inmates with later release dates. Central Office disseminates spreadsheets monthly which track the number of time credits inmates who are within 24 months of their release have earned. When inmates reach the 24-month milestone, the Bureau will do a one-time load of time credits on their sentence computation. After that point, any accumulated time credits will be applied to additional time in a pre-release RRC placement.
10. Marier was on the first Central Office roster generated when the Bureau implemented the time credit provisions of the First Step Act. On January 20, 2022, his sentence computation was updated to reflect the application of 120 days of time credits to advance his projected release date from April 21, 2023, via a good conduct time release, to December 22, 2022, via a First Step Act release. *See Attachment 1.*
11. Based on a December 22, 2022 projected release date, USP Thomson staff submitted Marier for a pre-release home confinement placement to start on September 27, 2022, noting he had earned 120 days of time credits which had been applied to his sentence. *See Attachment 6, Institutional Referral for CCC Placement, for Marc Marier, Register No. 53804-424. The RRM's Office awarded him a pre-release home confinement date of September 27, 2022.*
12. Marier has continued to earn time credits after this referral was submitted, and as of July 30, 2022, he earned a total of 240 days of time credits.
13. In light of this petition, USP Thomson staff reached out to the RRM's Office to see if there was capacity to advance Marier's prerelease home confinement date to provide him with the benefit of additional time credits. His home confinement date was advanced to August 15, 2022. *See Attachment 7, Inmate History – Destination, dated 08-07-2022, for Marc Marier, Register No. 53804-424.*

I declare, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

Executed this 8<sup>th</sup> day of August, 2022.



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Nicole Vido  
Case Management Coordinator  
Federal Bureau of Prisons  
USP Thomson