



Department of Justice

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JAMES DAVID CNOCKAERT SENTENCED IN U.S. DISTRICT COURT

The United States Attorney's Office announced that during a federal court session in Missoula, on March 26, 2010, before U.S. District Judge Donald W. Molloy, JAMES DAVID CNOCKAERT, a 54-year-old resident of Virginia, appeared for sentencing. CNOCKAERT was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Forfeiture: laptop computer
- Supervised Release: 10 years

CNOCKAERT was sentenced after having been found guilty during a 1-day trial of receipt of child pornography. Assistant U.S. Attorneys Cyndee L. Peterson and Kris A. McLean prosecuted the case for the United States.

At trial, the government presented evidence of the following:

On May 28, 2008, a detective with the Bozeman Police Department responded to a request for assistance from the Bozeman Daily Chronicle. A Chronicle employee advised that on Saturday, May 17, 2008, she came into the Chronicle advertising office area at approximately 1:00 p.m. She observed CNOCKAERT, the sports editor of the paper, at another employee's cubicle, using someone else's computer. CNOCKAERT stood up quickly, apologized repeatedly when confronted and left the area. She thought the behavior very odd, as CNOCKAERT had no reason to be in that area or to be using that computer.

The employee contacted "I.N." in the Chronicle's IT department. "I.N." instructed her to view the cookies on the computer CNOCKAERT had just vacated. The website names she found were pornographic in nature. Using those website names, she accessed several of those sites. "I.N." also instructed her to take screen shots of each and save those images. She saw images of female children as young as age 12 with adult males in sexual acts. She saved the screen shots to her personal external hard drive, and when "I.N." came in to work, he had her save them to a CD. "I.N." also burned a copy of the cookie files onto a CD as well.

"I.N." removed the computer from the newsroom and from the network shortly after. The information about CNOCKAERT'S computer usage was disclosed to the Chronicle's Managing Editor and to the Chronicle's President and Publisher.

On May 23, the Managing Editor and the Chronicle's President met with CNOCKAERT and told him that the computer had been used to access child pornography. CNOCKAERT responded, "you're kidding." The President confronted CNOCKAERT with the fact that he had been on that computer and asked him to explain. CNOCKAERT responded that he couldn't, and she asked CNOCKAERT why he would be on that computer. CNOCKAERT admitted that he had been, that he "did it" and said "I admit it." CNOCKAERT then reported he had a problem with pornography and apologized, saying he was sorry. CNOCKAERT was terminated from his employment.

The seized computer was forensically analyzed by a detective with the Intermountain West Regional computer Forensics Laboratory. Found were in excess of a thousand images of child pornography on that computer in cache and unallocated space.

Based upon CNOCKAERT'S activity on the Chronicle's computer, a search warrant for CNOCKAERT'S residence was obtained. Found during the search was a book labeled "Pornography - Slaying the Dragon" and a typed letter to the Chronicle authored by CNOCKAERT. In it, CNOCKAERT apologized for his "Internet activities", noting that it was "beyond stupid" and that he had "no one but [him]self to blame for the situation." Also seized were several computers and related computer media. The material was also forensically examined. Found on two tower computers was web content containing terms associated with child pornography, including many instances of "lolita", "incest" and "preteen" in the unallocated area which often contains remains of HTML pages. On CNOCKAERT'S laptop, images of child pornography that had been viewed using Earthlink web service were found. Under the "Jim" account on that computer, the default home page is Earthlink's accounts login page. In addition, two of the webpages carved from unallocated space on that computer match two web pages of child pornography that were captured on the computer from the Chronicle. Thumbnail images were also found on the laptop hard drive in a folder labeled "Jim Folder." Those images were copied from a website or from cache. Either way, the forensic examiner testified that user action was required in order to get them to that location on the computer - it was not a result of an automatic computer function.

The images from all the computers were submitted to the National Center for Missing and Exploited Children, who identified 219 of the images as 47 known and identified child pornography series children, many prepubescent.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CNOCKAERT will likely serve all of the time imposed by the court. In the federal system, CNOCKAERT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

The investigation was a cooperative effort between the Bozeman Police Department and the Federal Bureau of Investigation.

This case was brought as part of Project Safe Childhood. In February 2006, the Department of Justice launched Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute

individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafecchildhood.gov/.

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