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APRIL 30, 2013 JEFFERSON CITY, MO

Missouri attorney indicted for conspiracy to commit marriage fraud

JEFFERSON CITY, Mo. — A central Missouri man was indicted in federal court Tuesday for his role in a conspiracy to commit marriage fraud to evade immigration laws.

This indictment resulted from an investigation conducted by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI), in cooperation with U.S. Citizenship and Immigration Services (USCIS), and the Jefferson City, Mo., Police Department.

James Douglas Barding, 60, of Jefferson City, was charged in a superseding indictment that was returned under seal by a federal grand jury in Jefferson City, Mo., April 24. The indictment was unsealed and made public Tuesday in conjunction with Barding's initial court appearance. Barding is a practicing attorney.

The superseding indictment adds Barding as a co-defendant with:

- Oleksandr Nikolayevich Druzenko, 32, of Jefferson City, also known as "Alex" or "Sasha,"
- Patricia Anne Ewalt, 60, of El Paso, Texas, and
- Darya Chernova, 38, of Chandler, Ariz.

Barding's co-defendants were originally charged in an Oct. 3, 2012 federal indictment. The superseding indictment also includes additional charges against some of the defendants.

According to the indictment, Barding (a married U.S. citizen) was having an affair with Chernova, a Ukrainian national who entered the United States on a student visa and attended Lincoln University, in Jefferson City, before earning a master's degree from the University of Missouri at Columbia.

It is alleged that Barding helped Chernova enlist a U.S. citizen to marry her so she could illegally obtain an immigration benefit and remain in the United States.

Barding and Chernova were friends of Ewalt, who is a U.S. citizen, and Druzenko, a Ukrainian national who entered the United States on a student visa in August 2004 and attended college in Missouri. Druzenko is currently employed at the Missouri Office of Administration in Jefferson City.

Barding and Chernova also allegedly assisted Druzenko in early 2007 with finding a U.S. citizen to marry him so that he could gain U.S. permanent resident status and potentially U.S. citizenship. According to the indictment, they approached several people, including one person with whom Druzenko procured a marriage license, but who later declined to enter the sham marriage.

Also in the indictment, Druzenko was introduced to Ewalt in March 2007 and the pair married June 22, 2007, allegedly for the sole purpose of Druzenko illegally obtaining an immigration benefit so he could remain in the United States. Based on his student visa, Druzenko would have had to depart the United States within 60 days after graduating. Because of his marriage to Ewalt, Druzenko obtained U.S. permanent resident status Jan. 2, 2008.

Barding, Druzenko, Ewalt and Chernova are charged with participating in a conspiracy to defraud the United States, to commit marriage fraud, and to gain U.S. permanent resident status and citizenship through false statements.

In addition to the conspiracy, Barding, Druzenko, Ewalt and Chernova are charged together in one count of marriage fraud. Druzenko and Ewalt are also charged together in three counts that are related to making false statements on immigration forms.

Barding, Druzenko and Chernova are also charged together in one count of attempting to unlawfully procure U.S. citizenship or naturalization. This charge is related to the unsuccessful attempt in early 2007.

The charges contained in this indictment are simply accusations, and not evidence of guilt. Evidence supporting the charges must be presented to a federal trial jury, whose duty is to determine guilt or innocence.

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