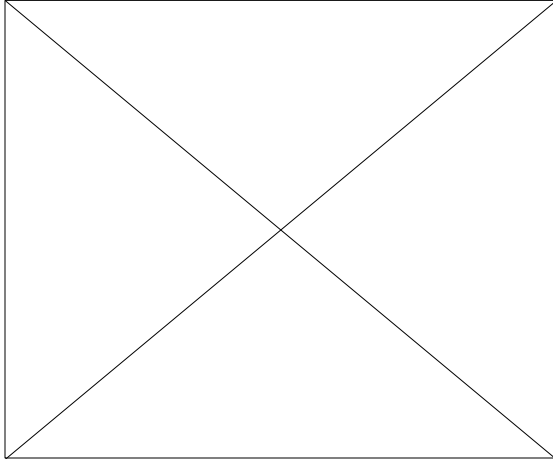


Coroner: Blunt force trauma killed man



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By Lauren McLane
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Mercersburg, Pa. -

Blunt force trauma to the head and neck killed a Mercersburg area man who died Monday morning as the result of a confrontation with a neighbor, according to Franklin County Coroner Jeffrey R. Conner.

In a written press release, Conner characterized the death of Donald Herbert Berkebile, 81, of 9399 Blue Spring Road as a homicide or "death at the hands of another person."

Berkebile was pronounced dead Monday at the scene of the altercation with Bryan Edward Kendall, 40, of 9397 Blue Spring Road.

Kendall, who has not been charged, remains hospitalized in Altoona Regional Medical Center in stable condition and not in life-threatening danger, according to his attorney, Stephen Kulla. Kendall was shot with a handgun loaded with birdshot.

Kulla said Kendall "acted in self-defense."

"I can't give his version, but he acted at all times lawfully and all his actions were necessary for self-defense," Kulla said. "At no time was he in possession of a weapon, nor did he fire a gun."

According to Kulla, Kendall was approached by Berkebile and shot and then acted in self-defense.

The weapon that was used to fire birdshot at Kendall was found in a holster away from Berkebile's body, according to Pennsylvania State Police, who said there was a physical altercation between the two men.

Asked to comment on the accusations of neighbors that Kendall is a "hot-head," Kulla said that he could "neither agree nor disagree" and the comments are irrelevant.

"What matters is what happened Monday morning, an unarmed man was shot by a man with a gun," Kulla said.

Kendall has cooperated and will continue to cooperate with police, Kulla said.
"Bryan and his family are regretful that a life was lost," Kulla said.

Homicide

The state police investigation is ongoing, according to Trooper Franklin Hershey. Conner cautioned that his ruling of homicide "doesn't mean anything other than he died at the hands of another person." He stressed that homicide is one of six choices coroners in Pennsylvania have when filling

out a death certificate and the determination of homicide was used in the broad, not legal, sense of the word.

Assistant District Attorney Christopher H. Schellhorn said that the word homicide had been used “just in the general sense of one person being responsible for another’s death.”

When asked about Kendall’s actions as self-defense, Schellhorn referred to the state crimes code, which allows a person to use deadly force if he believes it is necessary for the prevention of death or bodily injury.

Schellhorn said the next step is for the district attorney’s office to read the full coroner’s report and meet with state police.

Property dispute

Neighbors of the two men have said there was an ongoing property dispute between them.

Berkebile, an author and curator emeritus of the Smithsonian Institute, bought his 3.4-acre property in 1970 from Julia Grove, who owns the adjacent land where Kendall lived. According to neighbors, Julia Grove is the mother of Kendall’s wife, Susan.

According to police, the incident occurred at 7:30 Monday morning. Kendall called 911 from his cell phone at 7:35 a.m. and Berkebile was pronounced dead at the scene at 8:36 a.m.

Police have not had a chance to conduct an in-depth interview with Kendall, said Cpl. Paul McMullen. “We can’t talk to him without his attorney present and what it comes down to is whether the attorney will allow us to talk to him.”

