

Fatal confrontation still being probed

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By Lauren McLane
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Mercersburg, Pa. -

Pennsylvania State Police are still investigating a confrontation that left one man dead and sent another man to the hospital July 28.

Donald H. Berkebile, 81, of 9399 Blue Spring Road died of blunt force trauma to the head and neck following an altercation with Bryan Edward Kendall, 40. Kendall of 9397 Blue Spring Road was airlifted to Altoona Hospital with gunshot wounds caused by a pistol loaded with birdshot.

The two men reportedly were engaged in a long-running property feud. Kendall allegedly was shot by Berkebile around 7:30 a.m., but it is unknown how or when Berkebile suffered his fatal injuries.

After talking to one newspaper, Kendall has refused, on the advice of his attorney, to say anything else about the incident. His attorney, Steve Kulla, was not available for comment this morning. Police said last week that Kendall was refusing to talk to them without his attorney present and his attorney was on vacation.

State police investigators Trooper Frank Hershey and Cpl. Paul McMullen are continuing their investigation. Neither was available for comment this morning.

Police are investigating the incident as a homicide, based on a ruling by Franklin County coroner Jeffrey R. Conner. Conner stressed at the time that the ruling of "homicide" on a death certificate merely meant "death at the hands of another person" and is not a legal term.

According to Christopher F. Schellhorn Jr., assistant district attorney, no charges have been filed in the case at this time.

"State police are still investigating the incident," Schellhorn said. He added that he expects that police and the district attorney's office will sit down in the next week to 10 days to discuss the investigation.

At that time, based on the evidence accumulated by the police, the decision will be made whether charges should be filed and if so, what charges will be filed, Schellhorn said.

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