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Autopsy: 81-year-old Montgomery Township man died of head, neck injuries

Attorney says man wounded in altercation acted in self-defense

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Pennsylvania State Police investigators comb the property of Donald H. Berkebile in Montgomery Township, Pa., Monday morning while investigating an incident in which Berkebile was killed and a neighbor wounded. **(Credit: Kevin G. Gilbert / Staff Photographer)**

MERCERSBURG, Pa. — An 81-year-old Montgomery Township man killed during a struggle with a neighbor he shot Monday died of head and neck injuries, and the attorney for the wounded man said his client acted in self-defense.

The body of Donald H. Berkebile, of 9399 Blue Spring Road, was found on an access road near his house. The man was pronounced dead at the scene. Berkebile's neighbor, Bryan Edward Kendall, 40, of 9377 Blue Spring Road, was shot in the chest with birdshot and flown to Altoona (Pa.) Regional Health System. Pennsylvania State Police said Tuesday that Kendall was listed in stable condition.



(Credit: Chad Trovinger / Graphic Designer)

An autopsy was performed Tuesday and Franklin County Coroner Jeffrey R. Conner said the cause of Berkebile's death was blunt force trauma to the head and neck. The manner of death, Conner wrote in a press release, was "Homicide (Death at the hands of another person)."

"The deceased was not shot. The injuries occurred from physical force induced by another person," Conner wrote in the press release. Asked how the fatal injuries were administered, Conner said that information would have to come from Pennsylvania State Police.

How Berkebile sustained the fatal injuries was not being released by police as of Tuesday, Cpl. Paul McMullen said.

"Mr. Kendall was driving on his own lane and was confronted by Mr. Berkebile," attorney Stephen Kulla said. "He was confronted, shot and acted in self-defense."

"Mr. Kendall had no weapon upon him at any time," Kulla said. Kendall "did not take any aggressive steps toward Mr. Berkebile," Kulla said.

"He and his family regret the entire incident, but Mr. Kendall did not commit any criminal acts," Kulla said.

Pennsylvania State Police said the incident occurred at about 7:30 a.m. and Kendall called 911 on his cell phone within a few minutes of being shot. Trooper Karl Schmidhamer said Monday that Kendall had been hit with birdshot fired from a handgun, and a struggle ensued in which Berkebile was killed.

Police and Conner did not release Berkebile's name until Tuesday, although neighbors and a friend said Monday that was who was killed. Police said the confrontation was sparked by an "ongoing property dispute."

A week earlier, Berkebile had reported damage to a decorative stone wall on his property. The damage was caused by a piece of farm machinery driven by a farmer who leased land adjacent to the wall, McMullen said.

A citation had been written up against the farmer, but had not been filed with Magisterial District Judge David Hawbaker's office by the time of Monday's fatal encounter, McMullen said. Because Berkebile is deceased, the citation will not be filed, he said.

Although Kendall did not cause the damage, it might have exacerbated the property issues between Kendall and Berkebile, McMullen said.

"That's the assumption we're working under," McMullen said.

Police spoke with Kendall at the scene before he was airlifted to the hospital, but they had not conducted an in-depth interview with him as of Tuesday, McMullen said.

"The investigation is ongoing and we're working with the state police to gather as much information as possible before determining whether or if any charges will be filed," Assistant District Attorney Jeremiah Zook said.

While police said the case was being investigated as a homicide and that was listed by Conner as the manner of death, it does not necessarily follow that a homicide involves a criminal act.

"There's a legal term of homicide - a death caused by another, but I'm not sure it coincides with criminal homicide," Zook said, adding that he was speaking in general terms, not specifically to the incident involving Kendall and Berkebile.

"The coroner's use of the term homicide would not take into account any defenses ... It doesn't mean there's any criminal liability in the general sense."

Berkebile, an author and retired curator with the Smithsonian Institution, purchased the 3.4-acre lot, stone house and barn in 1970, according to county tax records. The land was purchased from Julia Grove, who owns the adjacent land where Kendall, her son-in-law, lives.

Kendall had been registered to vote at that address since 2000, according to county Voter Registration records.

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