



Crime lab holds up decision in Berkebile death

By VICKY TAYLOR Staff writer
 It's been more than a year since 81-year-old Donald Berkebile of Montgomery Township died in a fight with his neighbor.

During that time, the Franklin County District Attorney's office has held open its investigation into the death, waiting for lab results on crucial evidence from Pennsylvania State Police forensics experts. The man who killed Berkebile has not been charged with a crime.

Now the DA's office has another death investigation under way as a result of another dispute -- one between neighbors in Southampton Township on Aug. 13.

District Attorney Jack Nelson said Friday that investigators were told it would take six months for the forensics lab to examine the ballistics evidence in the most recent case.

"We were told the evidence in the Berkebile case would take three months, and it has already been over a year," he said. "It's frustrating, because this is something we need before we can make a decision in the case."

Now he faces similar problems with a second case, this time one in which a man has already

been charged with homicide.

"We are totally frustrated," he said. "We are going to have to look at alternatives (to depending on the state police lab to test evidence)."

He said his office will have to explore the possibility of using independent experts to do the forensics testing on evidence.

He said testing the evidence sent to the PSP lab over a year ago in the Berkebile case entailed "a very basic procedure."

"The tests we are asking them to do aren't very difficult, but it is something we need to have before we can make a decision (in the Berkebile case)," he said.

Nelson said his office has been in touch with the lab on "a constant basis" over the past year, asking when the lab results will be ready.

Assistant District Attorney Jeremiah Zook, who is heading up the case for the DA's office, said he has been told there is a shortage of qualified personnel at the state lab to do the work.

He said he has also been told that the lab must prioritize the work they do, giving evidence needed for pending trials priority over non-trial cases or pending investigations such as the Berkebile case.

"We are getting fed up with the delays, but we are at their mercy," Zook said. "They are the

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individuals with the qualifications and expertise to do this."

Nelson agrees.

"Obviously it's a case of having qualified personnel to do the testing, but we are paying the price (for that shortage of personnel)," he said.

Lt. Myra A. Taylor, public information coordinator with PSP's Troop H in Harrisburg, said the state's Bureau of Forensic Services gets evidence from all PSP investigations as well as over 1,200 municipal police departments and at times in federal investigations.

She said the goal for case turnaround is between 60 and 90 days, but sometimes that goal can't be met for one reason or another.

"We do the best we can, but there is a lot of work that has to be done (when testing evidence) and sometimes it takes longer," she said. "Our lab is very careful about how evidence is handled."

The Pennsylvania State Police Bureau of Forensic Services is an ASCLD-LAB Legacy accredited laboratory system.

According to the bureau's Web site, its primary mission is to serve the criminal justice community and the citizens of the Commonwealth of Pennsylvania by providing the highest quality scientific, technical and investigative support to law enforcement

agencies for the processing of crime-related evidence.

It operates a system of seven regional forensic laboratories and one DNA laboratory (with two locations) strategically located throughout the Commonwealth.

There are three ASCLD-accredited laboratories in Pennsylvania in addition to the seven PSP labs, according to the American Society of Crime Laboratory Directors Laboratory Accreditation Board Web site.

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Timeline

July 28, 2008: Donald Berkebile dies after fighting with a neighbor, Bryan Kendall, 40, at the side of an access road across Berkebile's Blue Spring Road property in Montgomery Township. Kendall is injured when shot in the chest with birdshot.

July 29: Franklin County Coroner Jeff Conner rules the death a homicide, saying Berkebile died of blunt force head and neck trauma.

July 30: Pennsylvania State Police announces probe into Berkebile's death.

July 31: Police say they are looking into a feud between the two men.

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Oct. 29-30: Berkebile's personal property, including many antiques, are auctioned off.

Early December: Mysterious buyer has the high bid for Berkebile's land and the historic 1770s farm house on it.

January 2009: Berkebile property transferred to Timothy N. and Janet M. Martynenko. Sale price listed as \$315,000.

February: Bryan Kendall and his wife Susan file a civil suit against Berkebile estate, claiming "great humiliation and embarrassment," and "a loss of earnings."

February: Franklin County District Attorney's office says the criminal investigation into Berkebile's death is still open, claims a civil suit will not have a bearing on investigation.

March: DA's office says it is waiting for key evidence to come back from the state's forensics lab, expects those results in April.

May: DA's office says lab results still not back, expects that evidence back by June.

August: Evidence still not back. DA 's office expresses frustration, saying it can't make a decision in the case until it gets the lab report.

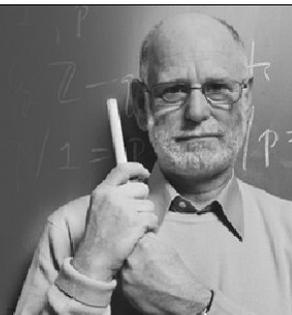
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