



Our view: Due process suffers in Berkebile investigation

Public Opinion Online

Friends and family of Don Berkebile and Bryan Kendall have got to be wondering what could be more important than getting to the bottom of an incident that left one man dead and another wondering at his fate.

We know the question crossed our minds repeatedly over the past year.

So when we sought an answer last week, imagine our surprise that a lack of state police forensics experts has repeatedly delayed evidence local prosecutors need to either pursue justice for one man, or clear the name of another.

Berkebile, 81, died July 28, 2008, after getting into an early morning fight with Kendall, his neighbor and a man half his age. Kendall has not been charged with any crime in connection with the incident.

Accurate reconstruction of the encounter was apparently compromised by a lack of witnesses, and the fact that only one participant survived.

So the incident became a matter of forensic investigation by state police, who were supposed to provide prosecutors with evidence they need

to either provide a basis for charges against Kendall, or clear his name.

We understand that a small number of state police forensics labs might be overwhelmed by evidence requests from all over the state. We were also told that processing priority is given to cases slated for imminent trial.

But we see a big problem with the latter excuse.

It seems to us that the justice inherent to clearing an innocent suspect is just as important as ensuring that the guilty get what's coming, if not more so.

Perhaps the time has come for our elected representatives to take a small break from the state budget stalemate and push some buttons on this matter.

A year of limbo is far too long to be worthy of the term "due process."

-- By Matthew Major, on behalf of Public Opinion's editorial board

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