



No Criminal Charges Filed After 2008 Death of Mercersburg Man

WHAG-TV

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MERCERSBURG, PA - It's been 18 months since an argument between two Franklin County neighbors turned deadly.

On Thursday the Franklin County District Attorney decided not to file criminal charges against the man police believe is responsible for the death of Donald Berkebile.

District attorney Matt Fogal feels there's simply not enough evidence against Bryan Kendall to support the need for criminal action.

After speaking to a number of Kendall's neighbors, it's safe to say they're not happy with the decision.

Authorities say Kendall was driving on Berkebile's property on the morning of July 28, 2008 when the two men got into an argument.

They believe Berkebile shot Kendall with a double action revolver, but Kendall then struck back, punching and kicking Berkebile in the head, neck and chest.

The 81-year-old man later died from his injuries, but Fogal doesn't believe there's enough evidence against Kendall to convince a jury his actions were not justified.

Those who lived near Berkebile have fond memories of their older neighbor.

"He didn't bother anybody, stayed to himself. He'd come up the land a couple of times, and if you were out, he'd wave or talk to you. Other than that, he pretty much stayed back there," said Jessica Pensinger.

Kendall declined to speak on camera. His attorney released a statement, saying Kendall was pleased with the district attorney's decision, but he regrets the encounter with Berkebile ever happened.

Kendall's neighbors chose not to speak out against him on camera. Read more at your4state.com.

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