



OFFICE OF THE DISTRICT ATTORNEY  
JACKSON COUNTY, OREGON

BETH HECKERT  
DISTRICT ATTORNEY  
CRIMINAL DIVISION

July 14, 2023  
4:30p.m.

**MEDIA RELEASE**  
**For Immediate Release**

The Jackson County District Attorney's Office announced that no criminal charges are being filed against Christopher Bernal in regard to the death of Barbara Kolada that stemmed from injuries she obtained on February 20, 2023 while working as a staff member/caregiver at a foster home facility located at 2741 Ruth Dr., Medford.

Ms. Kolada was initially found injured on site and taken to the hospital. She initially reported having no memory of how she was injured. She later was able to recall that she had started walking towards the outside sliding doors of the foster home to go smoke a cigarette shortly after a slight "conflict" where the client Christopher Bernal had pinched her and the last thing she recalled was that Christopher Bernal was about 10 feet away as she was walking to go outside before she woke up in bathroom bleeding with Bernal slightly shaking her. The location where she was injured appears to have been in a doorway next to sliding glass patio doors. Ms. Kolada did not indicate that Bernal was trying to hurt her when she awoke in the bathroom. There was reportedly, a pool of blood near the sliding door where her injury first occurred. When relief staff showed up to the Foster home Ms. Kolada was taken to the hospital. At the hospital, she provided a recorded statement to her daughter that was visiting her outlining what she could recall from the event. Ms. Kolada's injuries consisted of a cut to her head, a broken neck, and an internal brain bleed when she was hospitalized. Ms. Kolada went into emergency surgery for the brain bleed on February 24, 2023 shortly after speaking with her daughter and giving her recorded statement of events. Medical records from February 20, 2023 indicated Ms. Kolada fell in the bathroom and hit her head on a metal object. Ms. Kolada died on March 27, 2023. The internal brain bleed appears to have been the primary cause of death.

There were significant roadblocks to criminal prosecution in this matter. Primarily the defendant's mental capacity (he is non-verbal with a long-standing diagnosis) prevents the state from being able to prove any criminal mental state/intent beyond a reasonable doubt in this matter even if the state could prove beyond a reasonable doubt that he physically caused the injuries to Ms. Kolada. The history of his developmental disabilities and non-verbal status is long standing. Additionally, due to this being dealt with as a medical assist, rather than a criminal investigation, when law enforcement initially responded, the crime scene itself was cleaned up by the facility before it was known that injuries would lead to her death or might have been criminal in nature. Thus, there is no forensic crime scene analysis to help us understand the nature of how injuries occurred either to prove or disprove the specific causes for the injuries. Finally, even if Mr. Bernal had capacity to form a criminal mental state (note: the records indicate he does not) he would almost certainly be instantaneously found unfit to proceed on his criminal case and "never able" under ORS 161.370 and ORS 161.371 as this is not a



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treatable mental condition. When someone is determined to be “never able” the statute requires the Court to dismiss the case.

While it is likely he was the cause of her injuries in this matter, there is insufficient specific evidence to prove beyond reasonable doubt that he actually was the cause. Even in light of his history of violence which would support an inference that he pushed her rather than that she fell down or fainted, we really have no physical evidence to prove what actually happened or exactly where it occurred.

The evidence on this case was reviewed by Deputy District Attorney Benjamin Lull in consultation with District Attorney Beth Heckert.

**CONTACT INFORMATION:**

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