

Officer Was Told to Cut Probe Short; LAPD sergeant testifies he had unearthed inconsistencies in Bruce Lisker's 1985 murder conviction, but that his boss' mind was made up.

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A veteran Los Angeles police sergeant who uncovered information casting doubt on a 20-year-old murder conviction testified Friday that he was told to cut his investigation short and was then berated by a supervisor when he objected.

Sgt. Jim Gavin, an 18-year veteran of the LAPD, said he had unearthed inconsistencies in the 1985 murder conviction of Bruce Lisker, and that he wanted to continue his probe. But Gavin said his boss, a lieutenant in the department's internal affairs division, had already made up his mind about Lisker, who had been convicted of killing his mother.

"Look, that [expletive] is staying in prison. Do you understand me?" Gavin quoted his supervisor, Lt. Mike Williams, as telling him during a meeting in 2004.

Gavin said Williams reiterated his position months later, after Lisker's private investigator wrote a letter to Chief William J. Bratton complaining about Williams' interference and alleging that the department was trying to cover up problems with Lisker's case.

"You've done it now," Gavin said Williams warned him, pointing a finger in his face.

Williams, now an LAPD captain, could not be reached for comment. He has previously declined to discuss his involvement in the case.

Gavin's testimony -- which drew gasps from some of Lisker's supporters -- came during the second day of an evidentiary hearing in federal court. Lisker, who is seeking to have his conviction overturned, was convicted of fatally beating and stabbing his 66-year-old mother, Dorka, in the family's Sherman Oaks home on March 10, 1983.

Lawyers for the attorney general's office, who are opposing Lisker's habeas corpus petition, declined to comment. They will have an opportunity to cross-examine Gavin when the hearing resumes Monday.

LAPD officials also declined to comment on Gavin's allegations, noting that he has already indicated that he intends file a lawsuit against the city.

During his nearly three hours on the witness stand, Gavin said he was working in the internal affairs division in June 2003 when he was assigned to investigate a complaint letter that Lisker had sent from Mule Creek State Prison, where he is serving a life sentence. In the complaint, Lisker, now 40, alleged that the lead LAPD detective in his case, Andrew Monsue, conducted a sloppy, dishonest investigation and then lied years later to keep him wrongly imprisoned.

Gavin recounted his investigative steps and said he was able to support many of Lisker's allegations. He said Monsue's testimony at trial overstated or misstated evidence in several key areas. Gavin also found evidence suggesting that Monsue prematurely dismissed another suspect, as Lisker alleged in his LAPD complaint.

That suspect, John Michael Ryan, admitted being at the Lisker home the day before the murder and said he was in a knife fight the day of the slaying. He also lied to Monsue about his whereabouts at the time of the murder. According to phone records, a telephone call placed from the Lisker home minutes before the killing matches Ryan's mother's home number, except for the last digit and the area code, which wasn't dialed. At Lisker's trial, jurors heard no mention of Ryan.

Gavin's most significant work in the case concerned a bloody shoe print found in a bathroom in the Lisker home, which a prosecutor said at trial had come from Lisker's shoes.

Gavin testified that when he had the print analyzed -- something Monsue had never done -- it was determined that it was not made by Lisker. Gavin said he also noticed an apparent shoe impression on the victim's head that was also overlooked

by Monsue.

An LAPD analysis of that injury showed that it was not made by Lisker's shoes, but was "similar in size and dimension" to the mystery print on the bathroom floor.

Gavin said he also found support for Lisker's claim that Monsue lied in a letter to parole officials years after his conviction. During the trial, the prosecutor told jurors that Lisker killed his mother after she caught him stealing \$150 from her purse. Police never found the money.

In a 1998 letter to parole officials, Monsue wrote that the case against Lisker had become stronger since his conviction because new owners of the Lisker residence found \$150 in the attic above the teen's old bedroom. Gavin interviewed the homeowner, who said he had no recollection of ever finding the money or telling Monsue that either he or his wife had found money.

Earlier this year, The Times found a document in court archives suggesting that the money may have been in the victim's purse all along. The document had been written after Lisker's trial by a clerk who reported finding \$120 in the victim's wallet.

After being ordered to shut down his investigation, Gavin said he was "loaned out" of internal affairs to another assignment against his wishes. He filed a legal claim against the city in August, alleging that he has been retaliated against for his role in the Lisker case.

After Lisker's private investigator wrote the letter complaining to Bratton, Gavin said he was called back to internal affairs and told to present his findings to Capt. Jeri Weinstein, who was overseeing the case at the time. He said he gave Weinstein details about Monsue's problematic letter to the parole board, the mystery shoe print and Ryan.

William Genego, one of Lisker's attorneys, asked about Weinstein's reaction.

"She said, 'You need to understand something,' " Gavin recalled being told. " 'Things were done differently back then.' "

"I said, 'Ma'am?'

"She said things were done differently. I said that still doesn't make it right."

Gavin testified that as he prepared to leave the office, Weinstein told him to sit down -- that they had one more piece of business. She then told him that the department was lodging a complaint against him for releasing confidential documents regarding the Lisker case.

Bratton sent Gavin a letter in June notifying him that the complaint had been withdrawn. On the same day, the chief wrote to prison officials requesting that they remove Monsue's 1998 letter to the parole officials from Lisker's prison file and disregard it at any parole hearing.

"The Los Angeles Police Department," Bratton wrote, "cannot guarantee the veracity of the facts represented in the letter."

Credit: Times Staff Writers

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