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Judge overturns Bruce Lisker's conviction in 1983 killing of his mother

Court rules that Lisker was convicted on 'false evidence' and that his attorney, now a court commissioner, failed to adequately represent him.

By Scott Glover and Matt Lait

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A federal judge on Friday overturned the conviction of a San Fernando Valley man serving a life prison sentence for the 1983 murder of his mother, ruling that he must either be retried or set free.

U.S. District Judge Virginia A. Phillips concluded that Bruce Lisker, 44, was convicted on "false evidence" and that his attorney -- now a court commissioner -- failed to adequately represent him.

The judge's findings mirrored those of a seven-month Times investigation published in 2005, which raised questions about key elements of the prosecution's case against Lisker and exposed the LAPD's investigation into the slaying of his 66-year-old mother as sloppy and incomplete.

"Oh my God, I am absolutely elated," Lisker said in a telephone interview from Mule Creek State Prison, near Lone, Calif., about 40 miles northeast of Stockton. "It's bittersweet," he said of the judge's ruling. "Jubilation tempered by how long I've been in here."

Twenty-four years after his conviction on the murder charges, "I pray that I will be tasting my rightful freedom again," he said.

A decision on that could come Monday, when the judge is scheduled to consider whether Lisker should be released on bail while prosecutors determine if they will appeal her ruling, retry Lisker or drop the case.

A representative of the California attorney general's office, which has been defending Lisker's conviction, said its attorneys were still evaluating the judge's decision and considering their options.

Sandi Gibbons, a spokeswoman for the L.A. County district attorney's office, declined to comment. A deputy district attorney, however, had filed a court declaration last month stating that she was prepared to retry the case if the conviction was overturned.

Retrying the case could be difficult for the prosecution. As part of her ruling, Phillips accepted the findings and recommendations in two detailed reports about the case from U.S. Magistrate Judge Ralph Zarefsky. In his analysis, Zarefsky concluded that no convincing evidence remains to sustain Lisker's conviction. A jury hearing the case today, he said, "would know that there is essentially no evidence of [Lisker's] guilt."

The man who prosecuted Lisker in the 1980s now says he has "reasonable doubt" about Lisker's guilt, though his assessment is not binding on current prosecutors.

On March 10, 1983, there was good reason to suspect that Lisker -- then 17 -- might have committed the crime. He had a history of drug abuse and fighting with his mother. His parents had paid for him to live in a studio apartment several miles from the family's Sherman Oaks home.

And he was the first to report to authorities that his mother, Dorca, had been beaten and stabbed.

Lisker told police that he went to his parents' home to borrow a jack so he could fix his car. While there, he said, he looked through windows at the back of the house and saw his mother lying on the floor. Because the doors were locked, Lisker said, he broke in to tend to her. She was still alive but had been badly beaten and stabbed in the back. He called for paramedics.

The detective in the case, Andrew R. Monsue, didn't believe the frizzy-haired teenager's story and arrested him that afternoon.

The prosecution's case at the time hinged largely on four elements: Blood spatter on Lisker's clothes implicated him; police believed it impossible for him to have seen his mother lying on the floor from outside the house; he confessed to a jailhouse informant; and police said bloody shoe prints placed only him at the scene.

At an evidentiary hearing before Zarefsky in December 2005, each of those elements was seriously challenged.

Blood spatter on Lisker was as consistent "with his innocence" as with his guilt, the magistrate concluded.

Experiments, first performed by Times reporters but then corroborated by expert testimony, proved Lisker could have seen his mother from outside as he had asserted.

The attorney general arguing in support of the conviction pointed to confessions that Lisker made while trying to secure a plea deal and while seeking parole. Zarefsky dismissed those confessions, calling them "self-serving when they were made and unaccompanied by verifying details." Lisker has long said his admissions were bogus and desperate attempts to get out of prison.

Testimony from an LAPD analyst and an FBI expert also undermined the prosecution's contention that only Lisker's shoe prints were found at the scene. A bloody print found in the bathroom of the Lisker house was proved not to have been made by Lisker's shoes, they said. Additionally, that print appeared to match an apparent shoe impression on the victim's head, according to the LAPD analyst.

Besides discounting those four elements of the case against Lisker, Zarefsky found that Monsue had inexplicably dismissed another "likely suspect," who lied about his whereabouts at the time of the murder, admitted being in a knife fight on the day of the crime and acknowledged going to the victim's house and talking to her the day before the slaying.

That suspect, Michael Ryan, who had a long history of violence, later killed himself. Phone records from the Lisker home show that a call was made minutes before the murder -- the number matched that of Ryan's mother, except for the last digit and the area code, which wasn't dialed.

"There is a strong suggestion that someone else was responsible for the crime," Zarefsky said. "In such circumstances, it is more probable than not that no reasonable juror would find [Lisker] guilty of murder beyond a reasonable doubt."

If prosecutors do decide to retry Lisker, they will undoubtedly face a more vigorous defense than Lisker's attorney provided more than two decades ago. For one thing, the credibility of two key prosecution witnesses -- Monsue and the jailhouse informant -- has been damaged.

On Friday, Lisker's attorney said he was gratified by Phillips' ruling. His client's long legal battle to clear his name appears all but over, he said.

"He's won," said attorney William Genego. "And it's about time."

As for Lisker, he said that if prosecutors decide to pursue the case, he will welcome a retrial.

"Bring it," he said.

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