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Bruce Lisker won't be retried for 1983 slaying of his mother

The San Fernando Valley man, now 44, walks free after more than 26 years behind bars. 'How can you put this into words? It's unbelievable,' he says.

By Matt Lait and Scott Glover

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A San Fernando Valley man whose murder conviction was overturned last month walked out of court Monday a free man after prosecutors announced they would not retry him for his mother's 1983 slaying.

"How can you put this into words?" said Bruce Lisker, 44, after a judge formally dismissed the murder charge during a hearing in a Los Angeles courtroom. "It's unbelievable."

In requesting the dismissal, Head Deputy Dist. Atty. Patrick Dixon said much of the physical evidence had been lost or destroyed and some witnesses have died. Though he said he remained convinced that Lisker was guilty, he acknowledged that he lacked sufficient evidence to bring the case to trial.

For Lisker, the D.A.'s announcement capped a long legal odyssey to clear his name in the beating and stabbing death of his 66-year-old mother, Dorka. He spent more than 26 years behind bars before a federal judge in August overturned his conviction, ruling that he had been prosecuted with "false evidence" and that his original defense attorney did not adequately represent him.

The judge's findings mirrored those of a [2005 Times investigation](#), which raised questions about key elements of the prosecution's case against Lisker and exposed the LAPD's murder investigation as sloppy and incomplete.

After the federal judge's decision, the district attorney's office pressed forward with plans to retry Lisker. Though he had been released on bail, Lisker said the prospect of going through

another trial hung ominously over his head, even though he was confident he would prove his innocence.

Monday's hearing was supposed to be just a routine session to discuss pretrial matters and determine which judge would handle the case. Instead, Dixon surprised the courtroom by saying he had an announcement to make.

At that moment, Lisker said he got a premonition of what was about to happen. He scribbled the word "dropping" on a legal pad and showed it to one of his attorneys, Vicki Podberesky, who said nothing.

Dixon entered the motion to dismiss the murder charge, which Los Angeles Superior Court Judge Peter Espinoza granted. Lisker smiled and hugged his attorneys.

"This has been a long time coming. This is truth, this is justice," Lisker said.

After leaving the courthouse, Lisker said he celebrated by having a lobster lunch with his deceased stepmother's husband, who has been a supporter for years and allowed Lisker to move into his Encino condominium after his release from prison.

"We just got to reflect on the long haul that it's been, and on all the sorrows and joys along the way," Lisker said.

Asked for his response about Dixon's belief that he committed the crime, Lisker said: "Everybody's entitled to their opinion."

Before Monday's dismissal, Lisker saw his immediate future dominated by court hearings and fighting to prove his innocence. "It was a continuation of the nightmare that had begun 26 years ago, but I told myself, 'I'm gonna survive this,'" Lisker said. "If they hadn't dropped the charges, we were prepared to go in and demonstrate why they should have. We were going to win an acquittal."

Because there is no statute of limitations on murder, prosecutors could someday refile against Lisker if, for example, new evidence emerges.

Since being released on bail, Lisker has tried to resume a normal life. He bought a cellphone and a computer and planned to become a Web designer. He got his first ATM card and learned how to use it. He enrolled in a computer course through UCLA Extension. He aced the written portion of his driver's exam, he said, and was waiting to take the driving portion of the test.

"I'm just trying to catch up," he said in a telephone interview Monday afternoon.

With no more bail restrictions on traveling, Lisker said he wanted to go to Hawaii for a vacation and "sit on the beach."

William Genego, one of Lisker's attorneys, said he was not entirely surprised that prosecutors dropped the case. He noted that Monday was the deadline for "discovery," a process in which prosecutors are required to share information with the defense.

"They were going to have to produce the evidence they were going to use to convict him, and they didn't have any," Genego said.

Genego said he and his partners are planning to file a civil lawsuit against the Los Angeles Police Department and the lead detective on the case, who has since retired. Lisker has alleged that the detective provided prosecutors with bogus information upon which his false conviction was ultimately based.

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 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 injured. He called for paramedics.

The LAPD detective didn't believe the teenager's story and arrested him that afternoon.

The prosecution's case against Lisker at the time hinged largely on four elements: Blood spatter on his 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 in federal court, each of those elements was undermined or disproved. For example, an LAPD analyst and an FBI expert testified that a bloody print found in the bathroom of the Lisker family house and attributed to Lisker at trial was not made by his shoes.

As for Lisker being able to see his mother from a window at the back of the family home, experiments first performed by Times reporters and then corroborated by expert testimony proved he could have seen his mother as he had asserted.

For years, the state attorney general argued in support of the conviction, pointing to confessions that Lisker made while trying to secure a plea deal and while seeking parole. Lisker has said his admissions were bogus and were desperate attempts to get out of prison.

As part of her review of the case, U.S. District Judge Virginia Phillips dismissed the confessions, calling them "self-serving when they were made and unaccompanied by verifying details."

Phillip Rabichow, the now-retired deputy district attorney who prosecuted Lisker in 1985, said his faith in the case had been shaken in recent years, beginning with a meeting with Times reporters in 2004. He acknowledges that he now has "reasonable doubt" concerning Lisker's guilt.

"Ever since our first meeting, I've agonized over this case," Rabichow said Monday. "It's something that just pops into my mind all the time."

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