

Not So Solved - The Bruce Lisker Story

By Amy Fisher

Bruce Lisker was 19 when he was convicted in 1985 of killing his mother Dorka Lisker, on March 10, 1983.

Police theorized that Lisker had broken into his parents' home when he thought they weren't there, looking to steal money to support his drug habit. When his mother surprised him, he picked up his Little League trophy and struck her. They believed Dorka Lisker was able to get up and confront her son. It is at that point police assumed Bruce fatally plunged two steak knives, obtained from the kitchen, into his mother's back. Of course, this was only their theory, yet it was compelling enough to be believed by a jury, and ultimately landed Lisker behind bars.

For 20 years, Lisker has languished in a California prison for the murder of his mother.

Lisker initially denied murdering his mother. During a plea negotiation for which he would have received seven years, he told psychiatrists that he did, in fact, kill her. The plea was rejected by the judge when psychiatric reports stated he lacked remorse and couldn't be rehabilitated by age 25, the maximum age he could have been held by the California Youth Authority.

Lisker, once again, resurrected his innocence and went to trial. A jury found him guilty of second degree murder and he was sentenced to life in prison. He changed his mind again in 1992 when he told the parole board that could have set him free that he had killed his mother, blaming his behavior on drugs and alcohol. The parole board denied his request and Lisker again changed his tune, asserting that he was an innocent man. He chose not to appear at his next three parole hearings.

Today Lisker sits in Mule Creek State Prison near Sacramento, proclaiming his innocence and saying he will no longer take responsibility for a murder he did not commit just to try to gain his freedom. Lisker may be guilty and have just come to the realization that it doesn't much matter what he says to a parole board. After all, by his own admission, California's Board of Prison Terms (BPT) is "little more than a rubber-stamp denier of paroles," and "I knew I would die an old man in prison before this BPT ever granted me a parole date." Or he could very well be another innocent man caught up in the quagmire that is the legal justice system.

Bruce Lisker started out in the world with all the trappings that tend to lead one toward a promising future. His father, Bob, was a successful attorney in Los Angeles. His mother quit her job to be there for him throughout his childhood. Bruce played sports and was a Cub Scout. He was just a regular kid — "that is, until he started to experiment with drugs when he was about 11. First it was just pot, but within a few years he gravitated toward hardcore substances like cocaine and LSD. Bruce wasn't doing odd jobs around the neighborhood or delivering newspapers to support his habit. Instead, he would steal money from his parents.

Bruce's parents contacted the California Youth Authority and he was placed in a group home for troubled teens. Two years passed, and, probably hoping their son's troubles were behind him, they brought him home and enrolled him at the local high school. Bruce didn't adjust and was sent to several continuation schools, alternative education options in California offering such things as counseling and guidance with academics. Lisker dropped out of high school at 16, opting instead to continue his drug use and carefree existence.

A child of privilege, Bruce was able to talk his parents into renting him an apartment, buying him a Mustang and giving him

FBI Lab Confirms Shoe Print Not Lisker's

The FBI's crime lab determined in August 2005 that Bruce Lisker's shoes do not match a bloody crime scene shoe print relied on by prosecutors to convict him of murdering his mother in 1983.

The lab also determined Lisker's shoes were not the source of a shoe impression found behind his mother's right ear.

The FBI's findings were consistent with the LAPD crime lab's conclusions in the spring of 2005 about the shoe print evidence.

In light of the new evidence of Lisker's innocence, the outgoing president of the civilian LA Police Commission thinks the LAPD should re-open its investigation into Dorka Lisker's murder, "I absolutely think it warrants further investigation."

Another commission said, "On its face, it's very disturbing to think that an innocent man might be in prison."

Source: Shoe Print at Crime Scene Not Lisker's, FBI Confirms, by Scott Glover and Matt Lait, *Los Angeles Times*, August 18, 2005.

spending money, which he subsequently used on drugs. He did whatever he wanted on his parents' dime. For some extra cash, he decided to let a friend he met in drug counseling, Mike Ryan Jr., sleep on his couch in exchange for half the rent.

Bruce was 17 and running wild. He was arrested for what we today would call road rage. He threw a screwdriver at a passing motorist he believed had cut him off. Though the charge would later be reduced to vandalism and wasn't considered a major offense, police and prosecutors would later use this to show Lisker was a violent individual capable of losing control, which could result in murder.

Lisker's Mother Murdered

March 10, 1983, became the day that changed Bruce Lisker's life forever. At 11:26 that morning, he called the police to report that his mother had been stabbed. As an ambulance was taking his mother to the hospital where she would die only moments after her arrival, police were taking Bruce to the Van Nuys police station for questioning.

Detective Andrew Monsue was one of the first who arrived at the Lisker home to take a look at the crime scene. He surmised early on that Dorka Lisker was attacked and left for dead, the motive being robbery. He observed bloody footprints in the house that helped guide him through the murderous events that had just taken place. Bob Lisker informed the detective that the day before that, he had given his wife around \$150; that money was not found in Dorka's purse. Monsue's most viable suspect quickly became Bruce, the Lisker's rebellious drug-addicted son.

During the police interrogation, Bruce walked Monsue through his version of events. Lisker's reason for going to his parents' home that morning was that he needed to borrow a jack to work on his car. He went on to explain that his mother did not answer the door and since her car was visible in the garage, he assumed she had to be home. He went around the house, peering in windows, when he thought he saw his mother lying on the floor. He ran to his car to retrieve a pair of red-handled pliers, which he would use to remove the screen on the kitchen window before carefully removing the panes of glass. Discovering his mother had been attacked, he called for help. In a panic, he pulled the two steak knives from his mother's back and removed a braided yellow cord wrapped around her throat.

Detectives interrogated Bruce Lisker for hours, and although he remained obstinate that he was not the one who killed his mother,

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they were convinced of his guilt. An intruder killed his mother, he protested, to no avail.

Lisker's efforts to convince the Van Nuys police that he was simply the person who found his mother after she was attacked proved futile. The detectives, especially Monsue, thought there were too many holes in Lisker's story. Detectives noted that "at the conclusion of the interview there were numerous discrepancies in what Bruce Lisker told detectives" as well as what they believed to be lies. Why didn't he just smash the glass to gain entry into the house? Police said that Lisker could not have seen his mother lying on the floor through the windows at the rear of the house due to the glare of the morning sun. Besides, furniture and a planter would have obstructed the view.

Police had Lisker remove his clothing and took his shoe impressions, clipped his fingernails and booked him for murder. He was put into a police car and driven to Sylmar Juvenile Hall in the north San Fernando Valley. Bruce Lisker knew he was in trouble; he just didn't know how much.

The next morning he woke up alone in a small room with a guard sitting in the doorway to make sure he didn't commit suicide. He was placed on medication to counteract his drug addiction. His every move monitored, he couldn't even use the bathroom without being watched.

Lisker had a lot of idle time to think about who could have killed his mother. That first weekend, his dad came to visit him at juvenile hall, and together they believed they figured out who had killed Dorka Lisker.

Bob Lisker, Bruce's father, was visiting his son at juvenile hall just after the boy was booked for murder. Bob recalled a conversation he had with his wife, Dorka, the night before the murder. Dorka told Bob one of Bruce's friends, Mike Ryan, had come over, asking if he could do any odd jobs around the house in exchange for money. Bruce often did these odd jobs around his parent's home in Sherman Oaks, California, for money, and sometimes brought Ryan along so he could earn a few dollars as well. That particular day, Ryan showed up alone, and Dorka told him she had nothing for him to do.

Like Bruce, Ryan was also a drug addict going nowhere fast. The two had struck up a friendship while attending meetings for drug addiction rehabilitation in 1982. They shared a common bond: getting high. Ryan, also 17, was homeless and jobless. For half the rent, Lisker let his new friend sleep on his couch. The friendship ended after only a few months, when Ryan didn't pay his share of the rent as agreed and Lisker kicked him out. Ryan went to Mississippi.

Three weeks after the murder, ironically, on April Fools' Day, Van Nuys Police Detective Andrew Monsue paid a visit to Lisker at Sylmar Juvenile Hall. Lisker was desperate for the police to investigate Ryan for the murder; he had no evidence of his former friend's guilt, just a nagging suspicion. Bruce told the detective that Ryan had an unusual fascination with knives. Monsue said he would look into the whereabouts of Ryan on the morning of the murder. It was later determined that the detective did interview Ryan, but only so he could say he had cleared Ryan as a suspect so the prosecution of Lisker would not be derailed.

Ryan had been in Los Angeles for several days prior to the attack. He told Monsue that at the time Dorka Lisker was being beaten and stabbed to death, he was 12 miles away, in a knife fight with an unknown black male. He claimed to have stabbed the man in the shoulder. Ryan told the detective he had checked into a nearby motel that morning and hopped on a bus headed back to Mississippi the next morning. Monsue discovered that Ryan had checked in that afternoon, but had used the alias "Mark Smith." Unbelievably, Monsue never bothered to verify the alleged knife fight. The detective did do a records search on Ryan, but used the wrong birthdate. Had Monsue used the correct date, he would have found Ryan's conviction for a knife robbery, committed 10 months before Dorka Lisker's murder.

Monsue never shared the contents of his interview and investigation of Ryan's story with the prosecutor assigned to the Lisker case, Phillip Rabichow. Subsequently, this information was never given to Lisker's attorney, Dennis Mulcahy, who could have possibly used it to free his client.

Lisker Convicted of Mom's Murder

Mulcahy was not permitted to argue at Lisker's trial that Ryan was the real killer. No evidence had been presented to suggest that Ryan was even a suspect. The judge didn't believe there was a good-faith basis to allow the defense to pursue this theory. Alas, the jury never even heard the name Mike Ryan.

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In July 2005 a U.S. Magistrate Judge in Los Angeles ordered an evidentiary hearing after reviewing Bruce Lisker's federal habeas corpus petition. Magistrate Ralph Zarefsky ruled that Lisker's petition makes a persuasive "preliminary" case that "he is innocent of the crime for which he has been convicted." The hearing was scheduled for October 2005.

Lisker will be presenting evidence that his trial jury didn't consider in convicting him.

Among that new evidence is the conclusion of both the LAPD crime lab and the FBI crime lab that a bloody shoe print found at the scene of his mother's murder was not made by Lisker's shoes. There is also new evidence about another suspect, and that a jailhouse informant was effectively working for the prosecution at the time he claimed that Lisker confessed to him.

The weight of the evidence

Federal Magistrate Orders Hearing In Lisker Case

supporting Lisker's innocence is strong enough that his trial prosecutor recently told the *Los Angeles Times* that he has a "reasonable doubt" about Lisker's guilt.

The new evidence is also persuasive enough that at least seven jurors have told the *LA Times* that if they had known the information during his 1985 trial, they would have acquitted him.

Lisker is using the "actual innocence" exception to the filing deadline for a federal habeas petition. Since Lisker missed the deadline by seven years, he must convince Zarefsky of his innocence to qualify for a waiver of the deadline. If Zarefsky agrees with Lisker, then he will make a recommendation to a federal judge that the waiver be granted.

If the "actual innocence" exception to filing the petition is granted, then Lisker will

argue that his federally protected rights to due process, a fair trial, and effective assistance of counsel were denied.

The California Attorney General's office is opposing Lisker's petition, arguing that even if he presents a persuasive case that he is innocent, he is not entitled to an exception to the filing deadline.

Laurie Levenson, a professor at Loyola Law School in Los Angeles, said of the evidentiary hearing, "It's a first step. But I think his chances just went up dramatically. Somebody is going to hear him out. This gives him his shot."

A *LA Times* investigation that was reported on in the paper in May 2005, was instrumental in discovering some of the new evidence upon which Lisker's habeas petition is based.

Source: The man convicted in his mother's 1983 death will be able to present new evidence in the case, by Scott Glover and Matt Lait, *Los Angeles Times*, July 13, 2005

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During Lisker's trial, prosecutor Rabichow relied heavily on the evidence given to him by investigators, in particular Monsue. Rabichow convincingly relayed to the jury that the bloody footprints at the scene "resembled quite closely" those of Lisker. He explained to the jury how it would have been impossible for Lisker to see his mother lying on the floor simply by looking in the window, as he had claimed. Conveniently, there was a jailhouse snitch who came forward to testify that Lisker confessed to him; but that was just icing on the cake. Rabichow truly believed Lisker killed his mother, and the prosecutor would see that justice was served. When the jury came back with a verdict of guilty, Rabichow considered his job done.

Bob Lisker passed away in 1995. Bruce described his father as "a loving father and tireless supporter." Bruce writes on his website, www.freebruce.org, "My dad's memory fueled the next several years of progress towards justice in my mother's murder."

Lisker immersed himself in every legal document surrounding his case. In 2000, he discovered a 1998 letter to the parole board written by Monsue. In the letter, Monsue stated that the \$150 missing from Dorka Lisker's purse — money that had allegedly been taken during the attack — had been discovered in the attic above Bruce Lisker's old bedroom. Lisker hired a private investigator, Paul Ingels, who contacted the homeowners. They stated they had never found any money and had never even heard of Monsue, much less spoken to him. Two years ago, Lisker filed a petition claiming wrongful conviction and lodged a complaint with the internal affairs division of the Los Angeles Police Department, along with an epilogue of his case to date.

LAPD Cold Case Investigator Uncovers Exculpatory Evidence

Sgt. Jim Gavin was assigned in 2003 to look into Lisker's allegations. Gavin started from the beginning and attempted to reexamine all of the remaining evidence in the Lisker case.

He confirmed what private investigator Ingels had discovered: that the current owners of the Lisker residence had never found any money, and that Monsue had lied in his 1998 letter to the parole board. Once Gavin knew that Monsue had gone to such lengths to keep Lisker in prison, he started to question other facets of the case.

What Gavin uncovered was startling.

In 2003, 20 years after a jury found Bruce Lisker guilty of murder, Los Angeles Police Department (LAPD) Sgt. Jim Gavin was as-

signed to investigate allegations of wrongful conviction and a complaint against the department filed by Bruce in 2001. Bruce believed that Van Nuys Police Detective Andrew Monsue, who provided much of the evidence that helped convict him, had lied about key aspects of his case. From prison, Bruce immersed himself in research and hired a private investigator to verify Monsue's deception. Then Bruce filed his petition.

In reexamining the case, Gavin uncovered troubling errors. In the file were crime-scene photographs of bloody shoe prints, which had never been examined yet were attributed to Bruce at trial during Monsue's testimony. Gavin sent the prints for analysis and was informed that there was no way they were Bruce's. Then there was a phone call, made from the Lisker home in Sherman Oaks, Calif., around the time of the murder. The call was placed to a phone number that differed by only one digit from that of the mother of Mike Ryan, Bruce's former friend. Monsue later said he did not know about the phone call.

Bruce had met Ryan when they were both 17 and being treated for drug addiction. Ryan was jobless and homeless and Bruce had taken him in, but Bruce ended the friendship after a few months, because Ryan didn't pay his rent.

Bruce's mother had been beaten and stabbed to death; Bruce had told Monsue that Ryan had a fascination with knives. After the murder, Monsue interviewed Ryan, but his alibi was shaky. Reporters later found that Monsue had checked Ryan's criminal record, but had mistakenly searched on the wrong birthdate, so he did not learn that Ryan had been convicted for a knife-point robbery just 10 months before Dorka Lisker's murder.

Ryan committed suicide in 1996, taking with him any chance Gavin would have of finding out if he really was the killer.

LAPD Stops Cold Case Investigation

In 2004, just as Gavin was digging deep, his superiors told him to end his reinvestigation of the case. Bruce Lisker was sent a letter by internal affairs stating his allegations were unsubstantiated and lacked merit. Monsue's supervisor, LAPD Capt. James Rupert, determined that an investigation into Monsue's alleged misconduct was "unfounded." Another investigation is ongoing to determine why Gavin was pulled off the investigation.

The mystery of whatever happened to \$150 that police had said was missing from Dorka Lisker's purse after the attack was finally solved, after twenty-two years. The *Los Angeles Times* found the inventory list detailing the contents of Dorka's purse, before the

purse had been placed in storage for more than two decades. The list, prepared in 1985 after Bruce's trial, included \$120 in cash. Because the money had actually never been stolen, the motive that drove Bruce to murder his mother, according to the prosecution, did not exist.

During Bruce's trial, prosecutor Phillip Rabichow insisted that the teen had lied when he said he went to his mother's home and saw her lying on the floor through the windows at the rear of the house. But Rabichow began to have second thoughts. He had relied so completely on Monsue's version of events that he had never actually visited the crime scene himself. Rabichow, now retired, recently took a ride over to the old Lisker residence and looked through the rear windows: The view was clear as day.

Much has changed since 1983. Rupert, Monsue's supervisor, who called Bruce's allegations of misconduct "unfounded," announced that he would retire. Monsue, now a supervisor of LAPD detectives, retires in early July.

Bruce Lisker is no longer a misguided teen. He is a self-described writer and poet. He is a member of Inmate.com, a dating site for those in prison. On the site, he calls himself "an early-1980s, hard-partying fool, now reformed and with years of recovery." He craves doing what we all do. He says, "I'd like to meet a woman with high self-esteem, who considers herself smart, emotionally available, enlightened, romantic, moral, artistic, health conscious and progressive."

He realizes the enormity of the ordeal he went through as a 17-year-old. After 22 years, he doesn't want to live with the shame and stigma attached to a convicted murderer. He is a man who knows his chances of ever being paroled are slim. Knowing he was spoiled and drug-addicted, it is not a stretch to imagine that he killed his mother in a fit of rage," and it is easy to see how a jury reached this conclusion, with no evidence to the contrary.

It is more likely, however, that Bruce Lisker is, in fact, an innocent man — a victim of sloppy police work by a detective with tunnel vision.

Only Bruce Lisker knows the truth. At the very least there is reasonable doubt, though it has come to light decades too late. The common theory is that Ryan killed Dorka Lisker; at the very least, he is the most viable suspect. A decision by the justice system, though, isn't always as clear-cut as the opinion of a layman. In all likelihood, the courts will construe the new evidence to mean that someone else, maybe Ryan, was at the crime scene with Bruce. After all, they were friends and drug

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Al, a neighbor... who is a Hispanic male. This officer attempted to speak with Jason who was very shy and had to be coaxed to reply to questions. Jason related that Alan rides the bus sometimes and helps out the driver.”

Police couldn't find a Head Start employee or volunteer who matched this description. They questioned Elizabeth “Angel” Powell, a 25-year-old bus aide, because another child, Amy Williams, named her, not Nancy, as being the one who took the children to “Joseph’s” house. However, no charges were brought against Powell on the basis of the little girl’s accusation.

Joseph Allen Walks into the Case

In October of 1993, six months after the investigation began, Joseph Allen walked into the Lorain police station to report a stolen vehicle.


Allen had pled guilty in 1985 to sexual battery on a young girl and served a 3-year prison sentence. He claims the girl’s mother falsely accused him because she was angry with him for breaking off their relationship. Lorain County assistant prosecutor Jonathan Rosenbaum handled that case. There was no medical or physical evidence against Allen in the case, since the girl refused to submit to a medical exam. Allen says he is innocent and only pled “guilty” on his lawyer’s advice: “I only know my attorney had me sign some papers because he told me cases like them was hard to win.”

Allen was an unskilled laborer who lived in public housing and spent a lot of his time at

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users. Evidence of another person at the scene is not an automatic exoneration of guilt.

Giving up seems to not be an option for Bruce Lisker. Perhaps he says it best, as he quotes Shakespeare: “Corruption wins not more than honesty. Still in thy right hand carry gentle peace, to silence envious tongues. Be just, and fear not.”

Reprinted with permission. Originally published in *The Long Island Press* as a three-part series in June 2005. Amy Fisher is a columnist for *The Long Island Press*. She was 17 when convicted in 1992 of ‘first degree assault,’ after non-fatally shooting her “boyfriend’s” wife. After seven years imprisonment, she was released on parole in 1999, and her sentence was completed in 2003. Her book, *If I Knew Then...* was published in October 2004. Available from *Justice:Denied’s* Innocents Bookshop, at <http://justicedenied.org/books.htm>. 

the nearby Catholic Charities. He says, “I didn’t have any problem with the law until my car was stolen by these teenage runaways. From that moment on everything started going down hill. The police started following me everywhere I went.”

Detective Joel Miller remembered the little boy who’d said someone named Alan had molested him. What if he was talking about Joseph *Allen*? Miller discarded the other details in the police report — that Alan looked Hispanic and rode on the busses.

Allen was arrested on Nov. 3. “They told me that I was being charged [by] the teenager that had stolen my car.”

Allen agreed to let the police search his home, a small cottage with no second floor and no basement, which didn’t match the children’s descriptions. They described going upstairs in “Joseph’s” house or down to the basement. The police found items that they thought no bachelor should have — sheets decorated with cartoon characters, and toy cars and trucks. (Allen later explained, “I got those things from Catholic Community Services,” for the children of his friends.)

The Lorain task force prepared a photo lineup that included Allen and pictures of five other black men. Their first stop was Grover’s house, where Nicole failed to select Allen as “Joseph.” In fact, of the 10 children shown the photos, nine children either picked no one or picked someone else.

A few days later Grover phoned. Andujar and told him that Nicole really had recognized “Joseph” in the photo lineup. Nicole and her mother had initially described “Joseph” as being white, and previously had even pointed out a white man as a suspect. Joseph Allen could never be mistaken for a white man, but Grover brought Nicole into the station to positively identify Allen as being “Joseph.”

Lineup

Seven children were asked to come to the police station for a lineup including Allen and four other black men, even though some of the children had described “Joseph” as white.

One of those was William Oliphant. He made three separate visits to the lineup room. On William’s first visit, Allen was in the No. 2 spot. William picked No.1 and No. 3. After being asked several times, “Are you sure?”, the session ended. On William’s second trip, Allen was in the No. 4 position, and he picked No. 2. On William’s third visit, Allen was in the No. 3 spot and he picked No. 4. In spite of the bad line-up results, the police decided they

had found “Joseph.” Their notes explained away the mixed identification results by asserting that the children who did not pick Allen exhibited signs of fear or avoidance.

Nancy Smith was arrested on Nov. 5 at her home and taken away in handcuffs in front of her four children and her parents. At her arraignment a few days later, Head Start parents and Smith’s supporters packed the courtroom and watched a weeping Smith enter a plea of “not guilty.” “Child rapist!” came the cry from the parents’ side of the courtroom. “You’ll rot in hell!” one of Smith’s relatives shot back.

Grover was present to tell the journalists some new allegations: Smith had picked her child up early and dropped her off late. Her daughter had come home with needle marks on her leg. “My daughter will have to go to counseling for the rest of her life!” she complained, and accused the school of marking her daughter “present” when she was really absent. At Allen’s arraignment, Grover yelled and cursed at Allen until the judge ordered her out of the courtroom. “Everybody’s going to pay for what they did,” Grover warned. It was suspected — correctly as it turned out — that Grover was paving the way to file a civil suit against the school.

In the months leading up to the trial, two more children were brought to the police station by their mothers to report that Nancy and “Joseph” had victimized them. The children’s stories matched what the other children had been saying, and what the newspapers and television stations had been reporting: They’d been taken to “Joseph’s” house by Nancy. However, the police determined they weren’t telling the truth because one child did not attend Head Start when Nancy worked there, and the other had a different bus driver.

Those children gave the police and prosecutors in Lorain a first-hand demonstration of how children could say and believe things that were not true, and how parents could suggest false scenarios and encourage their children to come forward as “Joseph’s” victims — but apparently that didn’t give them second thoughts about their case against Smith and Allen.

The Trial

Smith’s relatives and friends raised money for her defense and hired Jack W. Bradley — the same lawyer who had counseled Joseph Allen to plead “guilty” to sexual abuse. Allen was assigned a court appointed lawyer, Joseph R. Grunda. Judge Lynett McGough refused Bradley’s motion to try Allen separately from Smith, who had no criminal record, saying that it would be wrong to put the children

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