

CALIFORNIA

Jurors Now Fear They Knew Too Little

By MATT LAIT AND SCOTT GLOVER

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Five jurors who 20 years ago voted to convict a San Fernando Valley teenager of killing his mother said Monday they would have acquitted the youth had they known about new crime scene evidence and a second suspect never presented at trial.

One of the jurors, Lorraine Maxwell, said in a sworn statement filed in federal court that there was “no way” she would have convicted Bruce Lisker, now 39, of murdering his 66-year-old mother in her ranch-style Sherman Oaks home March 10, 1983.

“I am saddened, as well as angered, that the evidence ... was not presented to the jury,” Maxwell said. Lisker’s lawyers submitted her declaration Monday in connection with a habeas corpus petition they have filed on his behalf.

The jurors’ comments came in response to a Los Angeles Times investigation published Sunday into the beating and stabbing death of Dorka Lisker. Bruce Lisker, who had a history of drug abuse and fighting with his mother, was convicted of second-degree murder and has been behind bars ever since.

Juror Linda R. Kelly, a retired Pacific Bell worker living in San Diego County, said she became physically ill as she read The Times’ article, which detailed new evidence and findings that contradict the case presented at trial.

“It was making me sick to my stomach,” she said.

“Even just talking about it now, I’m getting all teared up. I just hate to think that I was a party to this.”

Among the evidence overlooked by authorities and Lisker's defense attorney at the time were photographs of a bloody footprint left in a bathroom.

The footprint was attributed to Bruce Lisker at trial. But a recent analysis by the Los Angeles Police Department concluded that the footprint did not match Lisker's shoes, suggesting there was another suspect in the house at the time of the killing.

The bathroom footprint was "similar in size and dimension" to a shoe-print impression found on the victim's shaved head during an autopsy, according to another recent LAPD analysis. At the time, authorities did not recognize the mark as a shoe print.

At trial, prosecutor Phillip Rabichow told jurors that Lisker made the bloody footprints found at the crime scene. If Lisker was innocent, he asked, "why isn't there an intruder's footprint somewhere?"

Juror Mary L. Tweten said she felt betrayed, in part, because she was misled by the footprint evidence.

"They didn't do their job right," Tweten, a retiree now living in Nevada, said of the authorities. "They didn't present us the whole truth."

Had she known about the evidence, she said, "I would not have voted guilty -- absolutely not."

In fact, Tweten said she and several other jurors initially voted to acquit Lisker, but were later persuaded to change their votes by others who strongly believed Lisker was guilty.

On Monday, The Times contacted eight of the 12 people who served on Lisker's jury in 1985. Five said the new information about the case would have prompted them to acquit Lisker. One said she couldn't be sure whether the information would have changed her mind. Two declined to comment, and four others could not be reached.

(Conviction in a criminal trial requires a unanimous vote by jurors.)

Juror Arthur S. Bergem, 64, of Winnetka said he found the new evidence difficult to reconcile with what was presented at trial. "It puts a whole new light on it," he said.

“Would I have voted guilty knowing all this? I’m not sure,” Bergem said. “Which, given reasonable doubt, means I’d have to vote not guilty.”

Bergem echoed other jurors, saying there were heated debates before voting to convict even without the new evidence.

“We had a couple gals who had a real tough time believing he did what they said he did to his mom,” Bergem recalled. “I don’t believe that it was a slam dunk by any stretch.”

Juror Valree Stephenson, 72, of Woodland Hills said she had been particularly convinced by the prosecution’s argument that it would have been physically impossible for Lisker to have seen his mother’s body lying in the foyer through the windows at the back of the house.

Lisker told police on the day of the murder that he had come home, found the front door locked, and then gone around to the back patio. He said he saw his mother’s body through the rear windows and then broke into the house by removing panes from a louvered window at the kitchen.

The Times reported Sunday that Rabichow, now retired, acknowledged after a recent visit to the house that Lisker’s view may not have been obstructed and that he might have been able to see his mother, as he claimed.

Based on The Times’ investigation and other evidence, Rabichow said he has reasonable doubt about Lisker’s guilt.

The prosecutor’s change of heart, Stephenson said, has changed her view of the entire case.

Based on what she knows now, she said, “I would certainly find reasonable doubt. I think he deserves a retrial.”

The Times’ story also described how Rabichow told jurors that there was no money in Dorka Lisker’s purse, confirming his theory that Lisker killed his mother after stealing money from the purse.

Stephenson said she was completely convinced by the prosecution's case at the time of the trial. But she thinks differently now.

"I feel that I made a mistake," she said. "Hopefully, he will get a new trial and he can have the rest of his life."

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