

CALIFORNIA

Halt to Murder Case Probed

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TIMES STAFF WRITERS

The Los Angeles Police Department's civilian watchdog has launched an investigation to determine whether an internal affairs sergeant was improperly ordered last year to shut down his probe of a questionable 1985 murder conviction.

The sergeant uncovered new evidence that contradicted the prosecution's case against Bruce Lisker, 39, now serving a life sentence for murdering his 66-year-old mother in the foyer of the family's ranch-style Sherman Oaks home on March 10, 1983.

The sergeant, Jim Gavin, also expressed concern that the LAPD detective who investigated the murder may have prematurely dismissed a second suspect and possibly lied to prevent Lisker's release on parole. But before Gavin could complete his work, he said he was ordered by his superiors to stop investigating.

Inspector General Andre Birotte Jr., who reports to the Police Commission, confirmed last week that LAPD officials had asked him to investigate the case because allegations of wrongdoing involved officers from internal affairs and the department wanted to avoid any perception of a "conflict of interest."

Additionally, Michael Cherkasky, appointed by a federal judge to monitor the LAPD, said in an interview that he also was reviewing the department's handling of the case.

LAPD Chief William J. Bratton, who has been briefed by senior police officials on the Lisker matter, declined to comment.

The high-level interest in Lisker's case comes after a Los Angeles Times investigation last month detailed new evidence and findings that contradicted a prosecutor's claim that a teenage Lisker beat and stabbed his mother, Dorka Lisker, after she caught him rifling through her purse for drug money.

Based on the new evidence and findings, uncovered separately by Lisker's defense team, Gavin and Times reporters, the prosecutor, Phillip Rabichow, now retired, says he has reasonable doubt about Lisker's guilt.

At least seven of the 12 jurors who voted unanimously to convict Lisker also now say they would have favored acquittal, had they known all of the evidence at the time.

Lisker, imprisoned for the last 22 years, filed a complaint with internal affairs two years ago against the detective, Andrew Monsue, who arrested him for his mother's murder.

In the complaint, Lisker alleged that Monsue had failed to investigate another suspect, solicited perjured testimony from a jailhouse informant and lied about finding \$150 supposedly stolen from Dorka Lisker's purse. Monsue denies any wrongdoing.

Assigned by internal affairs to investigate the complaint, Gavin took previously unexamined crime scene photographs to an LAPD analyst, who made a startling discovery: A bloody footprint left in a bathroom that was attributed to Lisker at trial did not match Lisker's shoes, suggesting that there was another person in the house at the time of the killing.

During Gavin's investigation, police also discovered an autopsy photograph of what appeared to be a footprint on Dorka Lisker's shaved head. The mark was not recognized as a shoe impression at the time of the trial.

At The Times' request, the LAPD further analyzed the impression and determined that it matched the bloody footprint in the bathroom.

Gavin also expressed concern that Monsue, the detective, may have prematurely dismissed a second suspect, a friend of Lisker's named John Michael Ryan, who lied about his whereabouts at the time of the killing, had a history of violence and left

town the day after the murder.

A telephone call from the Lisker home around the time of the murder was made to a number nearly identical to that of Ryan's mother — a call that Rabichow, the prosecutor, now acknowledges could be used to link Ryan to the crime. Ryan killed himself in 1996.

In his complaint to internal affairs, Lisker also questioned Monsue's claim that a couple who purchased the Lisker home after the murder had informed him that they had found \$150 in the attic above Bruce Lisker's old bedroom. Monsue made the claim in a letter he wrote to the parole board in which he said that the discovery of the money "confirmed our initial theory" that Bruce Lisker had robbed his mother before killing her.

But Gavin could find no evidence that Monsue had ever documented the development in writing. Gavin then contacted the man who Monsue said had reported finding the money. The homeowner later signed a sworn declaration that he could not remember finding money in the attic or ever contacting Monsue.

Gavin had more leads to pursue. But his supervisors had grown impatient and told him that internal affairs was not in the business of investigating homicides, he said.

"I was told to shut it down," Gavin said in an interview with The Times. "I was told I was done."

A short time later, Lisker was notified in prison by Monsue's immediate supervisor that there was no merit to his allegation that Monsue lied to the parole board. No further investigation was warranted, the supervisor said.

When Lisker's private investigator was told by Gavin that he had been ordered to conclude his investigation, the investigator sent a letter to Chief Bratton alleging that Gavin's bosses were engaging in a cover-up. Without telling his superiors, Gavin also gave the private investigator a copy of the LAPD analysis of the bloody footprint found in the bathroom.

As a result of the investigator's letter to Bratton, another internal affairs investigation was initiated into whether Gavin's supervisors had prematurely shut down his investigation, and whether Monsue's supervisor had acted properly in dismissing Lisker's complaint.

Internal affairs also is investigating Gavin to see whether he violated department policy by sharing confidential information with Lisker's defense team. Gavin was transferred out of internal affairs to a training position in Sylmar in February, pending the outcome of the complaint against him. The LAPD has declined to comment on the status of that probe.

Birotte, the LAPD inspector general, declined to say whether his investigation would delve into Gavin's conduct.

The slaying of Dorka Lisker was particularly gruesome. She was beaten with a trophy and an exercise bar and stabbed in the back with two steak knives.

Lisker said that when he went to his parents' home to borrow a jack so he could fix his car, he looked through windows at the back of the house and saw his mother lying on the floor. He said he broke in through a kitchen window to tend to his mother, then called paramedics.

Monsue didn't believe Lisker's story and arrested him for the crime that afternoon.

Lisker was convicted in 1985 and sentenced to 16 years to life. The judge barred Lisker's lawyer from mentioning Ryan as a possible suspect at trial, ruling that Lisker's lawyer lacked adequate evidence for presenting such a defense. The prosecution's case was based in part on the testimony of a jailhouse informant, who claimed that Lisker confessed to him as the two spoke through a hole in the wall between their cells in the Los Angeles County jail.

Lisker has twice confessed to killing his mother over the years — once in an effort to get a more lenient sentence and later when he first became eligible for parole. He now says the confessions were desperate attempts to minimize his time behind bars for a crime he didn't commit. He has maintained his innocence for more than a decade and says he will never again admit to the killing, even if that means staying in prison for the rest of his life.

Lisker has a habeas corpus petition pending in U.S. District Court in Los Angeles.

The Times, as part of its seven-month investigation, found a police document that may have solved one of the enduring mysteries of People vs. Lisker: What happened to the money Lisker supposedly stole?

Although Monsue claimed that it ultimately was found stashed above Lisker's old bedroom, an evidence inventory filed shortly after Lisker's 1985 conviction showed that the money may have been in Dorka Lisker's purse all along. On the inventory, an evidence technician dutifully noted cash as among the contents of the patent-leather bag: "5 \$20.00 bills — 1 ten-dollar bill, 1 five-dollar bill & 5 one-dollar bills. Total \$120.00."

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