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Bratton Enters Lisker's Legal Battle

By MATT LAIT AND SCOTT GLOVER

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TIMES STAFF WRITERS

Los Angeles Police Chief William J. Bratton has asked state parole officials to disregard claims they received from the lead detective in a controversial 1985 murder conviction now under review in federal court.

Bratton's request represents yet another setback for authorities in the case of Bruce Lisker, who has spent years denying that he murdered his mother, Dorka, in the family's Sherman Oaks home March 10, 1983.

Authorities described Lisker during his trial as a troubled teenager who beat and stabbed his mother after she caught him stealing \$150 from her purse.

Today, much of the case against Lisker has been discredited by new or previously overlooked evidence. Lisker, 40, stands by the story he told police at the scene of the crime: that he came home, found his mother's bloody body and immediately called paramedics for help.

At trial, Lt. Andrew Monsue said police were unable to locate the money Lisker allegedly stole from the purse. Thirteen years later, in a letter to state parole officials, the detective said the missing money had been found by subsequent owners of the Lisker home, stashed in an attic above Bruce's former bedroom.

Monsue made the claim in opposing parole for Lisker, writing that the discovery "confirmed our initial theory" and demonstrated that Lisker was a killer who "should never be released to prey on anyone else in the future."

When Lisker learned about the Monsue letter, he hired a private investigator to check out Monsue's claim and discovered that the new homeowner said neither he nor his wife had found any money. He also said they had never contacted Monsue.

The Times, as part of a seven-month investigation into the case, found a court document in the county's archives earlier this year showing that -- unknown to the prosecutor and Lisker's defense team -- \$120 had been in her purse all along, tucked inside a side pocket of her wallet. The money was found by a court clerk who wrote an inventory of all of the evidence in the case after the trial.

Following The Times' story, Bratton wrote his own letter to parole officials, disavowing Monsue's claim.

"It is requested that you remove [Monsue's] letter from your file and from any consideration in any evaluation of Mr. Lisker's eligibility for parole," Bratton wrote. "The Los Angeles Police Department cannot guarantee the veracity of the facts represented in the letter. Additionally, Detective Monsue submitted this letter without Department approval and without following the appropriate procedures to obtain the necessary approval."

Bratton's letter further undermines Monsue's credibility in a case in which his collection and analysis of evidence has already been sharply criticized by LAPD officials and other law enforcement experts.

Bratton said Tuesday through a spokesman that he sent the letter because "I didn't want the parole board making a decision based on information the department could not corroborate."

The chief said in his letter that the department still "maintains that Mr. Lisker's conviction was supported by credible evidence, and his request for parole should be denied." Bratton's spokesman said he did not know what evidence the chief was referring to.

Lisker's next parole hearing is scheduled for January. Next week, a federal magistrate judge will hold a hearing that may ultimately determine whether Lisker's conviction should be overturned.

Bratton's letter, dated June 23 but never publicly released, was obtained by The Times last week after reporters were granted access, with Lisker's consent, to his confidential prison file.

Lawyers handling Lisker's habeas corpus petition said they were not notified of the chief's letter.

A representative of the state attorney general's office, who has maintained in court filings that Lisker was convicted on the basis of solid evidence and should remain in prison, also was unaware of the letter.

William Genego, one of Lisker's attorneys, said Bratton's letter bolsters his client's claim that he did not receive a fair trial and shows that Monsue's work in the case was not reliable.

"The chief is essentially saying Monsue can't be trusted," Genego said. "If you can't rely on his credibility in a parole letter, how can you rely on his credibility in putting him in prison in the first place? "

Deputy Atty. Gen. Robert D. Breton declined to comment.

Monsue could not be reached for comment. He retired from the LAPD in June, shortly after The Times published its articles detailing numerous problems with the case against Lisker.

As a result of the newspaper's investigation, the former deputy district attorney who prosecuted Lisker said he had "reasonable doubt" about his guilt.

Legal experts said the chief's letter might help Lisker in his battle to overturn his conviction.

"It could influence the judge to doubt the credibility of the police officer and the investigation that the police officer conducted," said James S. Liebman, a professor at Columbia Law School who co-wrote a textbook on habeas corpus petitions.

Laurie Levenson, a professor at Loyola Law School and former federal prosecutor, agreed. "It adds to the credibility of Lisker's claim.... The plot thickens," Levenson said.

In addition to Monsue's unsupported claims to parole officials, other problems confront authorities as they prepare for next week's hearing.

One of the most notable evidentiary problems involves a bloody footprint found in a bathroom of the Lisker home.

During Lisker's trial, authorities said that the footprint came from Lisker's shoe and that, in the absence of prints left by anyone else, it established that he was the killer. If his mother had been murdered by an intruder, as Lisker claimed, authorities told jurors, another person's footprints should also have been found.

But crime scene photographs recently analyzed by both the LAPD and the FBI have established that the bloody print did not come from Lisker's shoe, strongly suggesting that someone else had been at the scene.

Furthermore, the LAPD has determined that an apparent shoe impression on Dorka Lisker's head visible in an old coroner's photograph did not come from Lisker's shoe, but was "similar in size and dimension" to the mystery print found in the bathroom.

In a subsequent examination of coroner's negatives and photographs, the FBI concluded that the bruises on her head appeared, in some images, to match parallel lines on the mystery shoeprint. An FBI analyst said she could not confirm that the bruise was, in fact, a shoe impression.

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