

Prosecutor in Lisker Case Concedes Some Doubts

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Twenty years after convincing a San Fernando Valley jury that Bruce Lisker killed his mother, a retired prosecutor testified in federal court Thursday that he has doubts about the case.

Phillip H. Rabichow said he still believes Lisker committed the crime but acknowledged that key evidence and testimony presented at his 1985 trial have been disproved or undermined by new information.

“There are some doubts that I have that I didn’t have at the time of the trial,” he said.

The 62-year-old former deputy district attorney was the first of four witnesses to testify at an evidentiary hearing that is the first step in a process to determine whether Lisker’s conviction was unjust and should be overturned.

Also testifying were two crime scene analysts and a weather expert, each of whom contradicted evidence presented at trial.

Lisker, now 40, was convicted of fatally beating and stabbing his 66-year-old mother, Dorka, in the family’s Sherman Oaks home on March 10, 1983. He was sentenced to life in prison. Lisker, confined at Mule Creek State Prison near Sacramento, attended the hearing in the downtown courtroom of U.S. Magistrate Judge Ralph Zarefsky.

Dressed in a bright orange state prison jumpsuit, Lisker listened attentively as Rabichow testified, at times scribbling notes on a legal pad. Rabichow spent about 2 1/2 hours on the witness stand.

Under questioning by attorney Richard Hirsch, one of Lisker's lawyers, Rabichow acknowledged that he had learned of several evidentiary problems with the case in recent months.

Among them:

- A bloody shoe print that Rabichow said during the trial had been left by Lisker has since been found not to match his shoes, strongly suggesting that someone else had been at the scene. The mystery print, found on the bathroom floor, is also similar in size and dimension to a newly discovered apparent shoe print on the victim's head.
- Dorka Lisker's purse, described as containing no money at the trial, actually contained \$120 in cash, undermining the prosecution's theory that Lisker killed his mother after stealing her grocery money.
- A crime scene reenactment conducted by Times reporters in March, and observed by Rabichow, has undercut his central argument to jurors that Lisker could not possibly have seen his mother from a sliding glass door at the back of the house, as he claimed on the day of the murder.

Lisker has maintained that he had come home and found the front door locked. When he went to the back of the house, he looked through windows and saw his mother's body on the floor. He said he then broke into the house, rushed to her side and administered first aid. At trial, Rabichow dismissed the account as a fabrication.

At Thursday's hearing, Rabichow acknowledged that the bloody shoe print was inconsistent with his argument that Lisker had acted alone. His failure to discover the money tucked inside a side pocket in Dorka Lisker's wallet, he said, was "extremely careless." But that oversight, he added, was not one of the reasons he now has doubts.

The bulk of Rabichow's testimony centered on the crime scene reenactment at the Lisker home, the issue he found most troubling.

Rabichow recalled going to the ranch-style home on Huston Street with reporters and duplicating the crime scene “as best we could,” based on police photos and measurements offered at the trial.

Rabichow said that after the scene was arranged to his satisfaction, a reporter lay in the spot where Dorka Lisker most likely lay when she was found by paramedics.

The prosecutor then walked outside to the area where Bruce Lisker said he was standing when he saw his mother’s head. He said he was able to see the reporter’s head and shoulders from several vantage points.

Rabichow said the reenactment suggested to him he was wrong to have said during the trial that it was “impossible” for Lisker to have seen his mother, as he claimed to police.

“Let’s put it this way,” Rabichow testified, “I was unable to reconstruct that. I was unable to prove that.”

Rabichow said he regretted not having visited the scene before trial and confirming his belief about the view, which he considered the strongest piece of evidence he had of Lisker’s guilt.

Under questioning by Deputy Atty. Gen. John Yang, Rabichow said he continued to believe that Lisker was guilty based on what he considered the youth’s strange behavior on the day of the crime and “peculiar” statements he made to the police.

For example, he said he found it strange that, after supposedly seeing his mother lying inside the house, Lisker took the time to carefully remove several slatted window panes from above the kitchen sink to get inside, then stacked them neatly on the ground.

He said he also found it odd that Lisker seemed concerned with preserving evidence, telling police he was careful to pull two knives out of his mother’s back, using only his fingertips so that he wouldn’t contaminate the evidence.

“I find that a little bit inconsistent” with someone just finding his mother beaten and near death, Rabichow said.

After mentioning these and several other perceived inconsistencies in Lisker's account, Rabichow added, "There are some things that cause me some doubt."

But Yang, the deputy attorney general, cut him off. "We can get to that later," he said.

When questioning resumed after the lunch break, Yang did not pursue the subject.

After Rabichow's testimony, Lisker's lawyers called a crime scene analyst who testified that he conducted experiments at the former Lisker home last month that confirmed that Lisker could have seen his mother's body on the day of the murder.

The defense also called a meteorologist in an attempt to refute the prosecution's claim that it was sunny outside at the time of the killing, and that glare from the sun would have prevented Lisker from seeing his mother through the living room window at the rear of the house. He had told police he thought he'd seen her feet before walking over to the sliding glass door and seeing her head.

The expert testified that satellite photos from the day of the murder show that it was "80 [percent] to 100 percent" cloudy in Sherman Oaks at the time of the slaying, but that the clouds cleared later that afternoon.

The day's final witness was Ronald J. Raquel, a Los Angeles Police Department criminalist, who determined that the bloody print on the bathroom floor did not match Lisker's shoe.

The hearing was scheduled to resume today, with testimony from an LAPD sergeant who spent months reinvestigating the Lisker murder.

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