

CALIFORNIA

Lisker's lawyers petition for bail

By Scott Glover

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TIMES STAFF WRITER

Attorneys for a San Fernando Valley man who says he was unjustly convicted of killing his mother in 1983 filed papers in U.S. District Court in Los Angeles on Friday seeking to have him released from prison on bail.

Bruce Lisker's attorneys argued that the highly unusual request should be granted because Lisker has proved that he is most likely innocent of the crime and because he is caught in a procedural limbo as he waits for the California Supreme Court to decide whether to take up his case.

A hearing to determine whether Lisker, 41, should be freed on bail is set for Aug. 20 before U.S. Magistrate Judge Ralph Zarefsky. Zarefsky has previously found "that there is essentially no evidence" that Lisker committed the crime for which he was convicted.

But Lisker's case was put on hold in federal court because the evidence his attorneys used to persuade Zarefsky and U.S. District Judge Virginia A. Phillips of his probable innocence had not been presented in state court, as the law requires. The case has been awaiting action in the California Supreme Court since February. Lisker, meanwhile, is serving his sentence at Mule Creek State Prison in Northern California.

William Genego, one of Lisker's attorneys, called the situation "grossly unfair."

Gareth Lacy, a spokesman for state Atty. Gen. Jerry Brown, whose office is defending Lisker's conviction, said lawyers in the office were likely to oppose the motion for Lisker's release but were studying the document.

Lisker was convicted of the March 10, 1983, slaying of his mother, Dorka, who was fatally beaten and stabbed in her Sherman Oaks home.

Lisker told police he came home to find his 66-year-old adoptive mother near death in the entry hall of the home. He called paramedics.

When police arrived, the teenager told officers that he had found the front door locked and saw no sign of his mother. He said he went to the backyard, looked through a patio sliding glass door and saw his mother's head. He said he broke into the house through a kitchen window and tried to provide first-aid before paramedics arrived.

Police were immediately suspicious of the frizzy-haired 17-year-old, who had a history of drug abuse and of arguing with his mother. They did not believe that he could have seen her head through the sliding glass door.

Following his conviction, Lisker was sentenced to 16 years to life in prison. In 2003, the state Supreme Court rejected his appeal. Since that time, a Los Angeles Police Department sergeant and Times reporters have uncovered new evidence pointing to Lisker's innocence.

Among the evidence yet to be presented in state court:

- Analysis of a bloody shoeprint left at the crime scene that was attributed to Lisker at the trial but has since been scientifically eliminated as having been made by his shoe.
 - A computer-generated crime scene reconstruction showing that Lisker could have seen his mother from the sliding glass door. At the trial, the prosecutor said that such a view from that vantage point was impossible and that Lisker's assertion proved he was lying.
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