

CALIFORNIA

# Supreme Court denies Lisker's bid for freedom

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The California Supreme Court has denied the petition of a San Fernando Valley man seeking to overturn his 1985 murder conviction, despite a federal court ruling “that there is essentially no evidence” that he killed his mother.

The justices this week rejected Bruce Lisker's petition on procedural grounds without considering the merits of his case, said Lisker's attorney, William Genego.

The ruling, which was dated Wednesday but made public Friday, means Lisker's bid for freedom will return to federal court, where he had persuaded two federal judges that new evidence appeared to undermine his original conviction. Because the new evidence had never been reviewed by a state court, Lisker was forced to refile his habeas corpus petition with the California Supreme Court, which had earlier rejected his appeals.

In denying Lisker's petition, the justices cited three cases. Those cases dealt with petitions that were either untimely or considered “successive,” meaning that a prior petition in the case had already been filed -- and ruled upon.

Genego said he knew Lisker's petition faced long odds in state court because of the procedural hurdles. But he noted that those hurdles were overcome in federal court after an evidentiary hearing. “At least we're now back in federal court, where we can press forward to have the merits of the case adjudicated,” Genego said.

Robert Breton, a deputy attorney general defending Lisker's conviction, declined to comment.

Dorka Lisker, 66, was fatally beaten and stabbed in her Sherman Oaks home on March 10, 1983. Bruce Lisker said he came home and found his mother near death in the entry hall and called paramedics to come to her aid. When police arrived, the then-17-year-old 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.

Lisker was convicted by a Superior Court jury in Van Nuys and sentenced to 16 years to life in prison. Since that time, a Los Angeles Police Department sergeant and Times reporters have uncovered new evidence pointing to Lisker's innocence.

Among the evidence:

- Analysis of a bloody shoe print left at the crime scene that was attributed to Lisker at 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 trial, the prosecutor said that such a view from that vantage point was impossible and that Lisker's assertion proved he was lying. The new evidence, along with other facts about the case, had persuaded U.S. Magistrate Judge Ralph Zarefsky and U.S. District Judge Virginia A. Phillips that "no reasonable juror" would find Lisker guilty of killing his mother. They agreed that he should be allowed to pursue his appeal even though he had missed a statutory deadline.

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Times staff writer Scott Glover contributed to this report.