

CALIFORNIA

Private detective faults defense in Lisker killing case

By Scott Glover

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A defense attorney representing a San Fernando Valley teenager accused of murdering his mother 25 years ago failed to adequately pursue a theory regarding an alternative suspect in the case and neglected to have key crime scene evidence analyzed, a private investigator who worked for the lawyer testified Friday.

Private investigator Sue Sarkis testified during a hearing in federal court in Los Angeles aimed at determining whether convicted murderer Bruce Lisker should be granted a new trial because he was not adequately represented by his attorney in the first one. Lisker's quest for a new trial has gained momentum in recent years after he convinced a pair of federal judges that the evidence used to convict him largely lacked merit.

Friday's hearing before U.S. Magistrate Judge Ralph Zarefsky was to determine whether Lisker had his constitutional rights violated en route to his conviction in the 1983 killing -- a prerequisite for being granted a new trial. The hearing centered on his representation by then-attorney Dennis E. Mulcahy, who is now a Los Angeles County Superior Court commissioner.

Sarkis, who worked with Mulcahy as a private investigator, said Mulcahy declined to ask the judge in the case to authorize funds for her to travel to Mississippi to interview a friend of Lisker who provided police with a false alibi and later emerged as an alternative suspect.

Sarkis said Mulcahy also declined to follow up on her recommendation to hire a forensic expert to analyze bloody shoe prints at the crime scene that were attributed to Lisker during the trial, but have since been shown not to have been made by his

shoes.

Mulcahy testified that he did not recall many details about his representation of Lisker more than 20 years ago. But he said it made no sense that he would not have asked the judge for the travel funds. Generally speaking, he said, it would have been his practice to explore all viable areas of a client's defense, including those mentioned by Sarkis.

In a moment of courtroom drama, Mulcahy was asked point blank by Deputy Atty. Gen. Robert Breton, who is defending Lisker's conviction, whether Lisker confided in him that he committed the crime.

"He never denied it," Mulcahy said.

"That's not the question," Zarefsky interjected.

"The answer is no," Mulcahy replied.

Sarkis later challenged that account during her testimony. She said she was present at meetings with Lisker and Mulcahy in which Lisker tearfully proclaimed his innocence.

Lisker also disputed his former lawyer's assertion in a telephone call Friday from Mule Creek State Prison, where he is serving a life sentence.

"It's preposterous to think that in three years of legal representation that the topic of guilt or innocence never came up," Lisker said.

Zarefsky gave the lawyers until Nov. 21 to make further written arguments in the case.
