

Letting go of Lisker

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Bruce Lisker, who served 26 years in prison for the murder of his mother, was released last month when a federal judge overturned his conviction. On Tuesday, his legal odyssey came to an end when the Los Angeles district attorney's office announced that it would not retry him for the 1983 slaying.

These extraordinary events did not occur out of the blue, of course; they followed, among other things, a 2005 Times investigation by Scott Glover and Matt Lait that raised questions about key elements of the prosecution; a report suggesting that the confessions Lisker made were merely "self-serving" attempts to reach a plea-bargain deal; and a declaration by an expert that a bloody print in the bathroom was, in fact, not made by his shoes.

"There is essentially no evidence of [Lisker's] guilt," wrote a federal magistrate in a 2006 report on the case. "No reasonable juror would find him guilty of murder beyond a reasonable doubt."

Nevertheless, even as they dropped the case, prosecutors continued to insist this week that they were "confident" of Lisker's guilt. They said it and then wrote it in a news release, as if they couldn't resist one final slap at a man who spent nearly three decades in jail for a crime that many now believe he didn't commit - and that prosecutors certainly failed to prove. Given what Lisker has been through, those remarks may not seem so awful — his response was that "everybody's entitled to their opinion" — but our view is that the D.A.'s office did itself no service with its defensive, small-minded comments.

Of course, in the absence of evidence implicating someone else, it is nearly impossible to say with certainty that Lisker did not sneak into his parents' house on March 10, 1983, and stab his 66-year-old mother to death. But the state failed to prove it then and acknowledges that it can't put together a better case now. Prosecutors say that important physical evidence has been lost or destroyed and that

crucial witnesses have died, but they declined to say Tuesday who or what they're referring to. Even the original prosecutor now says he has "reasonable doubt" about Lisker's guilt.

So why bash Lisker just as he's restarting his life? Probably because, even 26 years later, it's still a huge embarrassment to the D.A.'s office to have been overruled. That's why instead of saying what they should have — that they are deeply sorry for having built a case on a sloppy and incomplete investigation and "false evidence" — they kicked Lisker as he walked out the door.

As far as our legal system is concerned, Lisker is guilty of no crime. If the district attorney's office unearths new information, there's nothing to stop prosecutors from reopening the case; there is no statute of limitations on murder. But if they don't, they should keep quiet.
