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Bruce Lisker should be sent back to prison, state prosecutors say

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LOS ANGELES TIMES STAFF WRITERS

Bruce Lisker was 17 in 1983 when he was charged with the murder of his mother, Dorka. State lawyers have asked a judge to reverse her decision to overturn the murder conviction of a man who was set free last year after serving 26 years in prison.

Bruce Lisker, who was accused of killing his mother in 1985, should be sent back to prison because the U.S. 9th Circuit Court of Appeals recently ruled in another case that inmates should not be allowed to file late petitions for release even if they can prove they are innocent, according to the attorney general's motion filed late Wednesday.

Lisker had missed a federal deadline in which to file his petition but was allowed to pursue the constitutional claims in his case because he met an "actual innocence" exception, the judge had ruled.

U.S. District Court Judge Virginia Phillips overturned Lisker's conviction in August 2009 after finding that he had been convicted on "false evidence" and that his original attorney did not adequately represent him.

The judge's findings mirrored those of a 2005 Times investigation that raised questions about key elements of the prosecution's case against Lisker and exposed the LAPD's murder investigation as sloppy and incomplete. Lisker and his attorney were stunned by the attorney general's motion.

“The legal system is supposed to protect the innocent and the attorney general is now trying to use it to put innocent people in prison,” said attorney Bill Genego, who represents Lisker. Genego said he found it ironic that the attorney general, who had neglected to pursue an appeal of Phillips’ ruling last year when he had the chance, is attacking Lisker for missing a deadline.

Instead of appealing the judge’s ruling at the time, the attorney general sent the case back the district attorney to prosecute Lisker again for the slaying of his 66-year-old mother, Dorka. Prosecutors ultimately dropped the case, citing a lack of evidence.

“It feels like my air is being choked off, and they are trying to kill me all over again,” Lisker, now 45, wrote in an e-mail to supporters and The Times. “As desperate as that sounds, however, I will prevail... Justice will win the day.”

Deputy Atty. Gen, Robert D. Breton declined comment.

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