

Homicide-case specialist assigned to defend Rand

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A veteran Staten Island criminal defense lawyer, who once ran off a string of four acquittals or dismissals in homicide cases, was assigned yesterday to represent Andre Rand, the drifter accused of kidnaping 12-year-old Jennifer Schweiger.

Criminal Court Judge Rose McBrien assigned Jerome V. Giovinazzo to represent Rand, 43, after the Legal Aid Society asked to be relieved as his attorney.

The society's representative, Howard Rintel, informed the judge that the society had received a written request from Rand, asking that the society no longer represent him because it had been his lawyer in an earlier case. In that case, Rand was charged with driving 11 children in a van to New Jersey without anyone's permission, where he fed them and joined them in watching air traffic at Newark Airport before returning the children unharmed to Staten Island five hours later. He was convicted of unlawful imprisonment and served 10 months in jail.

Since his arrest Aug. 4 for Jennifer's kidnaping, Rand has been undergoing psychiatric testing at Kings County Hospital to determine his fitness to aid in his defense at criminal proceedings.

Jennifer was last seen alive July 9 when witnesses said they saw her walking with Rand near her home in Westerleigh. Her nude body was found Wednesday night in a shallow grave on the grounds of the Staten Island Developmental Center, W

brook, about 50 yards from where Rand had once maintained a campsite.

District Attorney William L. Murphy said he will present the case to a Staten Island grand jury in "about two weeks."

The judge assigned Giovinazzo under Article 18B of the state's County Law, which provides counsel to poor persons at public expense and is used in New York City where the Legal Aid Society, for any number of reasons, including conflict of interest, cannot represent a defendant.

John J. McCarthy, attorney in charge of the society's Island criminal defense division, said the society had assigned two full-time investigators to carry out an "intensive" investigation of the facts surrounding Rand's arrest, and this information will now be turned over to Giovinazzo.

Giovinazzo, who maintains his home and law practice in West Brighton, has been one of the Island's more successful defense lawyers over the past two decades during which he has gained a reputation, in particular, for his skill in carrying out the void dire — the procedure for selecting jurors to sit at a trial. The procedure is a test of a lawyer's ability to not only select jurors who will be fair and impartial, but those who will be sympathetic to his position.

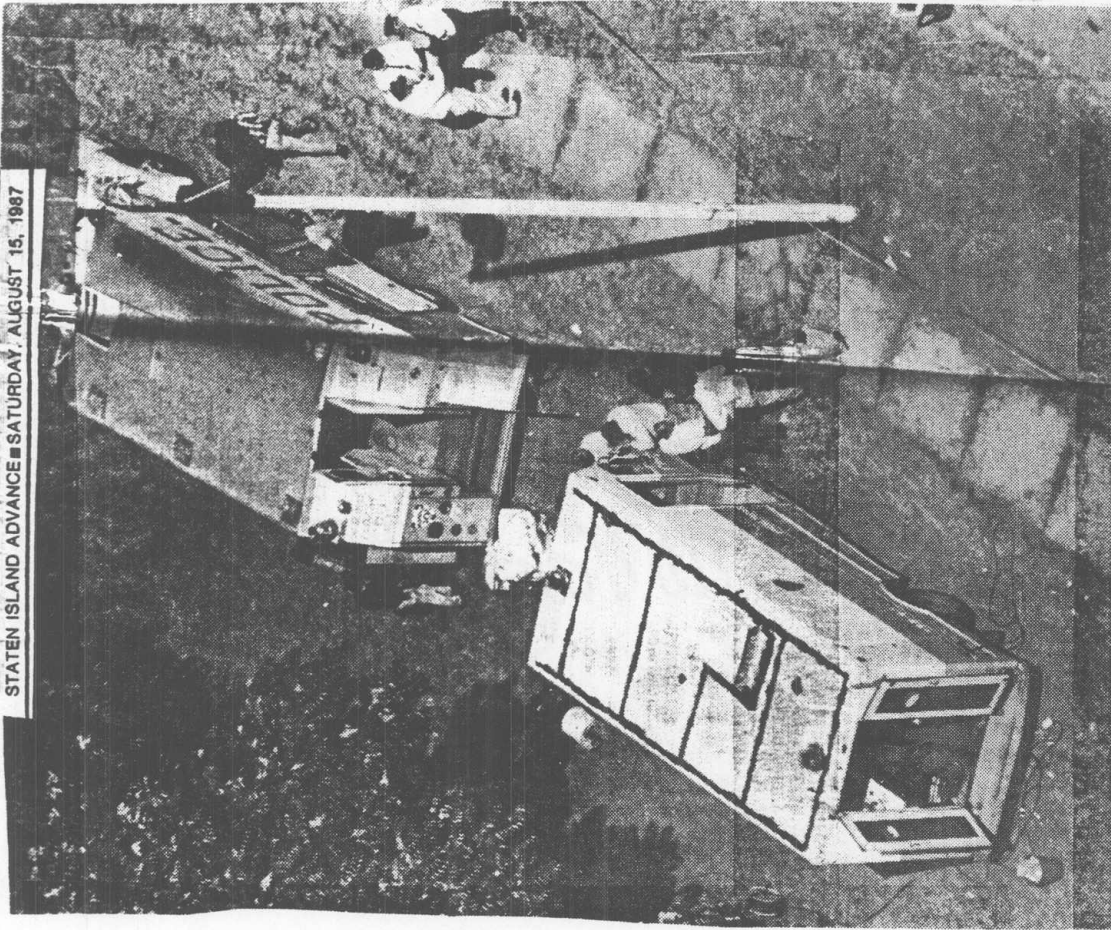
Among the homicide cases in which Giovinazzo succeeded in winning acquittals were those involving John Hagendorfer and Donald "Dapper Dan" DeSimone. Hagendorfer, a 26-year-old Yugoslav alien, was acquitted in 1976

in the shotgun slaying a year earlier of his 63-year-old landlady, Grace Toth of Edison, N.J., in Princes Bay. The jury found him guilty only of a misdemeanor gun possession count.

DeSimone was found innocent in 1974 of the murder of Ruby Gorberg, a 32-year-old Brooklyn resident. DeSimone was accused of shooting her to death in his car in Bloomfield in 1973 after the two and a third person attempted to carry out a holdup in Queens. Giovinazzo also was DeSimone's attorney in another trial when he was acquitted in Brooklyn Federal Court of an extortion charge that was connected to the murder case.

Giovinazzo was also the defense attorney in the 1973 trial of Donald W. "Billy" Ventro, who was charged with the murder of a gas station attendant in Tompkinsville during a robbery in 1972. After both sides had rested and the case was due to go to a jury, the district attorney's office moved to dismiss the indictment after it confirmed Ventro's alibi that at the time of the shooting he had been at a motel in Syracuse. Ventro was then director of the Staten Island Manpower Service Center.

Giovinazzo entered the Police Department in 1950 and began studying law at New York Law School. Upon being admitted to the bar, he was assigned to the department legal bureau where he remained until he resigned from the force in 1963. Since then he has been engaged in the general practice of law, specializing in criminal law.



Searchers stand atop police department trucks as the hunt for bodies continues on the SDC grounds. ADVANCE PHOTO/STEVE ZAFFARANO