

Staten Island Advance

Saturday, September 3, 1987

Page 1 of
4 pages



The faces of Andre Rand:

From left: Questioned by police early in the search (photo by Tony Caronante); Taken from his first court appearance (photo by Steve Zaffarano); Standing in court with a beard yesterday (sketch by Tom Flannagan), and being taken back to Rikers Island after being shaved (photo by Irving Silverstein).

Rand lawyer: He has an alibi

Suspect to be held pending Friday hearing



A SWAT team police officer stand before the crowd outside the Stapleton Criminal Courthouse.

ADVANCE PHOTO/IVING SILVERSTEIN

By JOHN E. HURLEY
and RAMOND A. WITTEK
ADVANCE STAFF WRITERS

Andre Rand's defense lawyer claimed yesterday he has "solid evidence" that the 43-year-old drifter was not the person who was seen with 12-year-old Jennifer Schweiger on July 9, the day she was last seen on a Westleigh street and at the Staten Island Developmental Center, Willowbrook.

"I'm saying that he wasn't the person with her and had absolutely nothing to do with her murder," said Jerome Giovinnazzo of West Brighton, Rand's court-appointed attorney.

Giovinnazzo's statement came outside the Stapleton Criminal Court room where Rand, bearded and erect — far different than in

previous appearances — was officially declared mentally competent to stand trial.

Giovinnazzo said he agreed with the finding of the two Kings County Medical Center psychiatrists, saying Rand was lucid during their conversations.

Rand stood silently without expression during his appearance before Judge Michael Brennan, surrounded by a shield of uniformed court officers.

Seated in the courtroom directly behind him were Jennifer Schweiger's parents and relatives of Holly Ann Hughes and Alice Pereira, two other children whose disappearances are now being linked to Rand, although not officially.

(See RAND, Page A 6)

Page 2 of
4 Pages

Rand

(From Page 1)

Rand was ordered by Brennan to remain held without bail on Rikers Island pending another court appearance Friday.

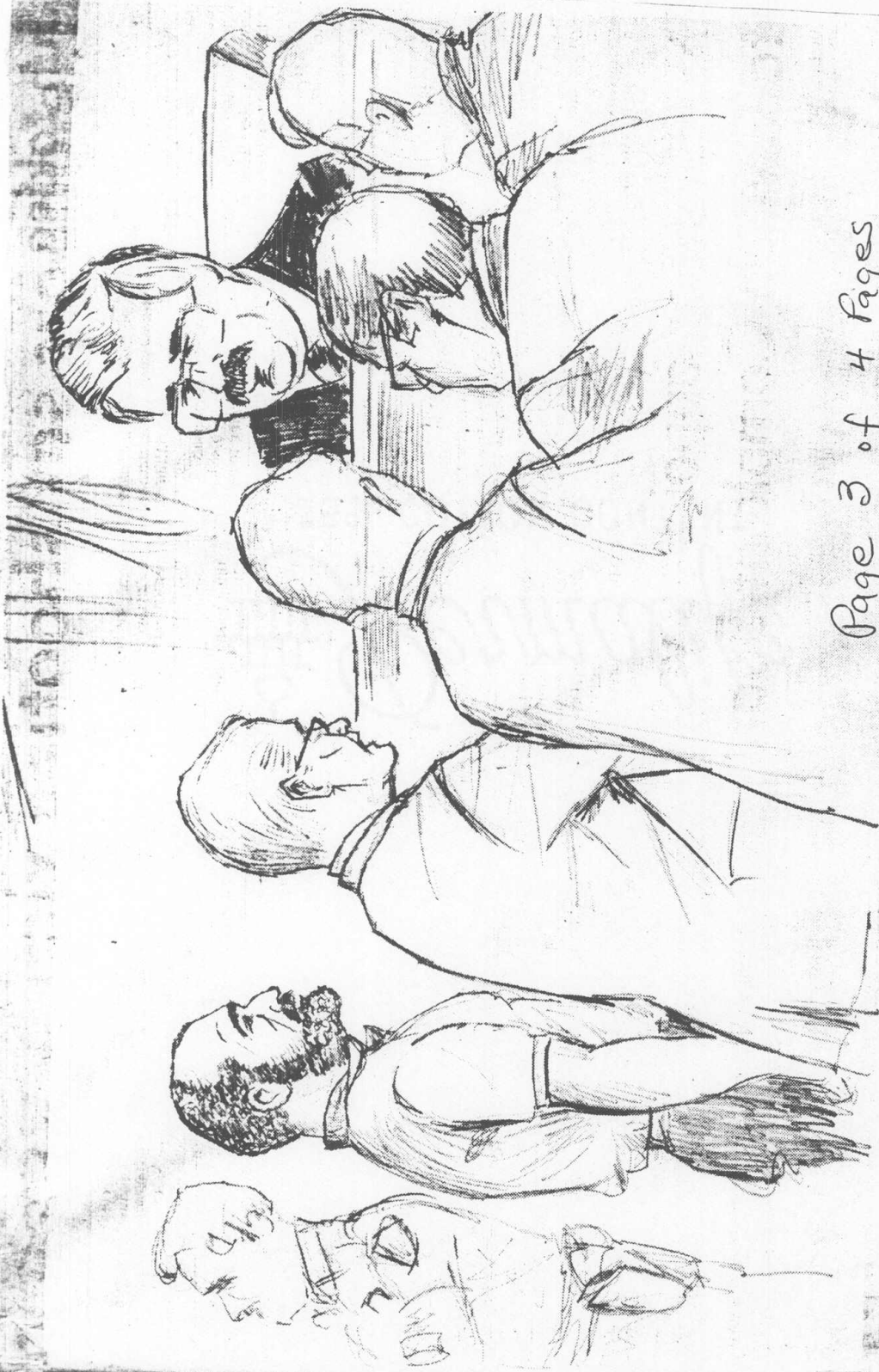
From Stapleton Court, Rand was immediately whisked by police motorcade to the district attorney's office in St. George where eight witnesses gathered during the extensive police investigation were waiting to view him in lineups.

Seven of the eight witnesses were reported to have identified Rand as the man they saw walking hand-in-hand with a happy Jennifer Schweiger near her home and later on the grounds of the Staten Island Developmental Center, more than a mile away, between 2 and 3 p.m. on July 9, the last time she was seen alive. Rand is charged only with kidnapping and unlawful imprisonment in connection with the girl's disappearance.

Jennifer's body was found buried Aug. 12 on the grounds of the developmental center, a short distance from where police say Rand had a campsite. The discovery climaxed an extensive search involving hundreds of volunteers.

Assistant District Attorney John Loughery told Brennan yesterday that the grand jury has begun proceedings against Rand, but no indictment, either for kidnapping or murder, has been filed.

If no indictment is handed down by the grand jury by Friday, the district attorney will be required to conduct a hearing in Stapleton Court, laying out why Rand should continue to be held.



Page 3 of 4 pages

A bearded Andre Rand, left, stands silently as his lawyer, Jerome Giovanazzo, on Rand's right, addresses Judge Michael Brennan.

ADVANCE ILLUSTRATIONS/TOM FLANNAGAN

The absence of an indictment has given rise to speculation that the district attorney may be having a tough time proving its case against Rand, at least the murder case.

"The D.A. knows he has a very

attorney's office to reveal the results of the medical examiner's report on the exact cause of Jennifer's death. There have been unconfirmed reports that the autopsy, at least at this time, has

been unable to shed light on the cause of death.

Giovinazzo said he has not seen the autopsy report. And he declined to reveal what evidence he has proving that Rand was not with Schweiger, saying: "I will disclose where he was at the appropriate time."

Giovinazzo originally asked that Rand not be brought into the courtroom, claiming that his appearance might make it easier for witnesses to pick him out of the lineup. Brennan denied the motion after being assured by Loughery that none of the witnesses were present.

Before they viewed the lineups though, Rand was to receive a court-ordered shave.

Loughery, the assistant district attorney, requested that Rand be shaved so that the witnesses would not be confused. Brennan granted Loughery's request over Giovinazzo's objections.

Rand was the lone passenger in a Correction Department van that sped under a heavily armed police and correction escort from the Stapleton court to the district attorney's office and afterwards to Rikers Island.

Rand remained five hours at the district attorney's office, where each of the eight witnesses viewed him separately in lineups.

Rand finally left at 6 p.m. Giovinazzo was present for the lineups.

When he arrived at about 1 p.m. outside the district attorney's office, a crowd had assembled and remained largely silent as Rand walked slowly and deliberately into the building. One exception to the silence was one spectator who shouted, "Kill the bastard!" A few other persons quietly expressed their opinions of Rand's guilt or innocence.

The court rule that mandates either an indictment or a hearing on why Rand should be held, Sect. 180.80, actually states such actions must take place within 144 hours from the time of arrest. But since it was Rand's Legal Aid attorney who had originally asked that he receive a psychiatric exam, that deadline was not invoked until yesterday.

The grand jury hearing the case was admonished by a Supreme Court justice earlier this week not to allow news reports of Rand's arrest to influence their judgment and to decide the case solely on the basis of evidence before them.

The grand jury is expected to hear additional evidence Tuesday. In a matter related to the grand jury, Supreme Court Justice Norman J. Felig yesterday reserved

decision on a Daily News motion to quash a subpoena that the district attorney's office had served on one of its reporters, ordering her to appear before the grand jury with her notes of an interview she had with Rand while he was undergoing psychiatric testing at Kings County.

The district attorney's reportedly is not concerned with her notes in which she said Rand denied killing the girl but with her notes dealing with Rand's alleged unpublished comments.

The district attorney contends that since the reporter, Heidi Evans, identified her source she waived any confidential privilege accorded her as a reporter.

Felig gave the district attorney's office until Tuesday to show whether it might get the same information that it seeks from the News reporter from alternate sources. It was reported that when the interview took place at the hospital there were relatives of three or four other prisoners present and a correction officer.

Loughery told the judge that the officer said she was unable to hear the conversation between Rand and the reporter. The judge directed the district attorney's office to either produce the officer as a witness or to submit an affidavit from her.



Karen Schweiger and her cousin, Dennis Wonica, hold hands as they listen in court.

Page 4 of 4 Pages