

Rand indicted on charges of murder and kidnapping

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Andre Rand, a man alternately depicted as a cunning, lonely drifter and as a Pied Piper whom children were drawn to, was indicted today on charges of murder and kidnapping in the death of Jennifer Schweiger.

The 12-year-old Down's syndrome victim disappeared July 9, sparking a massive, month-long search. The girl's body was found by volunteer searchers Aug. 12 in a shallow grave on the grounds of the Staten Island Developmental Center, Willowbrook.

about 150 yards from a campsite that police said had been used by Rand. The body was so decomposed that the medical examiner's office, up to the present, have been unable to determine the cause of death, although tedious and lengthy chemical tests are still going on in the hope of finding the answer, authorities say. In the meantime, the medical examiner has simply listed the death as a homicide.

District Attorney William L. Murphy announced the return of the two-count indictment this morning, ending weeks of legal maneuvering and a

pall of uncertainty as to the sufficiency of the mostly circumstantial evidence which police admittedly had assembled against the 43-year-old defendant.

A Supreme Court judge will now be called upon to review the evidence, and a jury eventually will be asked to decide whether it is sufficient proof of Rand's guilt beyond a reasonable doubt.

The grand jury that returned the indictment was only required to conclude that there was sufficient evidence, in the absence of a defense,

that Rand could have committed the crimes he is charged with.

One count charged Rand with so-called "felony murder," accusing him of causing her death during the commission of the alleged kidnapping.

The second count, Murphy said, charged Rand with first-degree kidnapping, saying he abducted her between July 9, the date she was last seen alive, and Aug. 4, when Rand was arrested. The count further stated that the girl had perished during this period.

Each count carries upon conviction

the same punishment — 15 years to life in prison.

Rand is expected to be arraigned on the indictment Wednesday in state Supreme Court.

Over a three-day period, the grand jury heard more than 10 witnesses, including a Daily News reporter who appeared yesterday after the newspaper was unsuccessful earlier in the day before the Appellate Division in staying an island judge's order requiring her to testify and produce

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Andre Rand

Rand

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notes of an interview she had with Rand on Aug. 16. The newspaper had sought to quash the subpoena.

The interview took place at the criminal psychiatric unit at Kings County Medical Center where Rand was then undergoing court-ordered psychiatric tests to determine his competency to stand trial. He subsequently was found fit.

Rand had been due to appear today in the Criminal Court, Stapleton, where, in view of the psychiatric finding and court procedures, he could have been released if the grand jury had not acted.

With the indictment, Rand will remain in custody, at least until his arraignment next week and a judge

decides whether to fix bail.

In the News account of the interview, Rand denied having had anything to do with the girl. Rand's court-assigned lawyer, Jerome V. Giovinazzo, subsequently stated that he has "solid evidence" that Rand was not the person whom a parade of witnesses say they saw with the girl on July 9 before she disappeared.

Giovinazzo also has indicated that Rand has an alibi defense. Authorities have said Rand had told them early in the investigation that he had been in New Jersey on the day that the girl vanished, but they were able to disprove this.

Sources close to the investigation have indicated that the prosecution's case centers on statements that Rand is alleged to have made, as well as the testimony of at least seven witnesses who said that between 2 p.m. and 4 p.m. on July 9 they saw Rand with Jennifer.

The sources said the witnesses were able to follow almost without interruption the path the two took as they walked from near her home on Wardwell Avenue, Westerleigh, to the developmental center, more than a mile away, where the girl's trail ended.

Police said some witnesses told them Jennifer appeared to be happy as she walked hand-in-hand with Rand. The girl had been described by her parents as extremely warm and trusting.

Rand is regarded by police as a suspect in the disappearances of other children going back 15 years.

Four years ago Rand was convicted in connection with an incident in which he took 11 children from West Brighton without permission in a van, drove

them to New Jersey where he fed them and allowed them to watch air traffic at Newark Airport, and then returned them unharmed to the Island. He served a 10-month City-Penitentiary term.

He previously had been convicted in the Bronx of a sexual abuse charge involving a child and served 16 months in prison. He was initially charged with the kidnapping and attempted rape of a 9-year-old girl. The incident took place in 1969.

Rand was reported by police to have made his home on Staten Island since being discharged from the military in 1965. For a year or more, authorities said he had lived at the campsite on the developmental center's grounds. He also has given the Brighton Heights Reformed Church in St. George as his address. The church houses Project Hospitality, a program for the homeless.

Rand also lived for a time in the West Brighton home of a storefront preacher, who admitted he had helped police in their attempts to keep him under surveillance during the investigation.