

# Rand beaten by inmates

By RAYMOND A. WITTEK  
ADVANCE STAFF WRITER

A battered Andre Rand was back on the Island yesterday and his lawyer challenged the medical examiner's report that classified Jennifer Schweiger's death as a homicide, calling such a conclusion "speculative."

The lawyer, Jerome V. Giovinazzo, predicted, based on what he knows of the evidence, that "there would be no doubt as to the outcome" if the murder-kidnapping charges against Rand were to be tried in another borough.

Giovinazzo said he plans to move for a change in venue, shifting trial of the case from Staten Island because of what he called "the massive outpouring of publicity" that would prevent his client from receiving a fair trial on the Island.

Giovinazzo made the statements at the Supreme Court arraignment of Rand on an indictment that charged him with kidnapping Jennifer Schweiger of Westerlo, a 12-year-old Down's syndrome victim, and causing her death.

Rand showed up in court with

bloodied nose and facial injuries. Giovinazzo said Rand believed he had suffered a fractured nose and ribs when set upon by a group of inmates at Rikers Island before he was scheduled to leave for court yesterday.

Giovinazzo said Rand was removed from a cell in which he was the sole occupant under what is called "administrative segregation" and placed in a cell with eight other inmates who choked and attacked him.

Thomas Antenen of the Correction Department's public affairs unit said a correction officer notified that Rand, a protective custody inmate, was bleeding when he appeared in a holding cell in the receiving room area at Rikers Island to await being transported to Staten Island at 6:30 a.m.

Antenen said Rand had been placed in a holding cell with eight other inmates, all of whom were also in protective custody to await transportation.

Antenen said that when the officer questioned Rand about his injuries he refused to make a statement or to receive medical attention. He was then shipped to

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Andre Rand leaves court and is led to a vehicle that will take him to the 120th Precinct in St. George.

ADVANCE PHOTO/FRANK J. JOHN

# Rand

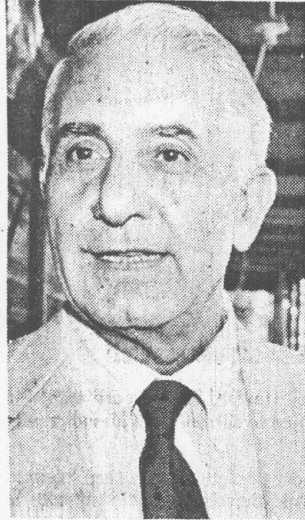
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Staten Island. On his return to Rikers Island later yesterday, Rand was again offered treatment, but Antenen said he was unaware whether Rand accepted treatment at that time.

Justice Norman J. Felig, at Giovinazzo's request, recommended that the Correction Department transfer Rand to the Brooklyn House of Detention where he is to be placed in administrative segregation and receive medical treatment.

The lawyer said Rand told him that if he were attacked again he would refuse to come to court. Felig replied: "Don't worry about that."

Giovinazzo entered an innocent plea on behalf of Rand. Felig granted the application of Assistant District Attorney John Loughrey and ordered Rand held without bail. Loughrey cited Rand's previous criminal record, including a felony sexual abuse charge involving a child. The judge observed that the 43-year-old defendant appeared to be a "wanderer" and had no roots in the community.



Jerome V. Giovinazzo  
Andre Rand's attorney

The case was adjourned to Oct. 7 for a pre-motion conference. Giovinazzo has submitted an omnibus motion in which he is seeking various evidence from the prosecution, including any statements Rand may have made to police. Loughrey said he is pre-

pared to provide the defense with a number of the items that have been requested.

Following his appearance in court, Rand was escorted to the nearby 120th Precinct station-house where he was arrested and processed on the murder charge in the indictment, a technicality. When arrested Aug. 4, before the return of the indictment, Rand had been charged only with kidnapping and unlawful imprisonment. The murder count is a new charge.

Extra security precautions were taken yesterday for the arrival of Rand in court. All of the doors in the County Courthouse, where the Supreme Court is located, were locked with one exception, and persons entering and leaving the building had access only to a door on Stuyvesant Place where they had to submit to a metal detection search by court officers.

While no heavily armed "SWAT squad" was present, as on a prior occasion, extra Correction Department officers were present when Rand arrived at about 11 a.m., at least two hours later than scheduled. He was the sole passenger in a Correction Department van.

A crowd of about 200 spectators, anticipating Rand's arrival, assembled on Stuyvesant Place to watch Rand, handcuffed and dressed in a red sport short and blue trousers with ankle-high shoes on which the laces had been removed, as he shuffled into the courthouse. The crowd, made up mostly of College of Staten Island students waiting for classes to start, was mostly silent.

Giovinazzo questioned the legal sufficiency of the evidence against his client, particularly before the grand jury, in asking Felig to fix "reasonable bail."

He said one of his motions will be for the judge to read the minutes of the grand jury to determine whether legally sufficient evidence had been produced by the district attorney's office.

The lawyer said he had just received a copy of the autopsy. The report, other than listing the death as a homicide, did not identify a cause of the girl's death or state the date and time that death took place. Her badly decomposed body was discovered Aug. 12, buried in a shallow grave on the grounds of the Staten Island Developmental Center, Willowbrook, a short distance from where police said Rand, a drifter, had maintained a campsite.

The medical examiner's office is believed to be conducting chemical tests on bone marrow in the hope of determining further in-



ADVANCE PHOTO/FRANK J. JOHNS

A police officer assists Andre Rand from a Correction Department van.

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ADVANCE SKETCH/TOM FLANNAGAN  
**Andre Rand, second from right, stands in silence as his attorney, Jerome V. Giovinazzo, second from left, addresses Justice Norman J. Felig. Depicted at far left in drawing is Assistant District Attorney John Loughrey.**

formation on how death occurred.

Giovinazzo said the prosecution's case appeared to be built largely on the observations of witnesses who said they saw Rand walking with the girl on July 9 from near her home to the grounds of the developmental center, more than a mile away.

"Assuming" that Rand had been with her, Giovinazzo said there was, to his knowledge, no evidence that his client intended to harm her. According to his information, Giovinazzo said the two were "holding hands" and

"smiling."

At the time of the girl's disappearance, Giovinazzo said there was at least one building at the developmental center that still housed "mentally defective" persons. He suggested that perhaps one of them may have been responsible for the girl's death.

"We don't know," Giovinazzo said, how Jennifer Schweiger met her death. "Nobody knows. The evidence doesn't point to whether (Rand) is the killer or the kidnaper."

Giovinazzo said he believes that

the people of Staten Island and District Attorney William L. Murphy and his staff are fair-minded, but under the circumstances, because of the case's publicity, he called on the district attorney's office to consent to have the case moved to another borough.

Loughrey rejected the proposal. In replying to the defense attorney's argument, Loughrey relied on what his simply stated view that the grand jury in voting the indictment based its decision on "legally sufficient" and "competent" evidence.



ADVANCE PHOTO/TONY CARANNANTE

**Karen Schweiger, mother of Jennifer Schweiger, walks outside Supreme Court in St. George.**



ADVANCE PHOTO/TONY CARANNANTE

**Jennifer Schweiger's father, Kenneth, is interviewed by a television crew.**

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