

Hearing set on Rand tapes

BY ADVANCE STAFF WRITER

A judge yesterday set a hearing for May 12 to determine whether police tape recordings of conversations of Andre Rand are sufficiently audible to make transcripts and to determine whether they will be admissible as evidence at the 43-year-old drifter's trial.

No date has been put down for the trial of Rand on charges that he murdered and kidnapped Jennifer Schweiger, a 12-year-old with Down's syndrome. The girl disappeared July 9, touching off a massive search by volunteers and others. The search ended Aug. 12 when the girl's body was found in a shallow grave on the grounds of the former Staten Island Developmental Center, Willowbrook, a short distance from where police said Rand had a campsite.

In setting the hearing date for the admissibility of the tapes, Supreme Court Justice Norman J. Felig ordered Assistant District Attorney John Loughrey and defense attorney Jerome V. Giovinazzo to review more than 50 tapes that police have in their possession to determine which of them the prosecution intends to introduce as evidence and which will be challenged by the defense.

At the same time, the lawyers will screen photographs, maps and other graphics to determine whether they can agree on which will be admitted into evidence and those on which they cannot reach agreement and must be placed before the judge for a decision on admissibility.

This is expected to be accomplished at the same time as the tape hearing.

Among the tapes are those police made while Rand resided at the home of a West Brighton clergyman prior to Rand's arrest in August on a kidnapping charge before the girl's body was discovered. The cleric took Rand into his home at the behest of authorities who wanted to keep him under surveillance while the investigation continued.

Felig also granted a portion of a defense motion in which Giovinazzo sought to compel Loughrey to provide him with more detailed information about scientific reports on items that police recovered in the area of Rand's Willowbrook campsite. The items, ranging from soil samples to clothing, fill 25 pages.

The judge, however, denied Giovinazzo's motion to compel the district attorney to provide him with the addresses of four witnesses at a lineup who were unable to identify Rand as the man they saw walking with Jennifer on the day she vanished. A number of other witnesses, however, identified Rand as the man they saw with the girl.