

Lawyer: Was Jennifer reburied at campsite?

By **RAYMOND A. WITTEK**
ADVANCE STAFF WRITER

Andre Rand's lawyer yesterday raised for the first time the circumstances surrounding the discovery of Jennifer Schweiger's body almost a month after she vanished on July 9, 1987.

A retired firefighter, among hundreds of volunteers who took part in the massive search, found her decomposed body in a shallow grave about 100 yards south of a campsite which Rand, a 44-year-old drifter, maintained on the grounds of the former Staten Island Developmental Center in Willowbrook.

Rand's lawyer, Jerome V. Giovinazzo, raised the question in cross-examining Detective Francis Callery, a hair and fiber expert at the police laboratory, at the fifth day of Rand's Supreme Court trial on charges of kidnapping and murder.

In response to Giovinazzo's questions, Callery said he had found "nothing of value" in examining samples of the graveside soil for hair and fibers and that he had not attempted to determine if the soil samples were different since that was not his job.

"Were you told that Jennifer may have been reburied at this site?" the lawyer asked.

"No, sir," replied the detective.

Giovinazzo made no attempt to enlarge on his question. The issue had not been raised at any time during the first five days of testimony, but it is almost certain to figure in the testimony of future witnesses, including the man who said he discovered the body.

The area of the gravesite had been searched previously at least 12 times without success, according to a previous witness.



Witness Salvatore Scandura, identifies a photograph of Andre Rand's campsite on the grounds of the former Staten Island Developmental Center.

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Callery and a second police laboratory witness confirmed that the prosecution had little, if any, scientific evidence that might implicate Rand in the death of the 12-year-old girl, who had Down's syndrome.

Despite examining a number of items submitted to him by authorities, Callery said he was able to identify only a hair found in Jennifer's mouth as matching the hair on her head. Since no clothing was found on the body, he said was unable to make comparisons with fibers found on Rand's clothing.

A number of other items were submitted for testing to the medical examiner, who still must testify.

The other police laboratory witness, Patricia Zippo, a forensic serologist, similarly said she failed to find any evidence of human blood or spermatozoa on a shirt, pants and socks owned by Rand. A detective had removed them from the campsite. Callery also had examined the same clothing.

Earlier, the 15-year-old son of a clergyman with whom Rand lived in West Brighton for about a month prior to his arrest testified that he and a younger brother accompanied Rand to his campsite on July 13 to pick up clothing and other items.

David Muskett, a high school student, said Rand showed him and his 12-year-old brother, Donald, around the campsite, then asked them to accompany him to a nearby unoccupied building, No. 23, where Rand climbed a tree to recover possessions on the roof where he had left them for safekeeping. The youth said Rand dropped to the ground boots, shoes, a board, rusty nails and a chair.

The witness said his father, who also works as a postal worker, rented two rooms to Rand in a second-floor apartment over a storefront church on Castleton Avenue, West Brighton. However,

the youth said his father did not conduct services at this time.

He said he had known Rand for 18 months, and that there were times he would listen to Rand play his guitar and sing. The Rev. and Mrs. Charles Muskett, in addition to two sons, have a daughter.

A fourth witness, Salvatore Scandura, an uncle of Jennifer's, testified he came upon the campsite the day before while searching for his niece near Building 23. He said the campsite, in a wooded area, could not be seen from the streets. He called his discovery "happenstance."

Scandura said he showed a detective the campsite that night.

Scandura said he found a bed protected by a green tarpaulin, a latrine and an area he called an "observation deck," or a "fox hole," about three feet in depth. Hanging in trees were clothing, knapsacks and sleeping bags. The area was "absolutely spotless," he said.

Assistant District Attorney John Loughrey showed a jury of eight men and four women videotape recordings of a lineup on Sept. 4 in which four witnesses identified Rand as the man they saw walking with Jennifer about 3 p.m. on July 9.

They were among nine witnesses who already have testified at the trial that they observed Rand walking hand-in-hand with Jennifer and pushing his bicycle from a point near her home in Westerleigh beginning at about 2 p.m. on July 9. The witnesses told of seeing the two walk some 28 blocks and enter the grounds of the developmental center where they were last seen a short distance from the campsite.

A tenth witness saw Jennifer walking with an older man he believed to be her grandfather a block from her home, but he could not identify Rand.

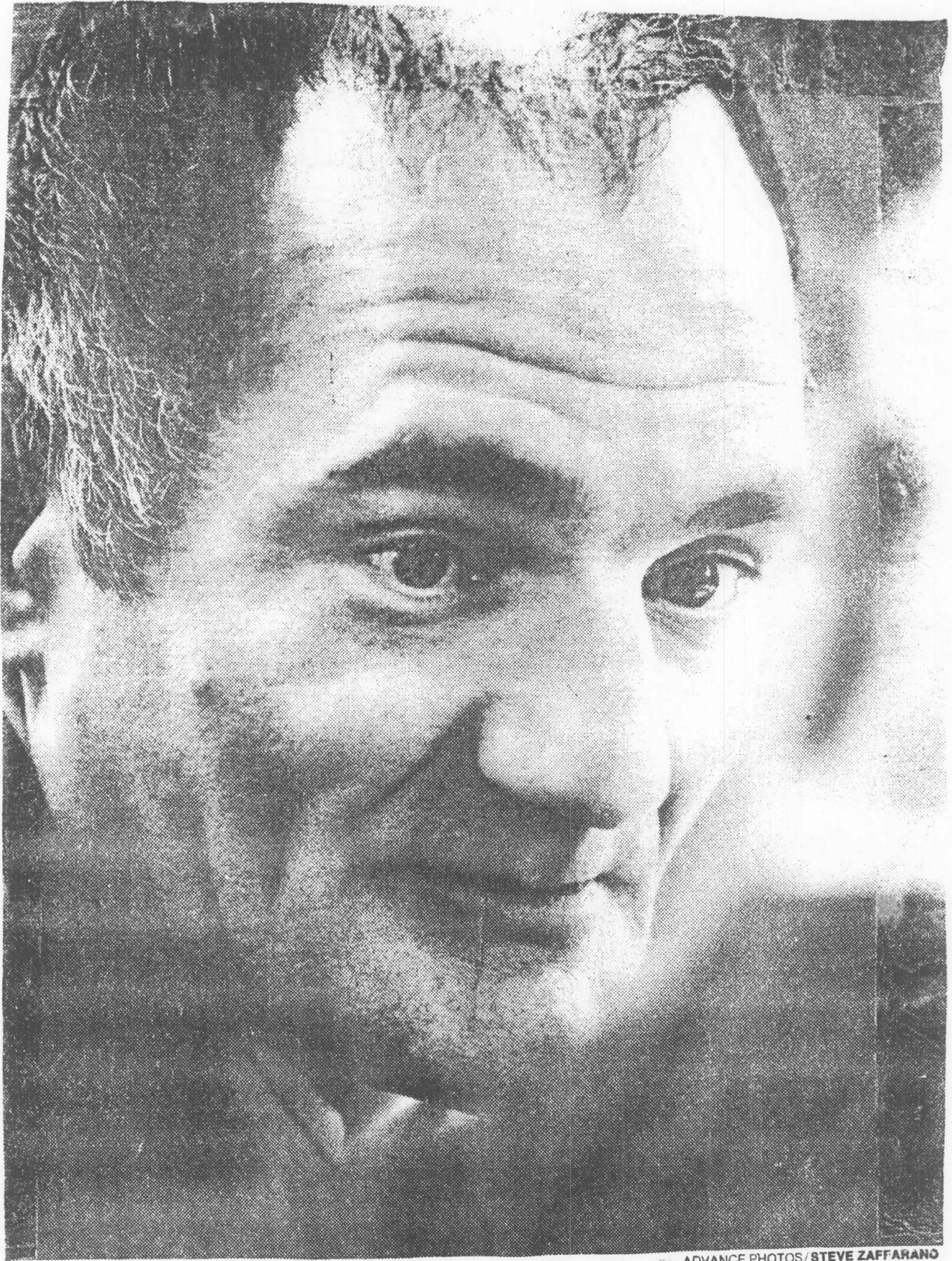
Justice Norman J. Felig ordered the testimony of a fifth prosecution witness stricken yesterday and directed the jury to disregard it. Acting on Giovinazzo's motion, he ruled that Teena Mandy's testimony was "speculative."

Miss Mandy, an employee of a laundromat on Victory Boulevard, Meiers Corners, said she knew Rand about two years as a customer who would regularly wash one load of wash three or four times, using ammonia and a detergent.

He would remain in the laundromat two or three hours at a time, she said, and would sometimes use a pay phone. But before using the phone he would carefully wrap the receiver with a paper towel before using it, she said.

She said she never questioned Rand about his preoccupation with cleanliness. She also said he was always courteous and never presented any problems in the laundromat.

The trial will enter its fifth week when it resumes Monday.



ADVANCE PHOTOS / STEVE ZAFFARANO

Defendant Andre Rand confers with his attorney.

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Mrs. Karen Schweiger, Jennifer's mother, is surrounded by family and friends as she listens to the proceedings.