

Witnesses are grilled by Rand's attorney

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André Rand's lawyer yesterday hammered away at the circumstances surrounding the discovery of 12-year-old Jennifer Schweiger's body and, afterwards, the medical examiner's report on the autopsy.

But in the end, the retired firefighter who found the body remained unshaken in his account, and a forensic pathologist stuck to her opinion that Jennifer had died of asphyxiation, a conclusion reached after the pathologist had signed the autopsy report concluding that the cause of death was undetermined.

The two witnesses were among seven who testified at the sixth day of Rand's Supreme Court jury trial on charges of kidnapping and murdering the trusting, friendly girl who had Down's syndrome.

Jennifer was last seen alive on July 9, 1987. Ten prosecution witnesses said they saw her walking with an older man — identified as Rand by all but one witness — near her home in Westerleigh and continuing for 28 blocks to the grounds of the former Staten Island Developmental Center, Willowbrook.

A center employee said he observed the two walking in the direction of a campsite that Rand, then a 43-year-old drifter, maintained in a wooded area, a short distance away.

George Kramer of Great Kills, one of hundreds of volunteers who took part along with a small army of governmental forces in a massive search, said he found the body Aug. 12 in a shallow grave about 100 yards from Rand's campsite.

Under cross-examination by Rand's lawyer, Jerome V. Giovinazzo, Kramer admitted that he permitted four days to elapse before digging to return to dig in what appeared to be a freshly dug site that he regarded as a "suspicious area." He said the soil was so soft that a branch he used to test it easily penetrated the ground.

Yet Kramer, a veteran camper, said he never went to police or told volunteer leaders of his suspicions, despite having been a volunteer searcher for more than three weeks and aware of the intensity and passions that drove searchers.

Kramer said that after making his initial observations Dec. 8 he left the area because he did not

have a shovel and because he was being ordered to leave the grounds along with other volunteers by center security personnel. On two of the succeeding days he said he was too tired to return to the site. He joined searchers in searching other areas on the third day.

Kramer said the site remained on his mind, and on Aug. 12 at 4 p.m. he sneaked alone onto the grounds and started digging at the site. "It was on my mind that I had to find out what that was," he testified.

"Did you bring anything with you at that time?" asked Assistant District Attorney John Loughrey.

"Yes," Kramer replied. "At that time I brought a shovel with me and proceeded in through the woods so security wouldn't see me, and I went in, and I located the spot and proceeded to dig a few shovels at a time. Going down at one point, when I brought up the shovel I got a strong odor coming out of the ground."

"So I cleaned out the area about 12 inches square that I had dug down into and the odor was getting stronger, and then I hit something soft and I took the shovel and dug out down, and I noticed that it looked like flesh and on a bone, so at the time I left everything as it was and proceeded out of the woods to notify someone."

Kramer said he went to the Schweigers' parish church, Holy Family R.C. Church, Westerleigh, from which the volunteer searchers operated. He spoke to the Rev. Henry Gentile, the pastor who also testified yesterday. Arrangements were made for a group of 14 volunteers to proceed to the area at 7 p.m.

Among the group was an off-duty police Highway Emergency Services sergeant, Ronald Jacobs, who had been active in the search as a volunteer with members of his family.

Jacobs said he made arrangements for a two-man Emergency

avoiding the center's main entrance so as not to arouse interest. They started to dig and when the group saw a body they began to dig by hand. Jacobs said he then requested additional police personnel and ordered all civilians from the area, which was now a crime scene.

Under questioning by Giovinazzo, Jacobs denied telling a newspaper reporter following the discovery that he had been over the site many times and had regarded it as a "spot like any other spot." Another witness said the same area had been covered

by searchers at least a dozen times.

Jacobs said the body was removed in its entirety still encased in soil.

Jacobs testified that he had searched with Kramer and on other occasions. He said he found Kramer to be "very slow, very meticulous." He added: "He was a pain in the neck to search with." The sergeant indicated he preferred to move more quickly.

Under questioning by Giovinazzo, Kramer denied that

he had gone to the gravesite on Aug. 12 after receiving a call from a "whisky-voiced" male.

Kramer said earlier that he came upon the site on Aug. 8 by striking out with his wife to search different trails leading from Building 27, which was vacant. He said the gravesite "looked new," with topsoil showing dirt mixed with clay. It appeared to have been raked. There was no indication that it had been visited by other volunteers.

Dr. Jeffret Burkes, a forensic dentist, testified he identified Jennifer from dental records and from speaking to her dentist.

Dr. Gwen Narlemen, a former associate medical examiner with the New York City Chief Medical Examiner's Office who performed the autopsy, admitted under cross-examination that she had sent samples of soil that accompanied the partially decomposed body to the medical examiner's investigative unit, but the samples were never tested.

Giovinazzo had attempted to suggest through Dr. Narlemen and at least one other witness that the body may have been reburied. She said she saw no signs that Jennifer had been reburied.

Dr. Narlemen signed the autopsy report Aug. 18, making no reference to asphyxia being the cause of death, as she testified to under questioning by Loughrey.

She insisted under cross-examination that there was nothing inconsistent between her testimony and the report. She said she could not determine the cause of asphyxia, or inability to breathe, such as strangling.

Giovinazzo repeatedly questioned her for the specific findings that led her to arrive at her opinion as to cause of death "with a reasonable degree of medical certainty."



ADVANCE PHOTOS/FRANK J. JOHNS

George Kramer of Great Kills tells the court how he found Jennifer's body in a shallow grave.

She maintained her opinion was based on "all the facts" at her disposal, including the "process of elimination" — namely the absence of any type of blows or injuries or disease that might have killed Jennifer. The unclothed body had not decomposed to the point where she could not determine fractures or other injuries, Dr. Narlemen said. She ruled out natural causes or self-imposed means as causing the asphyxia.

Robert Newberg, associate personnel administrator at the developmental center, identified an employment card that Rand had filled out when he worked at the center in 1966.

Patricia Casiano, who resides and works in the area of the center, testified that shortly before Jennifer's disappearance she encountered Rand on the grounds of the center and he described himself as "caretaker."

The trial, before Justice Norman J. Felig, will continue today.



Patricia Casiano of Willowbrook testifies that she encountered Andre Rand on the grounds of the Staten Island Developmental Center shortly before Jennifer's disappearance.



Using an aerial photograph, witness George Kramer points to the spot where he found Jennifer Schweiger's body. Watching, from left, are defendant Andre Rand; his attorney, Jerome V. Giovinazzo, prosecutor John Loughrey and Judge Norman J. Felig.