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Rand trial is extended so physician can testify

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The judge in the Andre Rand kidnap-murder trial yesterday granted the defense a continuance to Monday so that an unidentified physician can testify.

The delay means it will be Tuesday before Justice Norman J. Felig hands the case to the Supreme Court jury of eight men and four women.

Closing statements by Assistant District Attorney John Loughrey and defense attorney Jerome V. Giovinazzo are now tentatively scheduled for Monday afternoon, should the defense rest its case, as expected, earlier in the day.

Felig granted Giovinazzo's request for the continuance after two witnesses called by the defense testified about observations they made after Jennifer Schweiger, a 12-year-old girl with Down's syndrome, disappeared on July 9, 1987 from near her home in Westerleigh.

The girl's partially decomposed body was discovered Aug. 12 in a shallow grave on the grounds of the former Staten Island Developmental Center, Willowbrook, about 500 feet south of a campsite that Rand, then a 43-year-old drifter, maintained near Building 23, an unoccupied facility.

Both witnesses produced by the

defense said they had contacted police about their sightings, but they were not among the 10 witnesses called by the prosecution at the trial.

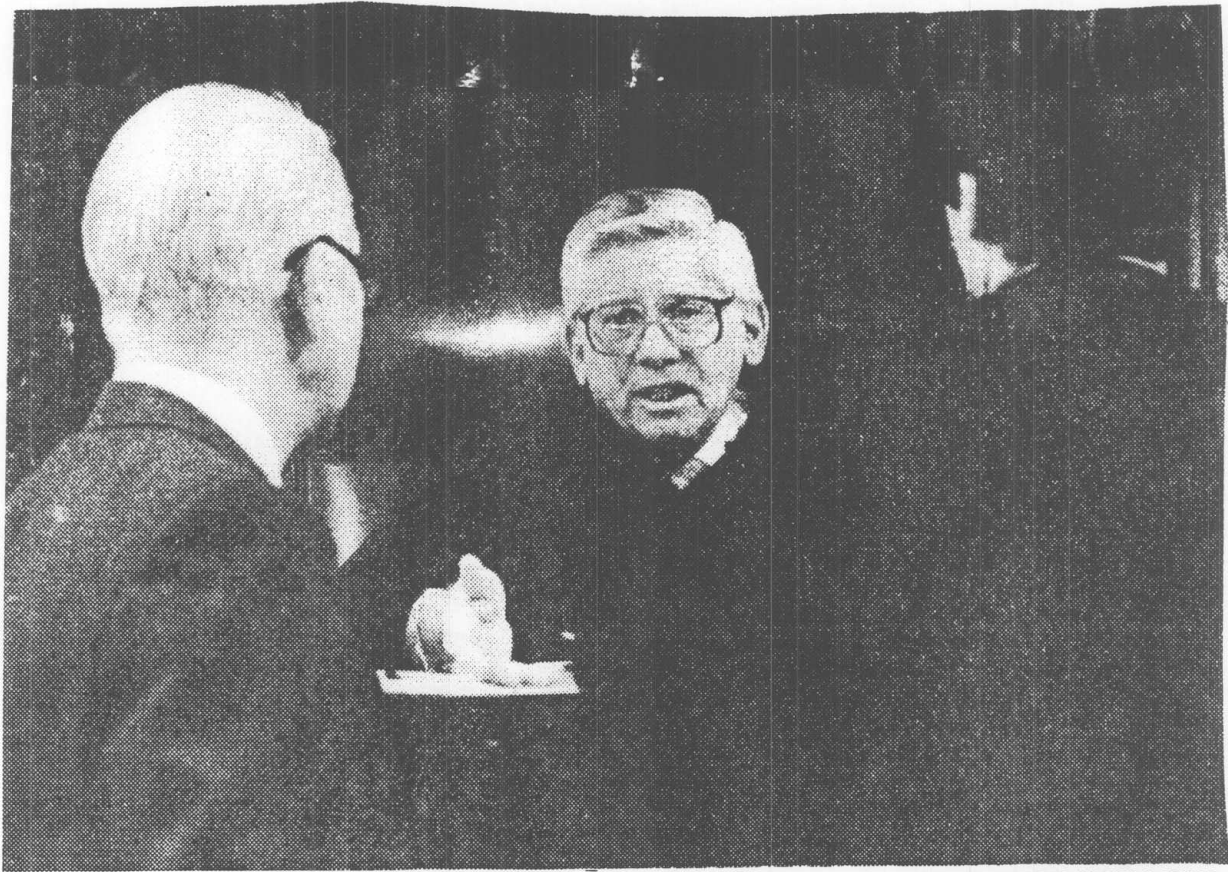
The prosecution witnesses said that between 2 and 3 p.m. they saw Rand, or a man resembling him, walking with the girl beginning a block from her home and continuing into the grounds of the center where they were seen by center employees who knew Rand. One employee last saw the two a short distance from the campsite and walking in its direction.

Giovinazzo, in his opening statement, conceded that Rand was with Jennifer on the afternoon of July 9. He said Rand believed she was a resident of the center and had wandered off. The lawyer said Rand was walking her to the administration building when they became separated and did not see each other again. Rand is a former employee of the center.

The first defense witness, Ernest M. Russo, a court officer in Criminal Court, Stapleton, said he knew Rand from having seen him on a number of occasions.

Russo testified he had halted for a traffic signal at the Bradley Avenue overpass of the Staten Island Expressway in Meiers Corners at about 4 p.m. on July 10 — the day after Jennifer disappeared — when he saw a middle-aged man holding the hand of a girl as they walked across the overpass. He said his view of the girl was largely obscured by her companion.

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ADVANCE PHOTOS/FRANK J. JOHNS

Judge Norman J. Felig speaks to defense attorney Jerome V. Giovinazzo, left, and prosecutor John Loughrey.



Defense witness Lois Rao testified that she contacted police after Jennifer was reported missing.

Russo said the man had two or three days of beard growth, appeared to be "seedy" looking and wore open sandals on his feet. While the description was similar to that provided by other witnesses who identified Rand, Russo insisted that the person he saw was not the defendant.

Russo said he informed police of his observation on July 11, and the following day he was shown photographs in the hope he could identify the man he saw with the girl. He said he selected a photograph of a man who resembled the person, but it was not a photograph of Rand.

Under cross-examination, Russo said he noted little about the girl because his attention was not on her. However, he said he noticed the girl had a light-colored shoulder bag which she wore diagonally over her chest. Pros-

ecution witnesses also said Jennifer had a shoulder bag when they saw her.

A police report said Russo made his observations on July 9, but Russo said the report was in error; he insisted yesterday that it was following day.

The other defense witness, Lois Rao, a mother of two, testified she was in her car on July 9 between 5 and 6 p.m. on Victory Boulevard between Gansevoort Boulevard and Mountainview Avenue, Meiners Corners, when she saw a child who might have had Down's syndrome. She was uncertain whether the smiling girl was accompanied by anyone, or even that she had Down's syndrome.

She said she contacted police the next day when she saw Jennifer's photograph in a newspaper and thought the person she saw was the missing girl.

Mrs. Rao said the girl appeared to be nine or 10 years of age and wore a T-shirt with a logo on it. Initially, she told police it was a "Sesame Street" logo, but on the witness stand she admitted she was not sure. "It could have been anything," she agreed.

Loughrey, in cross-examining Mrs. Rao, sought to determine whether she was familiar with various group homes for persons with Down's syndrome in the area where she made her observations.



Defense witness Ernest Russo believes he may have seen Jennifer with someone other than Andre Rand the day after she was reported missing.