

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.