

Rand guilty; faces life term

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Andre Rand was found guilty last night of the kidnapping of Jennifer Schweiger, but the forewoman of the Supreme Court jury said the panel was too weary after nine hours to continue deliberations on a murder count.

Supreme Court Justice Norman J. Felig sent the jury of eight men and four women to a motel in Graniteville for the second straight night, but directed it to return today to continue to deliberate.

Any verdict on the murder charge will be anti-climactic in view of the verdict of guilt on the charge of first-degree kidnapping. Regardless of the jury's verdict on the murder charge, Rand cannot be sentenced to any more than the maximum sentence he faces on the kidnapping charge — 25 years to life.

He cannot receive consecutive sentences, since both charges emerged from the same set of circumstances. In addition, first-degree kidnapping, unlike the lesser charge of second-degree kidnapping, embodies the element that Jennifer died while being kidnapped.



ADVANCE PHOTO/HILTON FLORES
Accompanied by his lawyer, Jerome V. Giovino, Andre Rand listens as the jury's verdict is returned.

Jury still weighs murder count after conviction on kidnapping

The verdict came on the 11th day of the 44-year-old drifter's trial.

The disappearance of the friendly, trusting 12-year-old girl with Down's syndrome on July 9, 1987 touched off the greatest search for a missing person in Staten Island history. The search ended the following Aug. 12 with the discovery of her partially decomposed body in a shallow grave on the grounds of the former Staten Island Developmental Center, Willowbrook, 500 feet from a campsite maintained by the defendant.

Rand, a former center employee, greeted the verdict with the same stoic expression he has displayed during the entire trial in its fifth week.

The dead girl's father, Kenneth, looked at his wife, seated beside him in the courtroom's spectator section and gave a gentle smile of

satisfaction. Later, they embraced and shook hands with de- teers who took part in the search. Some of the volunteers sobbed quietly.

The judge decided to permit the jury to continue its deliberations after the forewoman reported following a poll of her fellow jurors that there was a possibility of arriving at a verdict following a night's sleep.

Earlier, Felig had instructed the jury that it could return a guilty verdict on the murder charge — so-called felony murder — only if it first found that Rand had kidnapped the girl.

While he informed the jury that it need not decide whether Jennifer's death was unintentional or even accidental, it was clear from notes the jury sent the judge throughout the trial that the difficulty in arriving at the verdict

language on the murder charge. The murder count simply charged Rand with causing the girl's death during the commission of another felony crime, the kidnapping.

Felig's decision to accept the jury's partial verdict was made over the objection of Rand and his attorney, Jerome V. Giovino, and sparked arguments in which Giovino, following the judge's decision, fought unsuccessfully for dismissal of the murder charge.

Assistant District Attorney John Loughrey offered an objection to taking the partial verdict and asked the judge only that he permit the jury to continue its deliberations on the murder charge.

"It's obviously important to the jury and to the Schweigers," he said. Giovino, after consulting with his attorneys, said: "See GUILTY, Page A 2"

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