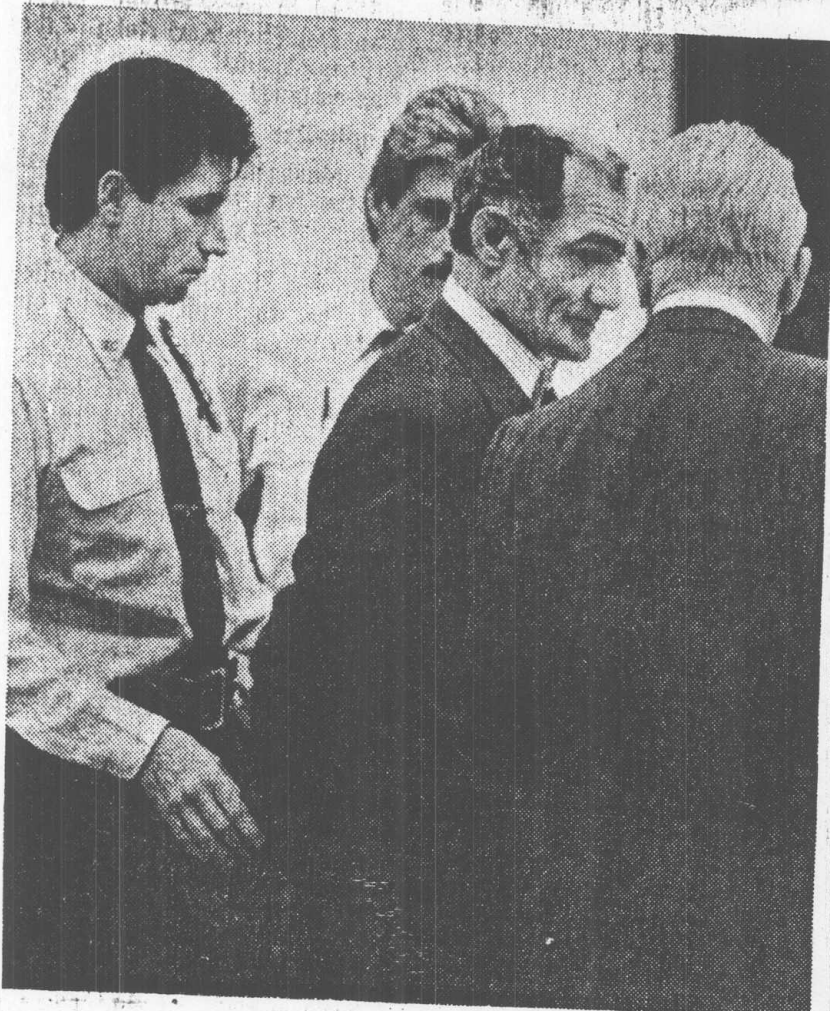


# Rand jury deadlocked, murder count scrapped



ADVANCE PHOTO/JIM SULLEY

Andre Rand is handcuffed in preparation for the trip back to Rikers Island.

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

The Andre Rand jury reported last night it was deadlocked on a murder charge, leading the judge to dismiss the count under a section of law that barred the prosecution from retrying Rand on the charge.

Supreme Court Justice Norman J. Felig took the action after the jury on Wednesday had found Rand guilty of a first-degree kidnapping charge in the death of Jennifer Schweiger, a 12-year-old with Down's syndrome.

"The judge had no option," said Assistant District Attorney John Loughrey. "I could not retry the murder charge."

Felig ordered Rand, a 44-year-old drifter, held without bail in setting Nov. 15 for sentencing on the kidnap conviction. He faces a prison term with a minimum term of 15 to 25 years and a maximum of life.

Even if he also had been convicted on the murder count, he would have faced the same jail term when sentenced.

The dismissal ended a five-week trial in which a jury of eight men and four women heard 43 prosecution witnesses and three defense witnesses. The jury had deliberated about 24 hours over a