

Maximum sentence for convicted kidnapper

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A judge yesterday tossed the book at Andre Rand for the kidnapping-death of 12-year-old Jennifer Schweiger.

Supreme Court Justice Norman J. Felig, remarking that "no crime within my memory has so aroused the community," sentenced Rand to prison for 25 years to life, the maximum sentence allowed by law.

The sentence means that the 44-year-old drifter will be required to serve at least 25 years behind bars before he can be considered for parole. He could serve beyond 25 years, depending on the State Parole Board.

"I think that my wife's letter said it all," said Kenneth Schweiger, the father

of the dead girl, in referring to a moving letter that the Schweiger family had sent to the judge and the judge read prior to sentencing Rand. "I'm glad that it's over, and the final judgment has been given."

Rand's court-assigned lawyer, Jerome V. Giovinazzo, who had pleaded in vain for leniency for his client, termed the sentence excessive and blamed "massive publicity" surrounding the case for having an "impact" on the judge's sentence.

Giovinazzo previously fought unsuccessfully to have Rand's trial shifted from Staten Island to another county, citing alleged prejudicial publicity.

Giovinazzo said he already has filed a notice of appeal on Rand's behalf.

On Oct. 26 a jury found Rand guilty of a first-degree kidnapping charge in the disappearance and death of the Down's syndrome girl. The judge dismissed a murder charge the following day, the third day of deliberations, when the jury was unable to agree on a verdict.

The disappearance of the friendly, trusting girl at about 2 p.m. on July 9, 1987 touched off the largest search for a missing person in Staten Island's history, with hundreds of volunteers, including off-duty police officers and firefighters, taking part.

A parade of prosecution witnesses was able to chart the progress of the girl as she walked for some two miles

(See RAND, Page A 3)



ADVANCE PHOTO/FRANK J. JOHNS

Andre Rand is sentenced to a term of 25 years to life.

Page 1 of 3 pages

(From Page 1)

with an older, unkempt man, identified by all but one witness as Rand. The two were last seen on the grounds of the former Staten Island Developmental Center in Willowbrook, a short distance from where Rand maintained a campsite.

A bloodhound trained to track human scents followed a 28-block course that paralleled many of the areas where witnesses said they saw the two walking hand-in-hand and ended on the center grounds near where they were last seen.

The girl's partially decomposed body was found Aug. 12 in a shallow grave about 500 feet from Rand's campsite. Felig said the discovery "brought a feeling of shock and outrage to the Staten Island community."

Rand was dressed in an outfit in which he often appeared during the trial — a brown sport jacket with tan slacks and a cream-colored striped shirt with the collar open.

on her family to gain her freedom.

He pointed out that a cause of death was never determined, and there was no evidence of a physical assault. There also was no known motive for the kidnapping, he said.

Giovinazzo said his client was convicted of a "serious crime, but not a heinous one." He insisted Rand was merely trying to help the girl to return to Willowbrook when they became separated. Rand believed she had been a resident of the center and had strayed away, his lawyer claimed.

Felig noted that while other children have disappeared on Staten Island in recent years and were never found, "none seemed to touch the hearts of Staten Island residents as the disappearance of Jennifer Schweiger."

Felig's reference to other missing children apparently was a veiled allusion to at least three other missing person cases in which police say Rand is a suspect.

The judge, referring to the massive search that had taken place

Rand, who has been variously characterized as an ogre and as a Pied Piper, appeared to gaze straight ahead as the judge imposed the sentence, giving no signs of emotion. His hands were handcuffed behind his back.

Rand declined to make a last-minute statement on his own behalf. He also had refused to speak to the Probation Department when an officer sought to interview him for a pre-sentencing report. He did not testify at the trial.

Assistant District Attorney John Loughrey, noting Rand's silence, especially before the Probation Department, said the defendant had an opportunity to "mitigate circumstances by talking," but he refused.

Loughrey said Rand's previous criminal history, dating back to 1969, seemed to have a correlation in the disappearance and death of Jennifer Schweiger.

In 1970, Rand was convicted of a felony sexual abuse count that emerged from an attempted rape

charge in the Bronx and served a 16-month prison term.

In 1983, he was convicted of an unlawful imprisonment charge, a misdemeanor, in connection with driving a group of children to Newark Airport without their parents approval. The children watched planes take off and land and Rand fed them at a fast-food restaurant before returning them unharmed to the Island. He received a 10-month City Penitentiary term on this charge.

In addition to the impact that the case has had on the dead girl's parents, Loughrey called attention to the community interest the case generated and noted that it "altered the way people lived, especially if they had children. They were afraid."

He called on the judge to impose the maximum sentence.

Giovinazzo, in pleading for a minimum sentence between the 15 and 25 years, which the judge was empowered to impose, said there was no evidence that the girl had been forcefully seized or that any demands had been made



Supreme Court Judge Norman J. Felig sentences Rand to the maximum sentence.

for Jennifer, said those who took part "felt a personal loss" when the body was found.

Felig questioned Giovinazzo's assertion that no force had been used on the girl. The judge said this may have been due to a trusting nature that witnesses testified about. Referring to the void in the prosecution's circumstantial evidence case about what actually

happened to the girl, the judge said "perhaps we will never know what really happened."

The fact that there was "less evidence" in the case than many would have liked "doesn't lessen the enormity of the crime," Felig said.

The judge indicated he was satisfied with the jury's guilty verdict on the kidnapping charge.

Page
2
of
3
Page

Jennifer's parents discuss loss in letter

Justice Norman J. Felig, prior to sentencing Andre Rand, read the following letter from Karen and Kenneth Schweiger, the parents of Jennifer Schweiger:

Dear Judge Felig,

On July 9th, 1987, we lost one of our two most valuable possessions, our daughter, Jennifer Lynn Schweiger.

A day which started out as an ordinary summer day, a child wanting to go out and play because it was summer vacation, turned into a 16-month nightmare with a lifetime of loss!

Not only have we lost our only daughter, our son lost his only sibling, my mother lost a granddaughter and Grandma and Pop-Pop Schweiger lost the only granddaughter they will ever have because my husband is an only child.

My father-in-law was so emotionally distraught, he couldn't even stay at the wake and was unable to attend the funeral. Jennifer was his Princess.

Having a handicapped child is at first an adjustment. But once you accept this fact and start to learn about your child, as all parents do, your heart grows

with them.

Jennifer generated love; she was pure of heart and pure of love. What greater gift could a family share? Look how a picture of a girl with a beautiful smile and sparkling eyes generated the largest search on Staten Island. Without "all" these people's support, we would have never gotten through!

Andre Rand took all this away from us! Our lives will never be the same. Never again will we be able to hold, kiss and hug our Jennifer, or share in her achievements or defeats!

Andre Rand, a homeless derelict, has already served two sentences, both involving child abuse. He has also been implicated in other missing children of Staten Island. We feel he is definitely guilty of all these crimes. Please, Judge Felig, don't let Jennifer's death have been in vain! Please sentence Andre Rand to the maximum of 25 years to life. How old is too old to kill an innocent child?

We are now in a new home (in New Jersey). A home that was being built before Jenny was missing. Jennifer would ask, "We go to new house, now, mommy?"

I would answer, "Soon, Jennifer."

But "soon" never came for Jenny. We miss her so!



Kenneth and Karen Schweiger, parents of Jennifer Schweiger, listen as Rand's sentence is read.

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Page
3
2
1
3
Page: