

State court refuses to review Andre Rand kidnapping case

Federal court only avenue left open to overturn conviction

ADVANCE SUPREME COURT BUREAU

The state's highest court has refused to review the conviction and sentence of Andre Rand for the kidnapping four years ago of a 12-year-old girl with Down's syndrome.

The partially decomposed body of the girl, Jennifer Schweiger, was found buried in a shallow grave on the grounds of the former Staten Island Developmental Center in Willowbrook, more than a month after her disappearance.

Only the federal courts are

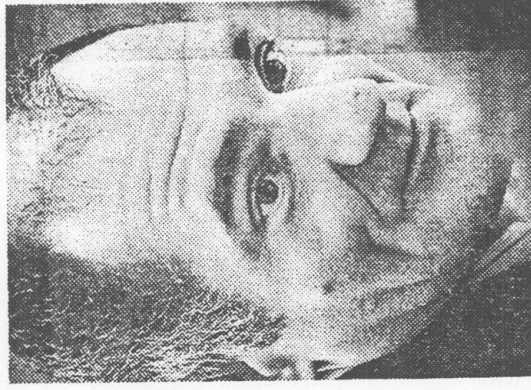
now open to Rand to seek to overturn his conviction after the Court of Appeals refused to grant the one-time drifter permission to appeal a lower appeal court's decision.

Rand, now 47, had hoped that the Court of Appeals would set aside last November's order of the Appellate Division, affirming his October 1988 conviction by a Supreme Court jury on Staten Island and subsequent sentence of 25 years to life imposed by the trial judge, Justice Norman J. Felig.

In sentencing Rand to the maximum term allowed by law, Felig said: "No crime within my memory has so aroused the community."

The Appellate Division, in refusing to disturb Rand's conviction and sentence, said it was "satisfied that the verdict was not against the weight of the evidence."

Rand had been tried for murder, as well as kidnapping. Felig initially agreed to accept a partial verdict from the jury, finding Rand guilty of kidnapping.



ADVANCE FILE PHOTO

Andre Rand

He instructed the jury to continue its deliberations on the murder count. When the jury still could not agree on the murder charge the following day, the judge dismissed that count.