

**OCTOBER 2002 SESSION  
PRISON REVIEW BOARD  
STATE OF ILLINOIS**

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<b>PEOPLE OF THE STATE OF ILLINOIS</b>	)	
	)	<b>Docket No.</b>
<b>vs.</b>	)	
	)	
<b>RONALD KLINER</b>	)	<b>Inmate No. B77152</b>
	)	
	)	

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**I.**

**HISTORY OF THE CASE**

Petitioner, Ronald Kliner, shot Dana Rinaldi five times in the face killing her as she was exiting her car in front of her home. He shot her pursuant to a contract for hire with the victim's husband Joseph Rinaldi. Another co-conspirator, Michael Permanian, was also present at the murder scene.

Petitioner pled not guilty and Michael Permanian and he were tried simultaneously to separate juries for two counts of first degree murder under Ill. Rev. Stat. (1987) ch. 38, para. 9-1(a)(1) and (a)(2) and one count of conspiracy to commit first degree murder in violation of Ill. Rev. Stat. (1987) ch. 38, para. 8-2. Both Ronald Kliner and Michael Permanian were found guilty by each of their juries on all counts.

**Ronald Kliner elected a bench sentencing hearing conducted by Judge Janice Bierman.**

**The judge sentenced Ronald Kliner to death.**

**The Illinois Supreme Court considered Kliner's appeal and affirmed both his conviction and sentence of death in People v. Kliner, 185 Ill.2d 81 (1998). The Illinois Supreme Court subsequently denied a defense motion for a rehearing. In July, 1998 Ronald Kliner applied for clemency. A hearing was held and clemency was denied. In October, 2000 he again applied for clemency and a hearing was held. That matter is still pending.**

**In addition, several post conviction proceedings have been heard and denied. An issue in the last post conviction proceeding is still pending.**

## FACTS OF THE CASE

Petitioner, Ronald Kliner, was indicted by the Grand Jury on two counts of first degree murder and one count of conspiracy. Petitioner pled not guilty. A jury convicted petitioner on all counts. Judge Janice Bierman found petitioner eligible for the death penalty under the murder for hire provision. At the conclusion of the hearing on aggravation and mitigation, Judge Bierman found no factors sufficient to preclude the death penalty, and she sentenced petitioner to death.

During the trial, statements made by petitioner and co-defendant Permanian to witnesses called at trial detailed the events of the night of the murder. Shortly after midnight of February 18, 1988, Dana Rinaldi was shot five times in face by Ronald Kliner as she was exiting her car to go to her apartment. He and Michael Permanian had entered the complex where she lived and waited for her to return home from work. When Permanian got “cold feet” Kliner walked up to Dana’s car as she was getting out. She said, “What are you doing?” and put her hand and purse in front of her face in self defense as Kliner pointed the gun at her face. The first round jammed; he ejected it. Then laughing as he looked the terrified expression on Dana’s face, Kliner shot her five times in the face.

This was the result of a murder for hire. Dana’s husband, Joe Rinaldi, hired Michael Permanian, the best man at his wedding, and Ronald Kliner, whom he knew since he was 12 years old, to kill his wife for half the proceeds of a \$50,000 life insurance policy. At first the discussions were between Permanian and Joe Rinaldi. Around Thanksgiving, 1987 Permanian suggested they meet with Kliner who might be able to help him. In December, they met about three times. Kliner showed Joe Rinaldi a gun in his waistband and asked questions about

Dana's lifestyle and her work hours. Joe Rinaldi drew them a map of the apartment complex on a napkin and they agreed that it was a good place to do the job.

On February 15, 1988, they met again and decided to do the job on February 17. Kliner and Permanian would steal a car, Joe Rinaldi would arrange for an alibi and go out for that evening, and they would page him when the job was finished.

Rinaldi arranged to go out bar hopping with a friend, Jim Gruska, and he did not return home until well after midnight, February 18, 1988. He knew the murder had been carried out when he returned home and saw his wife's car being towed away. He had practiced crying so as to appear to be grief stricken to the police.

When Rinaldi called him later that day in accordance with his instructions, Permanian asked how Rinaldi had fared with the officers. Rinaldi admitted he had told the police about Permanian's car. Permanian then asked "why the hell did you tell them about my car", and he admitted that "he and Ron used his [Permanian's] car" instead of stealing one.

Rinaldi also met Permanian at a restaurant on February 29, when Permanian instructed Rinaldi not to say anything to the police. Permanian told Rinaldi that he would "end up like she did" if he did not "keep his fucking mouth shut". Around March 2, Permanian asked Rinaldi what he had told the authorities. Permanian again told him "you know what will happen" if he talked to the police.

Rinaldi eventually received \$51,767 from Metropolitan Life as well as \$83,000 from Dana's employer's policy with Traveler's Insurance. There was a pension of \$3,000 that he also received. Rinaldi originally agreed to pay Permanian and Kliner \$25,000 each, and he did not immediately disclose the Traveler's policy to Permanian and Kliner.

The payments began in late March of 1988, when Rinaldi met Permanian at a restaurant and passed him \$400 under the table. After Permanian demanded \$500 a week to be shared with Kliner

until the insurance money came through, Rinaldi started making regular \$300 to \$500 payments to Permanian. Rinaldi made payments, usually on a weekly basis, until November of that year.

But Rinaldi frequently experienced problems meeting his obligations. In June, Rinaldi asked Permanian to suspend his payments because he could not meet his own expenses. Permanian said he and Kliner would kill him if he stopped paying.

In November, Permanian contacted Rinaldi and told him that he and “Ron” knew about the extra policy. Permanian stated Rinaldi would “end up dead like she did” if Rinaldi “fucked around” with his payments. Permanian claimed Rinaldi now owed them \$65,000, but he eventually agreed to accept \$55,000 instead. Permanian urged Rinaldi to increase his weekly payments from \$500 to \$1,000. Permanian cautioned there was nothing he could do about Kliner’s share, however, and added that Kliner was very anxious to get paid. Rinaldi accordingly increased his weekly payments to \$1,000.

Late in March of 1989, Permanian called Rinaldi and demanded \$2,000 “juice money” until he was paid in full. He threatened to kill Rinaldi if he refused.

In April of 1989, Rinaldi met both Permanian and Kliner in an alley behind an Elmwood Park restaurant. Permanian looked at Kliner, pointed at Rinaldi, and said “look who is here”. Kliner then demanded his money and reminded Rinaldi that he had assured him they would “get away with it”. Rinaldi gave Permanian \$1,000 which Permanian handed to Kliner saying, “Here, Ron, this thousand dollars is yours. I got \$500 extra last time. And besides, it was your gun.”

Early in August of 1989, Permanian called Rinaldi again. Permanian said that Kliner would kill him if did not receive his [Kliner’s] money by the end of the month. But Rinaldi persuaded Permanian to talk to Kliner. Five or six days later, Rinaldi met Permanian at the fire station where Permanian worked. Permanian again threatened him and claimed Kliner would kill him if he didn’t receive his money by the end of the month. By this point, Rinaldi had already paid the men \$35,000, and Permanian agreed to try to arrange some sort of

payment plan for the balance.

On August 19 or 20, 1989, Permanian paged Rinaldi and they met at a restaurant. Permanian told him he must come up with \$19,000 by the end of the month, from which Kliner would be paid \$17,000. Permanian said they could resume their regular payment schedule after Kliner was paid. . Rinaldi paid Permanian \$19,000 late in August of 1989.

No arrests were made in this case until June 10, 1993, when three important witnesses came forward. The first of these was Joseph Rinaldi, the victim's husband, who later testified for the State in exchange for the prosecutor's promise to recommended a 40 year sentence and seek exemplary "good time" credits for work and school. The State also placed him in the witness protection program and agreed to recommend he not be prosecuted for tax evasion.

The other two were, Tammy Behenna, Ronald Kliner's girlfriend and mother of their son, and his uncle John Apel, Sr. Kliner bragged to them on numerous occasions about the murder and demonstrated to them how it occurred. Both were terrified of him and feared for their lives if they ever disclosed what he had revealed to them. Kliner reinforced their fears with numerous threats on their lives. In the case of his uncle, a Chicago Police Officer, he also threatened to kill his son and daughter.

Kliner was tried by a jury for two counts of first degree murder under Ill. Rev. Stat. (1987) ch. 38, para. 9-1(a)(1) and (a)(2) and one count of conspiracy to commit first degree murder in violation of Ill. Rev. Stat. (1987) ch. 38, para. 8-2. On January 23, 1996 the jury trial commenced. Ronald Kliner was found guilty of the February 18, 1988 shooting death of Dana Rinaldi in Palatine, Illinois by the jury on February 28, 1996. In a separate jury trial proceeding simultaneously, the co-defendant, Michael Permanian, was also convicted of the

same charges.

On May 7, 1996 the began a hearing on aggravation and mitigation. Ronald Kliner elected a bench sentencing hearing conducted by Judge Janice Bierman. After the State proved Kliner's age, and the judge took judicial notice of the verdicts and the trial testimony in this case, the judge found Kliner eligible for the death penalty under Ill. Rev. Stat. (1987) ch. 38, para. 9-1(B)(5), murder committed pursuant to a contract.

A lengthy aggravation and mitigation proceeding followed immediately which ended on May 15, 1996. The evidence in aggravation heard and considered by the judge is outlined below.

#### **RONALD KLINER' CRIMINAL CONDUCT**

Ronald Kliner's "rap sheet" shows approximately 16 arrests, but few convictions, because approximately 10 charges were SOL-ed in court. Before his convictions in this case, Kliner had been convicted of aggravated battery, aggravated unlawful restraint, and 2 counts of unlawful use of weapons. Kliner also had been found in contempt of court after a courtroom outburst in another case. In 1982, Ronald Kliner gave his uncle, John Apel, Sr. a copy of his mug shot claiming he had his record "taken care of."

Kliner kept a scrapbook of newspaper clippings describing crimes that he had committed. Shortly after each crime, Kliner gave his uncle, John Apel Sr., a clipping about the crime and told him to place it in the "family archives." Some of the clippings were lost when Apel's home was burglarized. Someone stole gold coins, jewelry, Apel's police star, and his police snub-nose revolver. Apel always believed that Kliner had committed the burglary, and

he filed a police report to that effect. On three to four occasions, he reported Kliner's activities to his supervising officer at the Chicago Police Department, filed written reports, and recommended that criminal charges be filed against his nephew.

### **BURGLARIES**

Ronald Kliner gave his uncle a newspaper article dated October 24, 1979 describing the burglary of a Kush gas station on West Grand Avenue in which thieves stole car repair equipment and several vehicles. After a juvenile arrested in one of the stolen cars implicated him, officers arrested Kliner and recovered a battery charger and tools taken in the burglary from him. Apel filed an information report about this incident, too.

On December 17, 1980, Chicago police officer Harry Collins set up a surveillance of Kliner's home. Kliner was a suspect in a burglary of a Sears store in the Golf Mill Shopping Center in Niles, Illinois earlier that day in which \$70,000 worth of watches, gold chains and coins had been taken. Collins watched while Kliner and a companion arrived at Kliner's home. They soon drove away, however, and Collins followed them for awhile before losing Kliner in traffic.

When Collins managed to stop the other man, Michael Marecki, Collins found three watches with Sears tags in Marecki's possession. Marecki said he had bought the watches from Kliner.

Kliner surrendered to the police the next day and admitted the burglary. Kliner said he had hidden in a washroom for more than 6 hours until the store closed. He then took sledgehammers, crowbars and other tools from the tool department to loot cases in the jewelry and coin departments before stealing tote bags from the luggage department in which to carry

**the loot.**

**After Kliner told the officers that he had hidden some of the stolen merchandise in his mother's home in Indiana, officers visited the home and recovered 80 gold watches, 400 gold chains, 460 silver coins, 58 coin sets, and a quantity of silver bars which were identified by a Sears employee. Kliner was acquitted after his attorney filed a successful motion to suppress.**

**Kliner was also a suspect in the July 31 burglary of the Sears store on Harlem Avenue in which \$200,000 worth of watches, gold chains and coins were stolen. Once again, thieves hid in the store and used tools from the hardware department to loot the jewelry and coin departments. Rinaldi corroborated this evidence when he testified that Permanian told him about the burglary of a Sears store at North Avenue and Harlem. Police officers found a number of keys taken in burglaries on the northwest side in Kliner's home.**

**Charles Kundrot and other police officers at approximately 2:30 a.m. on March 11, 1981, responded to an ADT alarm and saw Kliner and Peter Pulice running up an escalator in the Carson, Pirie, Scott store at the Yorktown Shopping Center in Lombard, Illinois. The officers gave chase and eventually caught Kliner hiding under a clothes rack. Kliner offered to give the officers \$10,000 and a bag of jewelry in his possession if they would not charge him. The officers found that the men had entered through a skylight in the roof, had taken knives from the housewares department, and had broken into display cases in the jewelry department. The officers recovered a bag containing \$100,000 to \$113,000 worth of gold jewelry.**

**John Apel accompanied Kliner and his attorney, Dean Wolfson, when Kliner appeared in court before Judge Reynolds on those burglary and bribery charges. Kliner told Apel "not**

to worry,” adding that it had cost him \$13,000 to make sure the case was “taken care of.” The charges were dismissed after Judge Reynolds granted Kliner’s motion to suppress.

Ronald Kliner gave John Apel, Sr. newspaper articles detailing two additional burglaries. One described December, 1981 burglary of the McDade and Co. store in Niles in which someone cut a hole in the roof, climbed down an electrical cord, and stole \$100,000 worth of jewelry, mostly watches. Once again, no attempt was made to steal diamonds stored in a safe. The article refers to a “tiny burglar” because the burglar managed to crawl through a 12 inch by 14 inch hole. (Kliner is 5'3" to 5'5" and weighs about 140 pounds). The other describes a burglary of the Carson, Pirie Scott store in Mt. Prospect in which someone broke a window to enter the store and steal \$85,000 in jewelry and gold watches. Once again, Kliner told Apel to keep the articles “for the family archives.”

According to Joe Rinaldi, Permanian also bragged about a burglary he and Kliner had committed late in 1981 or early 1982, when they burglarized the Sears store at the Woodfield Mall and took a quantity of jewelry.

Police officer Eric Bjankini was called to the Western Savings Bank in Glenview on August 6, 1984 to investigate a burglary committed over the weekend. After using a key to enter the bank and deactivate the alarm, someone had stolen \$15,000 from the bank. Kliner had been employed by the bank, but he had been fired the previous Friday. Even though he had been issued only one key to the bank, Kliner surrendered two keys at that time. Kliner had told Joe Rinaldi that Permanian and he had burgled the bank where Kliner worked, that they had done so the day before, and that they were on their way to Las Vegas to celebrate. Kliner called John Apel, Sr. on August 6, 1984 to report he had lost his job at the bank. Kliner

told Apel he was with Permanian in a hot tub in Las Vegas, partying with a couple of prostitutes and a pile of cocaine.

### **ASSAULTS AND BATTERIES: “ROAD RAGE” INCIDENTS**

As Michael Scornavacco was returning home from work on January 7, 1987, he saw a car traveling east on Grand Avenue. As Scornavacco watched, the car crossed two lanes of traffic, drove across the center line, and struck pedestrian Philip Teretilli as he tried to cross the street. Teretilli later died.

Scornavacco saw the car accelerate and drive away, and he pursued the car as long as he could. The car traveled at a high rate of speed against oncoming traffic, running red lights. Scornavacco thought the offender was a white male in his 20's, maybe Hispanic, who had a mustache.

Kliner later claimed responsibility for the murder and mentioned it to Tammy Behenna several times. Kliner asked her if she had ever seen someone's face pressed against a windshield. He also ordered Tammy to cross the street and told her to be careful, “you know what happens,” he threatened her.

On the afternoon of February 25, 1987, Bradley Slager was driving through River Grove when a car cut in front of him. Slager testified that he waved his hands as if to say, “what's this all about?” A man, later identified as Kliner, ran out of his car and struck Slager's car with a revolver.

Slager believed Kliner was a police officer because he was wearing a shirt that had a police badge on it. Slager also said that spit was coming out of Kliner's mouth while Kliner screamed, “You don't know who I am. I do this for a living.” Slager locked the doors and

managed to drive away.

Slager drove straight to the police department and gave them the license number. He later identified Kliner in a photograph array. Kliner told police officers that he had squirted Slager with a plastic gun. At the death sentencing hearing in front of Judge Bierman, Slager again identified Kliner while Kliner was waving his hand and saying, “does this help?”

On March 2, 1987, while Officer Gerald Rutkowski was issuing a traffic citation to David Mosdale, a man got out of his car, crouched down, and fired what was believed to be a .38 snub-nosed revolver at the officer. The assailant then hollered something about “cops” and drove away. After Mosdale gave a plate number to the police, they traced the number and arrested Kliner, Mosdale identified Kliner in a lineup conducted at police headquarters.

Kliner had a different interpretation of the incident. He said that he had a traffic altercation with a motorist and had fired a cap gun just to scare him. He then threw the cap gun away because he was afraid he might be arrested. Kliner gave his uncle a newspaper article regarding this incident to keep for the family archives. Kliner was later acquitted of aggravated assault. When he appeared in court, officers arrested Kliner for bringing a .25 automatic starter gun into court to use as evidence.

On the afternoon of January 28, 1988, seventeen year old Andrew McIntosh and two friends were driving on Belmont Avenue when a car cut him off. The driver “gave him the finger” and McIntosh responded in kind. As McIntosh passed the car, he could see someone holding a gun up to the window. It did not appear to be a cap gun or starter pistol. McIntosh drove as fast as he could to get away, but the car followed him and eventually cut in front of him, wedging him in traffic.

The passenger, subsequently identified in open court at the death sentencing hearing as Kliner, got out and walked to the passenger side of McIntosh's car. Kliner smacked the butt of a gun against the window and kicked the door. Kliner then walked to the driver's side of the car. After McIntosh unsuccessfully tried to close the automatic windows of the car, Kliner grabbed him by the back of the head and pulled him down. In McIntosh's words, "and it's a gun stuck up here into my face and eye and on my cheek going around my mouth ... and this guy is screaming things at me." Kliner said "I will kill you for free; I have killed pieces of shit like you for two dollars. Fucking scum bag."

McIntosh began to pray. He then heard the gun hit the window frame and heard a clicking noise. After Kliner walked back to his car, McIntosh drove away. He then went to the police station and reported Kliner's license number. He never went to court.

On February 17, 1988, Victor Francisco was driving his pickup truck on Harlem Avenue when a car cut in front of him. Francisco identified Kliner in open court and said he was the driver of that car.

When Francisco asked him what he was doing, Kliner answered, "what the fuck is your problem," and he pulled a gun from the waistband of his pants. Kliner then pointed the gun at Francisco's face and said, "Do you want me to fucking shoot you? What is your fucking problem?" Just before the light changed, Kliner also said he would, "shoot your fucking ass for free." Francisco heard a gunshot.

As Francisco followed Kliner, he saw Kliner drive southbound, against the flow of traffic, in the northbound lanes of the highway during rush hour traffic. Francisco recorded the license plate number and made a police report. Francisco later saw Kliner again at police

headquarters, where Kliner apologized for shooting his truck.

When he arrested Kliner at 2:00 a.m. on February 19, Officer Joseph Cucciera recovered a .380 semi-automatic with clips and extra clips from Kliner's person and a loaded police riot shotgun with extra ammunition in the trunk. Cucciera also found a knife with a 5" blade on the front seat after ordering the passengers from the car.

Francisco filed charges. Francisco saw Kliner with a police officer in an elevator after one of his court appearances. Kliner said, "Why don't you knock this fucking shit off; when are you going to give this bull shit up?" Kliner was later convicted and received a conditional discharge sentence.

This incident took place approximately six hours before Dana Rinaldi was murdered.

On the evening of October 7, 1991, Michael Budnick was driving down Cumberland Avenue with his passengers, John Schillace and Matt Howard, when Kliner and Permanian began to chase them. After Kliner managed to get in front of Budnick and cut him off, both Kliner and Permanian got out of their car.

Kliner threw a flashlight through a window which broke the window, hit Budnick in the arm, and landed in the back seat of Budnick's car. At this point, Schillace remembers that Kliner said "I'm a cop, get down on the ground." According to Budnick, in turn, Kliner said he was a police officer, reached inside the car, pulled him out of the car, and struck him. Permanian then threw Schillace to the ground and kicked him. Kliner was arrested after police officers at a nearby McDonald's noticed the incident and came to their aid.

Two weeks later, officers contacted Schillace and Budnick and advised them that Kliner wished to settle out of court. Schillace and Budnick met Kliner and Permanian at a Denny's

restaurant. Kliner gave him a \$250 check, Schillace signed something, and he agreed not to go to court. At that point, Permanian said “I guess I can put the gun away now.” At the sentencing hearing in aggravation in front of Judge Bierman, while Schillace was testifying, Judge Bierman had to admonish Kliner to refrain from laughing or engaging in any further outbursts. While Budnick was testifying regarding being beaten by Permanian, Kliner said, “I beat you. He didn’t.” Kliner also waved and said “it’s me.”

### ARSONS

Carol Heiman knew Kliner when they were students at Northeastern Illinois University. They did not get along well because Heiman, a staff writer for the school newspaper, wrote articles criticizing expenditures made by the student government. Kliner was a Student Senator at the time. On March 3, 1983, Kliner said he was going to “teach” her and “get” her if she “fucked with him.”

During the first week of March, Heiman filed a complaint against Kliner in the University Court; she reported Kliner had already threatened four times to “get” her if she continued to write critical articles.

On March 17 at 2:40 a.m., someone threw a pipe bomb at the front door of her parents’ home, causing considerable damage. Heiman testified it could not have been a firecracker, and a police officer found a cardboard tube and brown paper likely used as a wick for an explosive powder. A week later, Heiman’s tires were slashed, as well.

David Doehler was another fellow student who did not get along with Kliner, and his home was fire-bombed, also, at 2:30 a.m. that same night. The front porch, door and entrance way were damaged, and officers again found a paper tube at the scene. Kliner knew where he

lived because he had been to Doehler's home.

Doehler had argued with Kliner in January, when Kliner said he could make a phone call and break both his fucking legs. Then, three days before the arson, Kliner threatened to "get him". Doehler later told Kliner he knew he was responsible. Kliner taunted, "Yeh, but you can't prove it".

Within five minutes of the bombing, police officer Zelasco stopped a car at the entrance to the cul-de-sac where Doehler lived. The men fled when Zelasco approached, but after chasing them he was able to determine that Kliner was a passenger in a car driven by Permanian.

#### **THREATS TO TAMMY BEHENNA AND HER FAMILY**

On the afternoon of August 12, 1991, Schaumburg police officer Michael Carroll was sent to the home of Tammy Behenna and her parents. Kliner was present when he arrived. Tammy reported that when she had refused to allow Kliner to enter the home, Kliner kicked and pounded on the door and tried to gain entry. Tammy added that she had problems with Kliner in the past, and that Kliner had been "keeping a watch" on her. Carroll arrested Kliner for criminal trespass, but the court later dismissed the charge. During an inventory search of Kliner's car, officers found a set of metal knuckles under the seat.

Tammy moved in with Donald Cullimore, her step father, and his wife after Kliner pistol-whipped Tammy on July 1, 1991. Kliner also harassed Tammy with telephone calls. He called her family more than 100 times after she left him, and he used vulgar language on at least 30 occasions. Cullimore filed a telephone harassment charge.

On July 14, 1991 Kliner came to see Tammy and his son but became verbally abusive.

**Cullimore called Kliner's supervisor at the forest preserve.**

**On August 12, 1991, Tammy called Cullimore and reported Kliner was pounding on the doors and windows, as described above; Cullimore told her to call the police.**

**On March 31, 1992, Kliner called and said, "you son of a bitch; suck my cock; this ain't the last you heard of me. It ain't over yet." Kliner kept his word; in Donald Cullimore's words, "he harassed us forever."**

**Finally, when Kliner visited them in July or August of 1991, Cullimore grabbed Kliner by the collar and told him to stay away. Kliner said, "You're lucky. I'll get you," and left. Cullimore saw a gun on the seat of Kliner's car at that time.**

#### **OTHER THREATS**

**Attorney Terry Ekl represented Kliner on two cases in 1993. He had also represented Kliner in ten cases in the past. Ekl and Kliner argued after, based on his investigation of the cases, Ekl recommended a guilty plea. Ekl was allowed to withdraw from those cases, however, after Kliner threatened to kill him and his family on March 6, 1993.**

**After he was assigned to investigate the Heiman incident, Skokie police officer Richard Stuebe contacted Sgt. Holt of the Northeastern campus police. Holt had three reports on file, including a 1981 trespass, a 1982 assault in which Kliner cursed at a telephone repairman, and the Heiman incident.**

**Stuebe then contacted Walter Williams, the director of student services at Northeastern University. Williams said he'd received many reports of Kliner threatening others. Williams himself once heard Kliner say he liked using a .357 to "blow people's heads off." On another**

occasion, when Williams remarked that criminals sometimes end up dead, Kliner replied that anyone who “got” him would end up meeting him at the “pearly gates.”

Stuebe also contacted Gordon Mihajlovic, who reported that someone had burgled his parents’ home after he argued with Kliner over student government matters.

Northeastern Public Safety officer Robert Zuley told Stuebe that Kliner had threatened to “cause gas to rain down upon people’s houses and cars.” Zuley also recalled that Kliner claimed he had already done so to the business of a man who had “fucked with him.”

Finally, student Jim Grich told Stuebe that he was present when Kliner made the “rain statement.” He also recalled that Kliner bragged about department store burglaries he had committed. Stuebe made a police report after he talked to Grich.

On January 28, 1995, Chicago Police Officer Frank Bresnahan received a telephone call from Steve Smith in Ontario, Canada. Smith said Kliner had dated his daughter in the past. Smith reported he had accepted a collect call from Kliner in the county jail, but he hung up on Kliner. When he received a second call from someone named “Mike,” Kliner cut in and said, “When I get out of here I’m going to bust you up bad and stick my prick up your ass, you fag.” Smith received several more calls but hung up each time.

#### **ADJUSTMENT TO INCARCERATION**

On August 24, 1994, when Kliner was incarcerated in the Cook County jail, corrections officer Gladys Torres told him she had been unable to contact a social worker as he had requested. Kliner called her an “ignorant mother fucking officer” and slammed the gate. Another officer was called to assist her after Kliner refused to return to his cell.

#### **IN-COURT DEMEANOR**

Judge Bierman indicated she had relied, in part, on Kliner's in-court demeanor before deciding to impose the death penalty. On numerous occasions, Kliner laughed at witness testimony, and he also smiled and waved in an apparent attempt to intimidate State's witnesses. Kliner also interrupted the proceedings to voice his opinion about witness credibility.

On another occasion, after he had interrupted the trial to protest his innocence, Kliner apologized to the judge, who told him she would hold him in contempt if he engaged in any further outbursts. But Kliner interrupted the testimony once again, with the result that he was removed briefly from the courtroom. The judge again considered citing him in contempt after he feigned illness. Counsel was forced to apologize for his client's conduct after Kliner interrupted the prosecutor during closing argument.

#### **GUN PURCHASES AND POSSESSION OF WEAPONS**

When Cook County Corrections Officer Thomas McInerney conducted a random search of Kliner's cell on July 6, 1993, he found two razors under Kliner's bunk and a pair of scissors inside the mattress. Kliner admitted possession of the razors in a disciplinary hearing.

Cook County Sheriff's Police Detective Thomas Mayton was assigned to investigate the Rinaldi murder, and he checked the records of various gun shops to determine what guns Kliner had purchased. On April 9, 1985, Kliner bought a .22 semi-automatic Ruger in Elmwood Park. On December 1, 1987, he bought a nine millimeter Taurus semi-automatic. On January 10, 1987, Kliner bought a Remington shotgun 870, followed by a Ruger .357 on January 12, a .22 Baretta on January 17, a Ruger .22 long rifle on January 26, and a .38 automatic Colt Mustang on November 14, 1985. All of those purchases were made in

**Bensenville. Dana Rinaldi was killed with a .22 long rifle.**

**On April 7, 1990 a police officer arrested Kliner for driving with a suspended license, and he found a fully loaded .38 semi-automatic pistol in Kliner's possession. On October 13 of that year, an officer again stopped Kliner, and the officer found a loaded Beretta .25 semi-automatic pistol, as well as a set of brass knuckles in his pocket. The officer charged Kliner, but his case was later dismissed.**

**Tammy Behenna told Officer Mayton that she saw at least 5 weapons, including a shotgun, two revolvers and two semi-automatic pistols, in Kliner's possession when she lived with him. She added that Kliner tried to buy a machine gun and carried a small semi-automatic pistol with him at all times.**

**On April 16, 1985, Kliner made a police report and said that someone had stolen a .22 Ruger from him at Reese Park. On June 24, 1986, Kliner told police officers that he had been robbed when someone hit him in the face. He said the robber took \$3,000 worth of jewelry, a Smith and Wesson .357 revolver, and a small amount of cash.**

**Officer Bacon went to Kliner's home to arrest him on September 4, 1991, after Tammy Behenna obtained an order of protection and an arrest warrant was issued. Kliner was in the process of loading boxes into his car when Bacon arrived. The officers kept the boxes for safekeeping, and an inventory revealed a considerable amount of ammunition of different types and caliber: three boxes of 9 millimeter Luger ammunition; one box of .357 ammunition; five boxes of .380 ammunition; one box of Remington 12 gauge ammunition; one box of .38 special ammunition; five boxes of .380 automatic glazer slugs; one box of .380 automatic hollow point ammunition; one box of .357 hollow point ammunition; one .380 automatic Colt**

magazine; a .22 long rifle; and two knives.

When Bacon arrested Kliner again on November 10, 1991, this time on a Schaumburg arrest warrant for trespass, Kliner said he had a couple of things that he needed to do. Bacon accompanied Kliner upstairs. When Kliner started to enter a closet, Bacon saw a loaded Ruger high standard, semi-automatic .22 long rifle in the closet. Bacon took Kliner to police headquarters at that time.

The officers later returned to the home with Kliner to conduct a consent search, at which time Kliner tried to kick away two guns, a Taurus nine millimeter and a .22 Ruger semi-automatic handgun. Officers also found 43 rounds of ammunition for the nine millimeter and 8 rounds of ammunition for the Ruger. Kliner shrugged and nodded affirmatively when officers asked him if he had pistol-whipped Behenna with the nine millimeter gun. Finally, officers recovered a .357 handgun and a 12 gauge shotgun from Kliner's home.

When he took Kliner into custody yet again on April 8, 1992, on a Schaumburg warrant for telephone harassment, Bacon recovered a loaded .25 handgun and loaded magazine from the passenger seat. The weapon had a round in the chamber and was ready to fire. Bacon charged him with the felony of unlawful use of weapons because Kliner had a prior conviction. While he made telephone calls to arrange bail, officers overheard Kliner say he was going to "do" everyone and "make them fucking ghosts."

#### GENERAL CHARACTER

Kliner asked Joe Rinaldi to sign a false statement exonerating him. Rinaldi, on the advice of counsel, refused to do so.

On March 23, 1995, when all three conspirators were in the Rolling Meadows lockup.

**Permanian asked Joe Rinaldi if he remembered a man named Thorsen. Kliner then informed Rinaldi that Thorsen had been a snitch, and he claimed that he and Permanian had chased Thorsen and another man [Clark] through Hansen Park. After shooting the other man, Kliner and Permanian chased Thorsen up to the front door of a home. They laughed because the resident was deaf and could not hear Thorsen's pleas for help. After Thorsen's throat "was cut", Kliner said, "This is what we do to snitches."**

**Tammy Behenna similarly recalled that Kliner and Permanian had discussed Thorsen's murder with her. In addition to the events above, Kliner told Tammy that Thorsen's neck was cut from ear to ear, and he said that "whoever did that were pretty cool guys."**

**Chicago police detective Robert Collins confirmed that Clark had died in Hansen Park from gunshot and stab wounds. Clark also confirmed that Thorsen had been shot and his throat had been slit, and that Thorsen's body had been found on the porch stairs of a home. Collins verified the resident of that home was deaf.**

**Police officers later arrested two other men, Kowalczyk and Kantor, who were acquitted after trial.**

**In a similar manner, Kliner claimed that he had helped a woman named Christine Popp after Popp murdered her husband in 1987. Kliner said that he and Permanian helped Popp dispose of the body. When he drove Kliner and Permanian to the Schaumburg police department, John Apel, Sr. advised them to tell the officers everything they knew about the incident.**

**Clarence Calabrese knew Kliner when Kliner was employed by the Cook County Forest Preserve Police. As a cadet, Kliner was assigned to ride a bike and look for people in need of**

help. Calabrese recalled that there were times he could not find Kliner, and Kliner didn't always answer his pages, either. One day in 1991, Calabrese found Kliner swimming in the pool while on duty. Kliner resigned after he was reassigned to the maintenance department.

Edna Zoling told Officer Bacon that she believed that Kliner had stolen her handicapped decals or placards in 1991. Zoling was 76 years old at the time and lived in Kliner's condo building. Indeed, Zoling said that three cards had disappeared from her car over the period of a year, with the result that the state refused to issue her a new card. Zoling said she did not press charges because all of the residents were "terrified" of him.

Bacon inspected Zoling's car and found signs of forced entry. Moreover, when he attended one of Kliner's court appearances on October 16, 1991, Bacon saw a handicapped decal in Kliner's car which was parked in the lot designated for handicapped drivers. Bacon finally recovered Zoling's decal from Kliner's car on October 31, 1991. Tammy Behenna also told Bacon that she was present when Kliner broke into Zoling's.

After the State rested in aggravation, the defense presented mitigation. The four witnesses presented were business associates friends.

On May 17, 1996 Judge Janice Bierman found no factors sufficient to preclude the death penalty. She sentenced Ronald Kliner to death.

Entering her findings for the record, Judge Bierman noted that Kliner had shot Dana Rinaldi in cold blood and then bragged about it.

With respect to Kliner's criminal history the judge noted, "He has a history of crime, a history of violence, a history of terror." The judge specifically found that Kliner had committed a number of burglaries and a bank theft. He had also firebombed the homes of

people with whom he had minor disagreements. Kliner had a number of “road rage” incidents, including four incidents in which he fired or brandished a gun. On many occasions, Kliner was found in possession of a variety of guns, knives and brass knuckles.

Judge Bierman further found that while incarcerated awaiting trial, Kliner had hired and paid someone to kill his uncle, and he sought someone to kill his girlfriend, too, in order to prevent them from testifying at his trial. He bragged about committing another murder, the Thorsen murder, and committing a reckless homicide, the Teretilli reckless homicide. He threatened to kill his own lawyer, Terry Ekl, in an unrelated case. He told one of his victims, “I’ll kill you for free.” Kliner often bragged about the crimes he had committed, and he even kept newspaper accounts about his crimes. “He revels in them,” the judge concluded.

In additional findings, Judge Bierman note Kliner had terrorized his girlfriend and his uncle. He used everyone, including his stepfather and his brother. He used his mother’s home to hide his burglary proceeds. The judge concluded that Kliner is a bully who preys on those who are weaker than he is as evidenced by his repeated thefts of handicapped parking decals from an elderly woman.

The judge also cited Kliner’s poor adjustment to incarceration. Kliner possessed weapons and threatened others when in prison. He displayed a contemptuous amusement for the proceedings in this case, she concluded.

### **III**

#### **REASONS FOR DENYING THE PETITION**

**THIS BOARD SHOULD NOT RECOMMEND CLEMENCY WHERE IT HAS TWICE BEFORE DENIED CLEMENCY FOR THE SAME ASSERTION OF ACTUAL INNOCENCE NOW AGAIN CLAIMED BY PETITIONER, HE WAS FOUND GUILTY AT A JURY TRIAL, THE EVIDENCE WAS OVERWHELMING AND PETITIONER'S CLAIMS OF INNOCENCE IS INCONSISTENT WITH ANY SCINTILLA OF SHOW OF REMORSE.**

**The petitioner asserts that he is entitled to clemency solely on the basis that he is innocent of this crime. This is not the first time is has made this assertion. He has applied on two prior occasions for clemency asserting innocence as his reason for granting clemency. On July 9, 1998 and October 3, 2000 he made applications for clemency as noted above. He was denied by this honorable board both times.**

**During the nearly month long jury trial, jurors heard from numerous witnesses about the physical evidence found at the scene and four people to whom petitioner had bragged and confessed to the murder of Dana Rinaldi. He described a particular detail of the murder that only the person or persons who committed the murder could have known.**

Testimony by Cook County sheriff's police officers described the scene. The victim was seated on the driver's side of her blue Mustang, slumped over to the passenger side. Her left leg was hanging out the driver's side door. The medical examiner testified that Dana had been shot 5 times in the face and head from a distance of 18 to 24 inches. Three gunshot wounds to her hands also suggested that Dana had raised her hands in front of her face in an attempt to protect herself. Officers recovered the victim's purse with her body, and one of the gunshots had pierced it. Cause of death was affixed as multiple gun shot wounds.

Officers found six fired .22 casings on the ground, in addition to one live .22 round near the car. The live cartridge had an indentation indicating the firing pin had struck the bullet but did not discharge it. Although the murder was widely reported in the press and other media, police officers did not release information about the live round to the public. A firearms toolmark examiner later concluded that all of the rounds had been fired from the same weapon, a .22 long rifle. Ballistics tests performed on a .22 long rifle seized from Kliner's home were negative, however.

A witness, Paul Skorupa, was a neighbor of the Rinaldis. He returned home around 11:45 p.m. on February 17, and nearly rear-ended a "new" looking 1987 or 1988 red Nissan Pulsar in the parking lot. Under lighting conditions which he described as "pretty good," Skorupa could see two men in the car. Skorupa viewed a photograph display three days later, picked out Kliner's photograph, and said that Kliner "looked like" the passenger in the car. He was unable to identify anyone at a lineup conducted five years later, however, after his memory had faded. When Skorupa last saw the car, it was parked toward a cul-de-sac at the end of the drive. Skorupa did not see the victim's car at this time. On cross-examination, Skorupa acknowledged that he had seen another Nissan parked in the apartment complex lot one day. On rebuttal, however, he testified it did not resemble the car he had seen on the night

of the murder.

Neighbor Tyrone Miller heard a dog barking sometime between midnight and 12:30 a.m. that night. When he looked out his bedroom window, Miller saw a man jogging or walking fast down the street in front of his window. The man looked at Miller and ran away. Miller got a “good look” at his face and unequivocally identified co-defendant Permanian in open court. He also identified Permanian during a photograph array conducted a few days later as well as at a lineup held five years after the murder. The last thing Miller observed were headlights leaving the area. During the early morning hours of February 18, police officers also interviewed the victim’s husband, Joe Rinaldi. Rinaldi cried when he learned the news of Dana’s death. When officers asked him if he knew anyone who owned a small red car, Rinaldi directed officers to his friend Michael Permanian, who did, in fact, own a red 1988 Nissan Pulsar.

Petitioner bragged and described details of the murder of Dana Rinaldi to Joseph Rinaldi on several occasions.

On September 28, 1993, while all three men were in a holding cell awaiting transportation for a court appearance, Permanian asked Rinaldi why he had identified his car. Rinaldi answered “you know why.” Permanian then recalled how he and Kliner had driven to Indiana at speeds exceeding 100 miles per hour, where they disposed of the clothes and gun used to commit the murder. Both Permanian and Kliner were laughing as they recalled how officers had dragged Lake Michigan looking for the gun. Permanian also mentioned that he and Kliner had a confrontation with someone [by inference, Skorupa] while they waited for Dana to arrive home from work.

During a similar conversation among all three men in the early fall of 1994, Kliner said he was glad they had disposed of the gun in Indiana. Permanian agreed “yeh, it’s a good thing we took care of that.” Kliner said his former girlfriend Tammy had told people that the gun was in Lake Michigan. Tammy Behenna later testified that, when he called her at work the

day after the murder, Kliner said that he and “Mike” were going to make a deposit in Lake Michigan.

In late October, in turn, while all three men were in a Rolling Meadows lockup, Rinaldi saw Permanian and Kliner re-enact the murder. Permanian sat on a bench while Kliner stood over him, hand extended, with his index finger sticking out as if he were holding a gun. After Permanian put his hand up by his face, Kliner said “That’s right, you fucker. That’s how I did it. What are you going to do about it?” Kliner then tapped Permanian on the shoulder and said “yeah, the gun jammed. I thought I was going to have to use your gun.” This detail of a jammed gun indicated by the live misfired round found at the scene had purposely never been revealed to the press or public.

Petitioner also bragged to Tammy Behenna and made other statements to her indicating his involvement in the murder for hire of Dana Rinaldi. Tammy Behenna met Kliner in 1987, and she moved in with him in October of 1988. They lived together until July 1, 1991, and she bore him one child, Guiseppa (Jessie). Before the trial in this case, Kliner filed suit to obtain custody. Tammy asked to be placed in a witness protection program because she feared for her life. The State paid her relocation expenses.

Tammy recalled the events of February 17, 1988 in her testimony. According to her, Kliner got up out of bed around 11:00 p.m. and put on a suit. He said it would look more “professional” and would not arouse suspicion. He then left the apartment. He called her the next morning, February 18, to tell her “everything is OK.”

Kliner returned to the apartment later that morning and went back to bed. When he heard a radio news program, however, he jumped out of bed and screamed, “that can’t be right. They can’t have a suspect,” He then made a phone call, and he mentioned the name “Mike” during the conversation.

On the evening of February 18 or 19, Kliner asked Tammy to listen to a cassette recording of a conversation between Permanian and Rinaldi. Kliner asked her if it sounded like a man who had spent two months practicing his crying. Rinaldi, police testified, cried when hearing of his wife's death. Rinaldi also testified he practice crying.

Tammy recalled that Kliner made a lot of phone calls between February 18th and 19th, and he cut out a lot of newspaper articles about the Rinaldi murder. One of the articles mentioned the Chicago Police Department, and Kliner was upset because he thought it might refer to his uncle [John Apel]. Referring to another article, Kliner said "Michael had to buy that damn red car."

When Tammy was summoned to appear before the grand jury on April 22, 1988, she claimed the Fifth Amendment privilege, just as Kliner and her lawyer (retained by Kliner) had advised her. She said Kliner had "hollered" at her in his office for two hours when she was served with the subpoena asking her "whose side she was on" and how "she could be so stupid" as to talk to investigators. Permanian then arrived, spoke to Tammy privately, and asked her how much she knew. When Kliner returned to the room, Permanian asked him why he had told Tammy anything at all. Kliner then yelled, "What did you say to him?" Kliner also reminded her that people can be killed in a number of ways, including being struck by a car while crossing the street. Kliner then had her cross Grand Avenue to mail a letter for him.

Kliner threatening Tammy again in August of that year when they visited the Great America amusement park detailed the murder to her saying, "I want you to picture this. It's cold outside. It's late. It's dark ... somebody is just coming home from work. And the only thing they want to do is get into the house because it's cold. And I walk up to her car and point a gun at her. And she says 'what are you doing?' And then she put her hand up, and then I shot her five times." Kliner said he was smiling as he shot her five times in the head.

The medical examiner testified that Dana's hands had three gunshot wounds in an apparent attempt to defend herself.

In July of 1990, Kliner walked up to Tammy, put a finger to her head, and said "What are you doing?" in a woman's voice. Kliner then said "bang" five times.

Sometime in 1988 or 1989, Kliner again mentioned Joe Rinaldi, and he told Tammy that he wanted Rinaldi to pay him for a job he had done. Kliner added that he was angry with Rinaldi, and he said he was prepared to call all the Rinaldis in the phone book to get his money.

In the fall of 1989, Tammy saw Kliner kneeling on the floor of their bedroom, counting what appeared to be \$8,000 worth of currency in fifty and hundred dollar bills spread on the floor. Kliner asked "is this worth a life?"

Kliner's uncle John Apel Sr., a Chicago police officer, also testified about a number of incriminating statements Kliner made to him. On February 18, 1988, the day after the murder, Kliner called him at home and told him to watch the news that night. When Apel asked why, Kliner merely laughed and hung up. Apel heard an account of the Rinaldi murder on the 10:00 news. Kliner called him again that night to confirm Apel had watched the news, and he was talking "a mile a minute" and laughing when he did so.

Sometime in May of 1988, Kliner unexpectedly arrived at Apel's home. Kliner was "laughing, very hyper, and wired up" and he honked the horn repeatedly and nearly drove up on the lawn. Laughing, Kliner said, "I killed the Rinaldi girl."

Kliner then provided details. He said that, after Michael Permanian had parked the car, the two men had walked to a parking area. When Permanian didn't "have the balls to do it", Kliner ran over to the victim's car, stuck a gun to her head and pulled the trigger. Dana threw her arms up and had a terrified look on her face. Kliner said he laughed when he shot her.

Completing his admissions about the Rinaldi murder, Kliner said the gun had jammed at one point, a fact corroborated by the physical evidence in the case. When Apel said he didn't want to hear any more, Kliner said "I'll kill anybody in this whole fucking family if you say anything."

Apel's son, who is also named John, testified and corroborated his father's testimony about the conversation in the driveway of the Apel home. He also recalled a separate conversation at his apartment, at which time Kliner said he would kill anyone, "just like he had killed the Rinaldi girl." He believed this conversation had taken place in the autumn of 1992, although he stated he could not recall the date with certainty.

The jury heard this testimony along with other testimony and returned a unanimous verdict of guilty. Petitioner's assertion of his innocence is spurious and also indicative of a total lack of remorse for the brutal, cold, calculated murder for hire he committed. Based on the facts of this case, this Board should reject petitioner's claims and recommend that the Governor reject this petition for clemency.

## CONCLUSION

**Ronald Kliner in a brutal, cold, calculated manner executed Dana Rinaldi in a murder for hire scheme. He enjoyed it, bragged about it and intimidated people with the fact he did it. He then tried to hire people to kill those to whom he bragged while he was in jail awaiting trial. He has a long history of criminal conduct of which he kept newspaper clippings. He constantly bragged about his criminal behavior. He threatened to hurt or kill people and even shot at people. He bragged about killing two other people besides Dana Rinaldi and gave details about those murders that were accurate. He has demonstrated time and time again a total lack of remorse for the acts he has committed. He deserves to die.**

**For all these reason, the People of the State of Illinois respectfully request that this Board and Governor Ryan deny executive clemency to Ronald Kliner.**

**Respectfully submitted,**

**RICHARD DEVINE  
STATE'S ATTORNEY OF COOK COUNTY**

**BY: LAWRENCE H. SPECTOR  
SALLY A. DILGART  
JAMES C. ANDREOU**