

**ATTORNEY GENERAL'S REPORT ON COLD CASE MURDER OF JOHN POND, SR.,
FROM SEPTEMBER 1990, IN SALEM, NEW HAMPSHIRE**

July 23, 2012

INTRODUCTION

New Hampshire Attorney General Michael A. Delaney and Salem Police Chief Paul T. Donovan announce that the September 1990 murder of John Pond, Sr., in Salem, New Hampshire has been solved. However, no arrest will be made and no prosecution commenced because the perpetrator of the murder died in 2004.

On September 19, 1990, John Pond, Sr., was discovered stabbed to death in his home in Salem. Thereafter, the case was actively investigated by the New Hampshire Attorney General's Office and the Salem Police Department. A suspect named Mark Craig was developed in the case. However, not enough evidence was uncovered to support an arrest and none was made. The case grew cold and lay dormant for many years.

In 2009, the Salem Police Department reopened the investigation into the Pond homicide. In 2010, the Cold Case Unit also became involved in the investigation, which then moved forward on a joint basis. The newly reopened investigation involved the use of a variety of techniques including interviews, grand jury investigative work, and forensic testing. As a result of that work, sufficient evidence has been collected, which would support an arrest and the prosecution of Mark Craig for the murder of John Pond, Sr. However, Mark Craig died of a drug overdose in 2004, which means that this case will be closed as "solved," without an arrest and prosecution.

BACKGROUND

The case began with the discovery of John Pond, Sr.'s, body by his sister. On the morning of September 19, 1990, Sandra Boerner called her brother, John Pond, Sr., to check on him. John, who was paralyzed from the waist down, lived close to Sandra at his home at 9 Arthur Street in Salem. Sandra had called John a few times earlier in the morning and been unable to reach him. Eventually, she went over to John's trailer to check on him and found him dead on the floor. Sandra immediately called the police.

At 10:48 a.m., the Salem Police Department received a call of a possible suicide at the home of John Pond Sr. When the police arrived they noticed that the death appeared suspicious based on several visible wounds on the victim. The Salem police secured the scene for processing and notified the Attorney General's Office, which then became involved in the investigation.

As part of the investigation, an autopsy was completed, which revealed that John Pond had died from multiple stab wounds to his abdomen and chest. The manner of death was ruled a homicide.

During the course of the investigation, extensive background information about John Pond, Sr., and his activities around the time of his murder was uncovered. That information revealed that Pond had lost the use of his legs in the years prior to his murder and been confined to a wheelchair. In spite of being disabled, Pond had engaged in criminal conduct and associated with criminals. For example, at the time of his death, he was working with one of his neighbors in the trailer park to sell stolen property in the area. There was also an active warrant out for Pond from Stoneham, Massachusetts on the charge of possession of burglary tools. During the search of Pond's residence after the murder, the police recovered a number of items of stolen property. Those aspects of Pond's life complicated the search for his killer as Pond was found to be associated with a number of people with serious criminal records who might have had a motive to kill him.

The police put together a timeline for John Pond's activities on September 18, 1990, the day before his body was discovered. They tracked down people he spoke with and saw that day. At least four of Pond's neighbors told police that they saw a red pickup truck with a white cap pull up to Pond's house between 9:45 and 10:45 p.m. Another neighbor said she saw the truck around 11:15 p.m. The police eventually learned that this pickup truck belonged to Dennis Razis.

Razis was the part owner of the Salem Village Pizza. He expressed some reluctance to talk to the police because he was a business owner and he was getting married soon and did not want to be involved in the homicide investigation. Nonetheless, Razis talked to the police many times over the next several weeks after the murder. He told the police that he knew Pond because Pond tried to sell him stolen property on the night of the murder. Pond had gone to Razis's store and offered him a stereo the afternoon of September 18th. Razis told Pond he was busy, so Pond called Razis a few times later that night. Pond asked Razis to come by his home after he got off of work so Razis said he went over there around 11:00 p.m. after he closed the store.

Razis had been to Pond's house twice before: once to deliver a pizza and another time to look at a television that Pond tried to sell Razis. On September 18, Razis parked his truck in front of Pond's house. Razis knocked on the door and heard murmuring inside, which sounded like two guys talking. Initially no one answered the door, but as he was about to leave, someone answered the door, but did not open it all the way. The man who answered the door was not Pond. The man did not look friendly, and immediately gave Razis "the vibe" that Razis was not supposed to be there. Razis heard Pond's voice in the background. Pond said "Hey, hey guy, hey buddy go to 48 Arthur Street you know, these guys are going to stab me this guy is going to stab me." or "Hey guy, hey buddy go to 48 Arthur hey I am serious, no I am serious go to 48 Arthur. Call the police, hey this guy is gonna stab me." Pond said this in a calm tone of voice. The person at the door also calmly stated to Razis something to the effect: "You don't want to see him. He doesn't have anything for you." Razis took this to mean that the guy at the door

was telling Razis to go away and mind his own business. Razis responded that he would catch up with Pond later. Razis was trying to communicate that he was going to mind his own business and just leave. Razis told the police in 1990 that because the tone of Pond's voice was calm and the man at the door was calm, Razis decided to stay out of the situation. Razis figured they had some kind of dispute, perhaps over drugs, and Pond would just get beaten up. Razis was shocked when he heard the next day that Pond had been stabbed to death.

Sandy Boerner, Pond's sister who lived at 48 Arthur Street, said that around 11:15 that night she was on the phone with another neighbor, Pauline Quinn, when Pond called on call-waiting. Pond asked Sandy to have his brother Michael call him when he got back from the movies. Sandy did not perceive anything odd about that call. Sandy, however, forgot to give Michael the message when he returned from the movies that night.

One of Pond's neighbors, Pauline Quinn, said that she heard a noise that woke her up sometime after midnight. She thought it sounded like a scuffle. She checked on her son to see if he had gotten up but he was still asleep, so Mrs. Quinn went back to sleep too. The next morning, Pond's body was discovered.

There were several potential suspects in the case after the murder. However, from the beginning several of Pond's relatives felt that Mark Craig had killed Pond. Craig had been in a relationship with a woman named Paula Gauthier, who had been dating the victim's brother Michael Pond, with whom she had two children. About four months before the victim's murder, Michael Pond was sent to jail and Paula broke up with him. After that break-up, Paula started dating Mark Craig.

Michael Pond was due to be released from jail on September 13, 1990, about a week before John Pond's murder. Paula and Mark's relationship had been in trouble during the time just before Pond's murder because Mark Craig knew that Michael was getting out of jail. Craig was tense about what would happen with his relationship with Paula once her ex-boyfriend Michael Pond was released from jail.

Within a few days of his release from jail, Michael reconnected with Paula and the two rekindled their relationship. At that time, however, Paula was still in a relationship with Mark Craig. Nonetheless, Paula spent the night with Michael Pond from about 3:00 p.m. on September 18, 1990 until the next morning on September 19, 1990, when Michael brought Paula home to Lawrence, Mass. On the night of the 18th, they had gone to the movies and then stayed the night at Sandra Boerner's trailer. Boerner is the sister of both John Pond, Sr. and Michael Pond. Before Paula and Michael went to the movies they saw John Pond at Sandra Boerner's house between 7:00 and 8:00 p.m.

While Michael Pond and Paula Gauthier were at the movies, Mark Craig called Paula's mother 2-3 times looking for Paula. The last time Craig called was around 10:00 p.m. Paula's mother told Craig that Paula was at the movies with Michael Pond. During that final call, Craig was upset and concerned that Paula might get back together with Michael without telling Craig. Paula's mother eventually admitted that during the last call Craig was upset and said he was going to break Michael's face.

In addition to Mark Craig calling Paula's mother, it also appears that he called Michael and John Pond's other brother the morning after the murder. Henry Pond, Jr., received a call at about 5:50 a.m. on September 19, 1990, several hours before the victim's body was discovered. The caller asked Henry 2-3 times if Michael Pond and Paula Gauthier were at his house. Henry responded, "Who is this?" The caller responded in turn, "Who is this, Jay?" and then hung up. Henry (who was called "Jay") said he was almost positive that it was Mark Craig who was calling, but he had only met Craig 2-3 times before that call. Henry went to his brother John Pond's residence in the morning as soon as his body was discovered. He was very upset and told the EMTs that Mark Craig had called him around 5:00 a.m. and threatened to kill Pond. When Henry talked to the police the first time on the morning of Pond's death, Henry reiterated that Craig also said he was going to kill Michael Pond and Paula Gauthier.

Michael Pond also told the police that his brother Henry called Sandra's house early in the morning. Henry was very upset because Craig had called him during the night looking for Paula and Michael. Henry told Michael that Craig was in a rage. Michael immediately told Paula that Craig had been looking for her. Paula called her mother and learned that Craig had also called Paula's mother looking for her. Paula told Michael that her mother said that Craig was going to kill her when he found her. Michael later claimed that the first place that Craig would look for him was at John Pond's house because Michael hung out there frequently.

Other witnesses confirmed that Mark Craig might react violently if Paula got back together with the victim's brother. According to the victim's sister Sandra, Craig had threatened Paula in the past if she ever got back together with Michael. Craig had also gotten into a fight before with the victim and had even been arrested in front of the victim's home in February 1990. On this occasion the police were outside of the victim's house. Sandra went into the house and asked if Mark Craig was there. John Pond adamantly denied the Craig was there. Craig then came walking out of the shower. He said, "This whole place is going to burn down." Sandra then asked Pond why he allowed Craig at his house. Pond responded that he was in a wheelchair and Craig could burn his place down with Pond in the house if Pond did anything against Craig. Pond said he would lie to anyone and deny Craig was at his house because he was afraid of Craig. The victim's ex-wife also told the police that Pond was afraid of Mark Craig and did not want to be Craig's enemy because Craig would kill someone for just looking at him the wrong way. The victim's friend Peter O'Neil also told the police that he was with Craig one time riding around in Pond's car when Craig threatened to blow Pond's house up.

In the time before Pond's murder, Paula Gauthier and Mark Craig had lived together at 9 Kirk Street in Methuen, MA. Between 10:00-11:00 p.m. on September 19, Paula Gauthier's landlord received a complaint from the downstairs neighbor that water from Paula's apartment was coming through the ceiling. When the landlord went over to investigate the next day, he discovered that the door to the apartment was wide open and the apartment was ransacked. Couches were overturned, cushions were strewn about, cans were thrown around. The landlord then discovered that Paula's waterbed was sliced through, with what was likely a knife, causing the flood to the downstairs apartment. The landlord stated that the bed could have been sliced earlier in the day on September 19th or it could have leaked for a few days before the downstairs tenant might notice the damage. In 1990, it was never determined who broke into Paula's apartment and ransacked. However, based on what the investigation has revealed to date, it appears that Mark Craig was the perpetrator.

Detectives from Salem PD interviewed Mark Craig on September 24, 1990. Craig told the police that he knew John Pond since about 1981 or 1982. Craig got to know the victim through John Pond's brother Michael. He said that he had been over to Pond's house in the past and even had slept overnight there when he had been partying with Pond and could not drive home. Craig claimed that he had not stayed overnight at Pond's house since November 1989 and that the last time he had been there was in January or February 1990.

In the days and weeks after the murder, Michael Pond and other family members continued to accuse Mark Craig of the murder. At least two witnesses, who knew the victim and Craig, said that Craig had told them that he was going to kill Pond and his whole family for having Craig arrested. This was an apparent reference to the time that Craig was arrested outside of Pond's residence. Craig believed that Pond called the police, which resulted in Craig's arrest.

In light of the evidence pointing to Mark Craig, the police made repeated attempts with Dennis Razis to gather more specific information to help confirm if the person who answered the door at John Pond's home on the night of the murder was Mark Craig. They showed Razis a photo line-up, which included Mark Craig, but ultimately Razis was unable to pick Mark Craig out.

Razis was later subjected to hypnosis in order to attempt to elicit additional details about the person who he saw at Pond's residence on the night of the murder. Razis did not provide any additional details during this hypnosis session. After the hypnosis the police attempted to have Razis complete a composite of the person. Razis felt that the end result of the composite was only 60% accurate, but he could not be more accurate. In the end, Razis description of the man he saw at John Pond's on the night of the murder was similar to what Mark Craig looked like back at the time of the murder.

In addition to talking to witnesses, physical evidence was collected from John Pond's home and reviewed to see if it could point to the killer.

Witnesses described Mark Craig with a large cut to his hand on Monday night, the day before the murder. That was significant because several items found at the murder scene had blood on them from someone other than John Pond. Back in 1990, each of the items was tested and found to have a blood type different from John Pond's. In 2003, DNA testing was done on the items and the results were entered into a DNA database. However, no "hits" ever came up from that database and the physical evidence at the time did not point to any definitive suspect.

In 2009, the Salem police department reopened the investigation of the John Pond homicide. During the 2009 reinvestigation, the detectives learned that Mark Craig, who was a suspect back in 1990, had died of a drug overdose in 2004. The police contacted the N.H. Medical Examiner's Office to determine if any blood or other biological material from Mark Craig had been retained after his autopsy. It turned out that the medical examiner's office had retained a vial of Craig's blood. The police sent that blood to the N.H. State Police Forensic Laboratory for testing.

As part of the original crime scene investigation, the police collected a number of blood samples from John Pond's home, including scrapings of two blood drops on the kitchen floor. When the police sent Mark Craig's blood to the lab in 2009, they also sent two scrapings of blood recovered from John Pond's residence on the kitchen floor to the N.H. State Police Forensic Laboratory for testing. The lab determined that one sample was a mixture of two individual's DNA, with the primary contributor identified as Mark Craig and the secondary contributor being the victim, John Pond. The second sample was a single source, with Mark Craig identified as the source of that DNA. This evidence is significant since Craig had denied being at John Pond's house on the night of the murder and for quite some time before the murder.

In 2010, the Salem Police Department continued to reinvestigate the case and reinterviewed many of the witnesses. In 2010, the Salem Police Department contacted the Cold Case Unit to request assistance. In 2011, the reinvestigation continued and included bringing witnesses before an investigative grand jury and additional forensic work, specifically with footwear impressions.

At the time of the murder, the police had collected bloody shoe impressions at the scene, which were sent to the FBI for analysis. The FBI determined that the impressions were created by a New Balance sneaker model P456 or P506. Before the police developed this information, they learned that Mark Craig wore New Balance sneakers. However, the police were unable to collect Craig's footwear at the time of the original investigation to compare to the footwear impression left at the scene. Regardless, more testing was done.

In late 2011, the State Police Forensic Laboratory reexamined evidence in the case looking for footwear impressions. Floor tiles from the crime scene were tested and revealed the presence of blood. Several footwear impressions that had been found in blood from the crime scene were examined and reexamined. All the footwear impressions were found to be consistent with being created by the same sneaker, i.e., the impressions were caused by only one person. Finally, the footwear impressions were consistent with being created by a New Balance sneaker model P456 or P506; the same type and size of sneaker worn by Mark Craig around the time of the murder.

CONCLUSION

Since 1990, the primary suspect in this case has been Mark Craig. At the time of the murder, Craig was angry with the Pond family and had made threats against the victim, John Pond, and his brother Michael Pond. In addition, Craig was upset that his girlfriend, Paula Gauthier, had gotten back together with Michael Pond right around the time of the murder. In addition, Mark Craig also had an extremely lengthy criminal record for a wide range of crimes, including assault, burglary, robbery, criminal threatening, possession of danger weapon, malicious destruction of property, assault on a police officer, impersonating a police officer, and other crimes. That criminal record, coupled with his threats against John and Michael Pond and his anger over Paula Gauthier's return to Michael Pond, confirms that Craig was the type of person willing to resort to violence when angered. The motive for the murder appears to be that Craig was upset at Pond's brother for dating Craig's girlfriend. Craig was trying to locate Pond's brother on the night of the homicide and likely went to Pond's home to try to coerce him into helping Craig find the brother. When Dennis Razis, an unexpected visitor came to Pond's door, Razis heard Pond ask for help. Although he was unable to identify Mark Craig as the man who answered the door at John Pond's house on the night of the murder, Razis's description of the person who answered the door was similar to Craig's appearance and fits the timeline of the murder.

Finally, the physical evidence in this case all points to Mark Craig as the killer. DNA testing done after Craig's death established compelling evidence that he murdered John Pond. Mark Craig's DNA was found in two separate spots in John Pond's kitchen after the murder. In one of those blood drops, Craig's DNA was mixed with DNA consistent with Pond's. At the time of the homicide Craig had a documented cut on his hand, which he had received in a bar fight before the homicide and was still weeping when he was interviewed by the police a few days after the homicide. The police and the lab also uncovered footwear evidence, which is consistent with the footwear worn by Mark Craig at the time of the murder. That footwear evidence, which was in blood, is consistent with only one person besides the victim being at the crime scene at the time of the murder. When interviewed by the police after the murder, Craig claimed he had not been to Pond's house for many months before the homicide and, at that time, he had only been outside the home.

The main suspect in this homicide – Mark Craig – is now dead. Although the Salem Police Department focused on a number of different suspects during the course of the investigation there is no credible evidence that anyone other than Craig was involved in the murder of John Pond, Sr. Craig had a motive and the opportunity to kill John Pond and his DNA was found at the murder scene mixed with the victim's blood.

Under usual circumstances, the evidence collected in this case would be presented to a grand jury for indictment, and then followed by a trial where the State would have to prove its case, beyond a reasonable doubt. Here, the person the evidence points to as the killer has died. Therefore, instead of resolving this case with a trial the case will be closed as “solved,” based on the death of the person the evidence points to as the killer of John Pond, Sr., Mark Craig.