

STATE OF NEW YORK

THIRTY-FOURTH ANNUAL REPORT
OF THE
NEW YORK STATE TROOPERS
EXECUTIVE DEPARTMENT
DIVISION OF STATE POLICE

For the Year 1951

MURDER BY A CATTLE RUSTLER

On Thursday, June 14th, Flag Day of 1951, the weather was overcast and it rained intermittently all day. At about three o'clock in the afternoon, Corporal Arthur Diffendale of Troop "C" was on routine highway patrol out of the Oneonta Substation. For some unknown reason, his suspicions were aroused by a Chevrolet cattle truck which he observed on the highway just west of the City of Oneonta. The truck contained one black and white Holstein cow. The Corporal followed this truck, sounding his siren, to a point about six hundred feet from Route No. 7 on Winnie Hill Road. As he drove his troop car abreast of the truck, he signalled the driver to stop. The truck pulled to the right side of the road and came to a halt. As usual, the Corporal backed the troop car to the rear of the truck so that he would not block the highway. As he stopped the troop car, the driver of the truck backed his vehicle up to the troop car so that there was no space between the car and the back of the truck.

Corporal Diffendale stepped out on the left side of the troop car and started forward to the left side of the cattle truck. The driver of the cattle truck stepped out on the running board with a rifle in his hands, raised the rifle and pointed it at the Corporal. Diffendale reached for his service revolver but the driver shot him before he could draw it.

The criminal got back behind the wheel of the truck and immediately drove off up the Winnie Hill Road. The wounded trooper fell to the pavement. Witnesses gave the alarm to the Oneonta Substation which was located about a mile away. Troopers and Oneonta Police responded immediately. The wounded trooper was pronounced dead on arrival at the hospital.

The first trooper and a local police officer arriving at the scene proceeded up the Winnie Hill Road in search of the fugitive and the truck. A few miles up this road, they observed tracks turning off the Winnie Hill Road on to a dirt road. They followed these tracks about

a quarter of a mile and found that the truck had been driven on to an old abandoned lumber road. As they turned into this lumber road, they saw the fugitive's truck up against a tree in the woods. Grazing nearby, the black and white Holstein cow was found, its ear covered with fresh blood. The driver of the truck had disappeared.

The local substation was advised of this development by radio. Troopers, local officers, auxiliary police and volunteers converged on this spot. The entire area was systematically searched. Several hundred yards from the truck, the canvas cover of the truck, tools and other articles which had been removed from the truck by the driver were found in the woods. Although hundreds aided in the search, the fugitive was not located.

At the scene of the murder, investigation disclosed that at the time of the shooting there were many witnesses on the street; however, most of them were in such a position that either the truck or the State Police car obstructed their view of the actual shooting. Two witnesses were located who saw the driver of the truck. They both stated that the weapon used was a lever action rifle and that they could identify the murderer. They gave a good description of the assassin. The bullet that had killed the Corporal had passed directly through the body and, although extensive investigation and search was conducted, it was never recovered.

A check of the fugitive's truck disclosed that it was a green stake body three-quarter ton truck with parts of the body changed and replaced with unpainted boards. The tail gate appeared to be of homemade construction composed of used lumber and was so devised that it could be used as a ramp for the loading and unloading of animals. The truck displayed a New York State commercial license plate on the front and a different commercial license plate on the rear; this may have been the reason for Corporal Diffendale's suspicions. Everything had been cleaned out of the inside of the cab and glove compartment, giving evidence that the fugitive had attempted to eliminate all possibility of identification.

The black and white Holstein cow was in very good condition. It had apparently carried an identification tag in its ear. From the jagged tear in the ear, it was apparent that the fugitive, after stopping the truck, had torn off this identifying feature.

A check of the two commercial license plates displayed on the vehicle revealed that one plate had been stolen in Dutchess County, New York, and the other had been stolen in Rensselaer County, New York.

The truck was taken to Troop Headquarters for a systematic search wherein it could be processed for possible fingerprints. During this search, a milk bottle cap from a dairy in Chatham, New York, was found under the front seat. It was also discovered that the rack body had been changed, some of the green bolts having been removed so that additional siding could be attached, rendering the vehicle useable as a cattle truck. The green bolts were later recovered and became important evidence in the case. A check of the bottle cap revealed that



Abandon Cattle Truck Which Led to the Killer of Corporal Diffendale

the dairy in Chatham had been using this particular type of cap for a period of only four months, however, there was no identifying mark that would distinguish it from the thousands of caps that had been used during this period. It was learned that this dairy had recently reported the theft of a commercial license plate and that a truck bearing this plate had been observed by a Chatham police officer speeding through the village of Chatham. The following day the officer learned that there had been a cattle theft in Massachusetts the previous night. Although he had noted the number of the plate on the speeding vehicle, he stated that he had never seen the truck again in that vicinity.

A latent fingerprint was found on the throttle button of the fugitive's truck. The button was removed and forwarded to the State Police Scientific Laboratory for photographing and preservation. A check of the motor numbers on this truck indicated that it had been stolen near Danbury, Connecticut, about six months before at which time it had only the manufacturer's green rack body. While this investigation was being conducted, road blocks had been set up and the entire vicinity of Oneonta was systematically searched. The Division's bloodhounds were used but, due to the continued rain, their efforts were of no avail. Civil Air Patrol airplanes were used along with the auxiliary civilian police and all police officers in that area. A command post with portable radio transmitter was set up in a local farmhouse and contact was maintained with all patrols. No further trace of the fugitive was found.

Just outside of Oneonta, there is located an auction sales stable which conducts sales of cattle, horses and farm implements every Thursday. It was presumed that the fugitive was enroute to the sales stable at the time of the murder. With the belief that the rural folks who attend these auctions might remember the truck and thereby recall the driver, the truck was taken to the sales stable at the next sale. Photographs were made of all sides of the vehicle and of the Holstein cow and they were published in all newspapers in upstate New York and broadcasted over television and radio stations with a request for information on the operator of the truck. A check was made of all teletype messages reporting the theft of cattle in the northeastern part of the United States, and pictures were forwarded to the departments originating such messages for possible identification.

Just one week after the murder, while Troopers were exhibiting the truck at the Oneonta auction sale, a farmer and his wife approached one of the Troopers and told him that he, the farmer, believed that he knew the operator of the truck. He stated that several weeks previous to the killing, he had purchased a Jersey calf at the same sales stable from a man who he believed to be the driver of the truck. The farmer further stated that the man had transported the calf to his farm where he paid him after he had unloaded the calf from the truck. This farmer stated that he had observed this man at the Oneonta sales stable many times. Troopers accompanied the farmer back to his farm for inspection of the Jersey calf which he had purchased. From a

tattoo mark in the ear of the animal, it was positively identified as a calf which had been stolen in a nearby state. The farmer was questioned further and he expressed his belief that the name of the man in question was similar to that of one of the meat packing concerns, either "Armour" or "Swift". A check was immediately made of the records of the Oneonta sales stable and it was found that they included many sales in the name of M. Armer, commencing in the early part of 1951, with various addresses including Binghamton, N. Y., Cobleskill, N. Y., and Nassau, N. Y.

Although the latent fingerprint had been checked against hundreds of prints of known criminals and ex-convicts residing in upstate New York, no identification had been made. However, with this new information, a check was made with the Department of Correction and a record was located on Matthew Armer, three times convicted of various crimes, his criminal record commencing as a boy and showed recent charges of Possession of a Gun, Assault and Burglary. From the record, he appeared to be a vicious criminal. As soon as fingerprint experts made the comparison, they stated positively that Matthew Armer had left the fingerprint in the stolen truck involved in the murder of Corporal Diffendale.

A check of the available records on Matthew Armer disclosed the infamous character of this man and his antagonistic attitude toward police officers. At the time of his first arrest in a stolen car, he was chased by Troopers for a considerable distance, and during the chase, he threw a young girl from the car. He was later taken at gunpoint by the State Police. After being sentenced to a reformatory and later being given privileges of a trustee, he stole a car from the institution and fled to a nearby state where he was apprehended. After his release from that institution, he was again picked up while operating a stolen car ring. Many of the vehicles stolen by this ring were never recovered. After serving time in States Prison, he was released and, in a very short time, was picked up in possession of a gun and a stolen automobile. While being questioned in a police station, he made an attempted escape by throwing water in the face of a policeman and making a dash for the door. When released, and while on parole, he made repeated statements that he hated all members of the State Police and that they were hounding him. Although he was sentenced to ten years in prison, and there were still seven years on a previous sentence, through a technicality, he was returned to court and discharged. On checking his motor vehicle license record, it was discovered that Armer had secured an automobile immediately upon his release from States Prison although he had no driver's license at the time. He immediately transferred the car to a fictitious person, giving a Binghamton address. He left his father's farm almost immediately and proceeded to the State of Pennsylvania where he began his business of stealing cattle and other animals and selling them to auctions. The Pennsylvania State Police had numerous cases of stolen cattle and stolen cars which were directly connected with Armer by documentary evidence.

Armer's farm at Nassau was placed under surveillance but there was no indication that Armer had been at home. The surveillance was continued twenty-four hours a day, but no attempt was made to approach the farm. The Massachusetts State Police reported a definite connection between the cattle thefts in New York and Pennsylvania with many thefts in their state. Plaster casts of tire impressions and other pieces of evidence which they had secured and preserved made positive identification of the truck used by Armer in the murder of Corporal Diffendale. The Holstein cow which was recovered at the time of the killing was identified by its owner from the state of Massachusetts, who stated it was one of two Holsteins which were stolen at the same time. The owner not only made the identification of this cow while it was in a herd of forty or fifty cows, but when the animal was taken back to its original barn and released, it joined its own herd and on entering the barn for milking, went back to its own stanchion.

A systematic check was made of all cattle sales stables in the State of New York, as a result of which many transactions of stolen cattle by Matthew Armer were uncovered. The second Holstein cow stolen in Massachusetts was located in the herd of an unsuspecting farmer, identified and returned to its owner.

In the early morning of June 24th, at about three o'clock, a car was observed passing one of the check points set up around the Armer farm. Although it proceeded toward the Armer farm, it did not come out passing any other check point. The Troopers were unable to identify the car as Armer's because of its high rate of speed. Patrols were immediately alerted and members of the Division were assigned their prescribed duties. At about 6:00 A. M., one of the patrols radioed that Armer's car had left the home and started toward Route No. 20 with Armer and his mother in it. As the patrols drew in on Armer's vehicle, he stepped on the gas and attempted to make an escape. He was quickly stopped and taken into custody. As usual in Armer's other arrests, he refused even to admit his identity. He was taken to the Troy Barracks where he was fingerprinted, photographed and examined by a physician. On questioning Armer's mother, she stated that she knew very little about his activities other than that he was in the business of purchasing and selling cattle. She stated he had been living at home all the time and seldom was out at night. Because of her obvious maternal instinct, she was not questioned further.

After the arrest of Armer, a thorough search was conducted of the Armer farm which produced numerous pieces of evidence. A piece of scrap iron which had been placed on the stake truck by its original owner was found and identified. Several pieces of lumber which had been repainted many times and appeared similar to the lumber used in constructing the tail gate on the stolen truck were found; spectrographic analysis of these boards and the tail gate proved they were identical. A small traveling bag was found in the Armer home containing several pair of jump wires which are used to start the motor of an automobile in which the ignition is locked. It was also learned that

Armer had rented a garage in a city about twenty miles from his home. Many articles were recovered in this garage including the four green bolts which had been removed from the original rack body on the truck. Following the arrest, it was disclosed that numerous people in the vicinity of Nassau had seen Armer with the rack body truck and some of them identified it. Two individuals stated that they had ridden with Armer in this truck and both of them said he carried a Marlin lever action rifle in the truck at all times. When they had asked Armer about it, he told them he liked to hunt.

Armer was arraigned on the morning of June 25, 1951 before the county court and charged with Murder First Degree. The case was adjourned for action of the grand jury which later indicted him on this charge.

As the investigation continued, it was found that early in 1950 when Armer was released from States Prison, a wave of cattle thefts developed in the southern tier of New York and the northeastern part of Pennsylvania. In one case in Pennsylvania, the State Police recovered a piece of lumber which had apparently dropped from the truck used in the cattle theft. Spectrographic examination indicated that it was covered with several layers of paint which was identical to that on the tail gate of the truck used in this murder.

Records secured from various cattle auction sales disclosed that Armer had sold more than seventy head of cattle and that only five of these had been purchased by him. The tactics of this cattle thief are clearly illustrated by the incident involving the two Holstein cows stolen from Massachusetts on the night of May 29, 1951, one of which was identified by the owner after it was found abandoned with the truck a short distance from the murder scene. The records at an auction sales stable indicated that Armer had consigned a Jersey cow to them on May 31st. On the same day, he bought two young heifers one of which had been tested by a local veterinarian and the test tag bearing the serial number placed in the ear. This calf was sold because it had injured itself. On June 7, 1951, one week after Armer's purchase of this calf, he sold a black and white Holstein milk cow to the same stable, this cow bearing an ear tag. When this Holstein was located, evidence clearly indicated that the ear tag had been tampered with. This cow had also been stolen from Massachusetts on May 29th. The ear tag it bore when it was recovered was that which had been on the heifer calf purchased by Armer.

Armer made no statement to anyone concerning the killing of Corporal Diffendale. However, while confined and awaiting trial, he was interviewed by a newspaper reporter to whom he stated that he was at home working on the chimney of his mother's house and had been seen by the local mail carrier on the afternoon of June 14th. This statement was checked and the mail carrier stated that he had never seen Armer around the chimney and, in fact, he very seldom saw Armer, and definitely did not see him on the date of June 14th. He recalled that it rained very hard on that date and he saw no one at the Armer home. Verification proved it had rained all that day in

Nassau where the farm was located. A witness was located who had been at the farm on the 13th of June and had been told by Armer at that time that he had just completed work on the chimney of the home. They had some business transactions and Armer purchased an automobile from this man; however, he never called for the car.

As a result of the investigation on this case, there was no doubt that Matthew Armer was driving a stolen truck containing a stolen cow and, without any warning, shot and killed Corporal Arthur Diffendale on June 14, 1951. The trial of Matthew Armer commenced on September 4, 1951. A jury was selected and a small portion of the evidence had been introduced; but, before positive identification was made and before the fingerprint and other evidence was submitted, Armer, through his counsel, pleaded guilty to Murder Second Degree and was sentenced to serve sixty years to life in the States Prison.