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Two indicted in slay of little Kyle Smith

BY CAITLIN MILLAT, ERIN DURKIN AND TINA MOORE DAILY NEWS WRITERS

Friday, June 13th 2008, 12:05 AM

A Brooklyn couple entrusted with the care of a 3-year-old by his mom was indicted on manslaughter charges Thursday night in the boy's unspeakable beating death, prosecutors said.

Nymeen Cheatham, 30, and her live-in boyfriend, Lemar Martin, 25, were charged with killing toddler Kyle Smith on June 6 in their Bedford-Stuyvesant apartment.

"Those people need to rot in hell," Tamika Cooke, 32, said Thursday night at a memorial service in front of the Patchen Ave. building. "Whatever they get sentenced [to], they deserve that and more."

A Hello Kitty doll, a rainbow of teddy bears and a red toy truck were among the items piled in front of the building in memory of Kyle.

The event was part remembrance and part public service message.

"How many other children are going through this and people know it and aren't saying anything?" building super and memorial organizer Gail McNally said. "This is not a mind-your-business situation."

The death of the bright-eyed tot sent shock waves through the community where some residents recalled keeping silent about signs of abuse.

Elizabeth Frazier, 66, said she never saw Kyle being abused but remembers that the tot was almost too well-behaved, or "programmed," by Cheatham.

"When she moved, he moved," she said. "He didn't speak to anybody. She acted like she didn't want nobody to get near him. He had no smile on his face, no smile."

"I think at night," she said. "I think of this and I cry."

Kyle's mom, Eugenia Holmes, 24, left the toddler in Cheatham's care in August 2007 to move to her father's home in South Carolina to get her life together, an Administration for Children's Services report obtained by the Daily News shows.

Cheatham applied to the courts for guardianship in October, prompting ACS to investigate the home. The



Kyle Smith on his birthday in August 2006.



Nymeen Cheatham

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agency found the residence "in order and the child happy and healthy," the report states.

ACS failed to learn that Cheatham had lost custody of her four natural children and little brother in Texas in 2003 because of neglect, records show.

"As you saw in this instance, if ACS had had access to the information from Texas it might have approached this case much differently," City Councilman Bill de Blasio said.

He wants caseworkers to have access to criminal databases, and abuse and neglect data from other states.

The custody case was closed when Cheatham failed to show up for a family court hearing on Feb. 4 and Kyle remained in her care.



Lemar Martin

Pace for News

Kyle's body remained in the morgue Thursday, nearly a week after his death, despite offers of financial aid.

Around 200 people, some wearing T-shirts with Kyle's photo, attended the memorial service.

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With Scott Shifrel and Alison Gendar

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**uppereast10** Jun 13, 2008 5:00:19 PM [Report Offensive Post](#)

The saddest part of this whole thing is that this boy's "family" didn't care about him. I know these people. The grandmother has custody of Elliott's other son as well as another older girl. She leaves them alone constantly...the boy is 6 and the girl cannot be more than 11. I have seen them on the streets, by themselves at 12am many times. The little girl hangs out with the most unsavory characters from the housing project down the street. I'm sure it's only a matter of time before she is gives birth to the next Kyle Smith and the cycle starts all over again. Feel sorry for these helpless children. Do NOT feel sorry for the family...they are irresponsible and were so uninvolved in this child's life that they had no idea where he was or who he was with. Now the father tries to claim that he couldn't get Kyle back and I have to hear him weeping outside of my home all day and night about it.

**TheNerd** Jun 13, 2008 5:36:36 PM [Report Offensive Post](#)

This has nothing to do with racism! It's has something to do with that GOD---- PARENT KILLING HER OWN SON!!!!!!!!!!!!

**LI girl** Jun 13, 2008 11:01:07 PM [Report Offensive Post](#)

I still say it takes a village to raise a child and the village that this little boy was living in did not have the sense to call acs. Again I say where is Al Sharpton?...Bill Cosby maybe right.....the village needs to get its act together and protect its fragile babies. Set the example.. Call the dammed acs if those kids are out too late unattended. I have! They will take your report and must react in 24hours. It is anonymous. acs can not be every where all the time. Help them out....call for the love of your community. That is not being racist. It is being human.

**marsharina60** Jun 14, 2008 9:52:05 AM [Report Offensive Post](#)

manslaughter? THIS IS AN OUTRAGE. THIS WAS MURDER, TORTURE! MOLLESTATION! DEPRAVED INDEIFFERENCE TO HUMAN LIFE! NEGLECT! MANSLAUGHTER?LIKE THIS WAS AN ACCIDENT?LIKE THEY DIDN'T KNOW WHAT THEY WERE DOING?PROSECUTORS!!!PUT ON YOUR THINKING CAPS!!D RATHER SEE THIS CASE BEFORE JUDGE JUDY! LET THEM OUT ONE DAY TO CONTINUE THEIR CRACK HABITS & ENDANGER OTHER CHILDREN? NO NO NO!WAKE UP!THIS BABY WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHTS, HIS RIGHT TO LOVE, COMFORT, SAFETY.DO NOT REDUCE THE SEVERITY OF THIS CRIME.THIS IS AN INSULT TO ALL HUMANKIND.SHAME ON YOU.WHAT A BEAUTIFUL CHILD.HOW I WISH HE WERE IN MY HOME TO EXPERIENCE KINDNESS, LOVE, & FUN! GAMES, PETS, LEARNING, FRIENDS. HE DESERVED NOTHING LESS.HE DIDN'T DESERVE THESE PSYCHOTIC MURDERERS. MOMS-CARE FOR YOUR CHILDREN YOURSELVES!!!!

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your other son, why didnt she take Kyle? you stated that you didnt have the room... why couldn't the mom's family or your family take him? now everyone is getting together saying how angry and upset they are, but were they there to help.... if everyone was involved in this little boys life did they not see any marks? ok the mother was a drug addict with no maternal bond what so ever.... but what happen to the rest of the family? you all should be upset and should be kicking yourselves in the \*\*\* for allowing someone else to take responsibility for something thats yours..... yes i do hope they rot in \*\*\*\*..... but also place blame on yourselves.....

**hopefullyopiniated** Jun 14, 2008 7:04:05 PM [Report Offensive Post](#)

The story got heard once the biological mother surfaced. She should of taken her child back with her to her father's home and had some kind of foster care in place for her their. Well she will live with that for the rest of her life and that will be the cross she carries for being so damn neglectful to her children. Yet the drugs was way much better. I have no sympathy for her at all. She seems phony on TV with a bunch of damn excuses. That guilt is her cross and she will have to carry very well.

**brooklyngirl11** Jun 14, 2008 10:56:06 PM [Report Offensive Post](#)

I can trully understand the anger directed at a.c.s. We have to remember though, that you cannot blame any agency, government or otherwise, for a collective group of peoples lack of humanity, and responsibility for their own. The immediate family of this unfortunate child, threw him away like so much garbage to tend to their own needs. The neighbors didnt want to involve themselves. Mostly, these two creatures, who obviously directed all of their monstrous anger toward this poor child, are the ones who ended this childs life. Where is our responsibility? When do we stop blaming everyone else for tragedies, instead of looking at ourselves? When we have children, we should be there to protect, comfort, and raise them. I am horrified at the thought of what this childs life was like, being abandoned by a mother who was an addict, and left with people that showed him only hatred and abuse. Maybe its time to stop being so politically correct, and start raising the bar for who will be

**thatcatdavid@yahoo.com** Jun 23, 2008 9:51:01 AM [Report](#)

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These people are so ugly and dirty in their ways and thier values. A whole new negative culture has sprung up where people with no kids are thought of as strange but evil people like this that abuse the kids they have are considered 'normal'. These people are dirty ugly monsters and thier culture needs to be obliterated.

**thatcatdavid@yahoo.com** Jun 23, 2008 10:24:02 AM [Report](#)

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How could ACS not find out that Cheethem had kids, how was she able to get custody of the kids with out some one to vouch for her? How could she get custody of the kids after investigation would show she had a live in boyfriend? How stupid are the people at ACS? It would be easy to medically deduce if Chetham had kids and once that was known the question would then be where are they? Everyone in this city knows that it is deemed uncommon for a woman her age to not have kids. ACS needs to hire genuine investigators not the bumper crop of young women who only specialize in ameliorating ruffled feathers than investigating shady people. Their are too many women working at ACS who specialize in social etiquette but are not sharp minded enough to be good investigators. ACS should be revamped to be more like the F.B.I.

**justicealways34** Jul 3, 2008 4:45:52 PM [Report Offensive Post](#)

I just have one thing to say they are all to blame every single one of them....the couple who killed them, the boys mother, father , family, neighbors....please give us a break with all these little bs stories..The mother leaves for an addiction that could have been treated her in NY and they would have also helped her with the child..but yet she leaves and get this finds a man gets married and now ..I dont think so...the family claims this and that but they didnt want to take him in the first place as for the father please give us a break we all know its about who is going to get that big fat check in the childs name and the end...The blood money...They cry because of the guilt they can lie to us but not to god.....May you all suffer the rath of god

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