



## What's a parent to do? Escaped convict case raises questions

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**FLINT, Michigan** -- It's a choice that no parent would want to make.

Kelley Thomas' 23-year-old son, Kelly Carter, escaped from a Georgia jail in April and shortly thereafter allegedly showed up at his dad's doorstep on E. Lorado Avenue.

Now, Thomas has been charged with harboring a felon.

What's a parent to do? It's a difficult question, even to Genesee County Prosecutor David Leyton.

"The fact that he's the father was discussed by my staff, and we will take that into consideration as the case progresses," Leyton said. "It's hard to turn your back on your own flesh and blood."

Danny Berry, 55, of Burton, said if he were in that situation, he would let the son stay at his house for a day or two, and then his son would have to either turn himself in to police or leave.

"You have to set the example," said Berry, whose four children are all in their 20s. "I would tell my son that you can't run for the rest of your life. Sooner or later, they're going to catch up with you."

Eighteen states have laws on the books that make it difficult to charge relatives for harboring fugitives or makes it a lesser crime, said Dan Markel, a law professor at Florida State University.

But Michigan is not among those states: Here relatives who harbor fugitives are treated the same as non-relatives who do so.

### Web debate

The original story, "[Inmate, Kelly Carter, who escaped deteriorating Georgia jail nabbed in Flint, his father, Kelley Thomas, also to face charges](#)" of how police claim a dad helped a fugitive son hide from police created a buzz on The Flint Journal's Web site, [mlive.com/flintjournal](http://mlive.com/flintjournal). Here's a sampling.

- "It's not like his dad broke him out. I have a vision that the kid showed up and he hid him. If my kid showed up under those circumstances, I seriously doubt I would rat him out to the police. Maybe the dad was trying to convince him to go back, who knows" -- Posted by "miasma."

- "I would NEVER help hide one of my children if they were running from the law. I might let them come in the house but I would call the authorities immediately!! Obviously this father

wanted to be a friend to his son rather than a father figure!" -- posted by "fancypants30"

"There are states that have passed legislation that have effectively given relatives (who harbor fugitives) a freebie," said Markel, who researched the issue and [wrote an article](#) for an academic journal. "We take a view that's pretty supportive of the position that Michigan has."

The Genesee County Sheriff's Department and the U.S. Marshals Service raided the house on May 30 and police say they found Carter hiding in the bottom cabinet of an armoire at his father's house.

Thomas, 45, told police that he didn't know his son had escaped from jail.

Their cases are still pending. Thomas could face four years in prison.

Leyton said, "it's never the right decision to commit a crime."

Carter had been in the Treutlen County Jail in Soperton, Ga. for a probation violation for assault and cocaine sales.

"As a dad, that would be a hard decision, to call the police up and say, 'Hey, my son's sleeping in bed, come and get him,'" said Rozelle White of Flint.

White, 59, said he would do everything he could to persuade his son to turn himself in.

J. Hunter, 26, of Flint, said he believes it's a "little bit" wrong, but he wouldn't be harsh toward the dad.

"I understand that it's morally wrong, but, you know, I think most parents would do that."

Carter kicked out a rusted metal wall near a shower to escape the jail, according to police.

He apparently stole shoes from a porch and clothing from a clothesline before getting bus ticket money from friends and family.

Georgia officials shut down the jail after the escape after concerns that the jail was not safe for guards and inmates.

Jill Creech Bauer, a Flint family law attorney who does criminal defense work, said she often has to wade through a myriad of family issues. She said sometimes she ends up counseling parents on how best to help their children.

She said parents can believe enabling is helping their children, even when it's not. "The impulse to protect your kid is extremely strong," Bauer said.