

Hernandez is sentenced for threats

Hernandez

Deportation hearing now looms in Batavia

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Rochester Democrat and Chronicle USA TODAY NETWORK

Abigail Hernandez was sentenced to three years of probation Tuesday, but a far more consequential court date comes Wednesday in Batavia.

Hernandez, a former Edison Career and Technology High School student, had pleaded guilty to third-degree falsely reporting an incident, a misdemeanor. She was examined by two court-appointed doctors who found her to be mentally competent and was sentenced according to a pre-arranged plea deal.

That probation term puts an end to her criminal case; the question remains whether she'll be deported to Mexico, where she was born.

She will face an immigration hearing Wednesday at the federal detention center in Batavia. Hernandez is not a U.S. citizen but qualified for Deferred Action for Childhood Arrivals status, according to her family. The criminal charges prompted the Department of Homeland Security to initiate deportation proceedings.

In delivering his sentence, County Court Judge Vincent Dinolfo expressed his hope that the resolution of the criminal matter would have a positive impact on her immigration case.

"I hope it doesn't cost you your place here among us, but we have no control of that," Dinolfo said.

The county Office of Probation gave Hernandez a positive prognosis for avoiding criminal behavior in the future, something both Dinolfo and prosecutor Greg Colavecchia acknowledged as uncommon.

Her attorney, Michael Geraci, said Hernandez has admitted her crime and now "understands the impact." He said she has received hundreds of supportive letters from people around Rochester and across the country, and noted she received a high school completion certificate for students with disabilities while in jail.

Abi the most know that she poses no threat to the community and look forward to her return to that community," he said.

Hernandez was charged in March with two counts of making a terroristic threat. She was a student at Edison Tech at the time.

Several hours after she entered her guilty plea in June, she was released from the Monroe County Jail and detained by federal immigration agents.

The criminal charges stemmed from allegations that she posted a threatening message on the East High School Facebook page on the afternoon of Feb. 15, declaring: "I'm coming tomorrow morning and I'm going to shoot all of ya bitches."

Colavecchia on Tuesday provided more detail about the timeline of her actions in February as well as the second threatening post she made.

Later Feb. 15, he said, she posted again on Facebook under a

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Abigail Hernandez during a court appearance earlier this year.

TINA MACINTYRE-YEE/ROCHESTER DEMOCRAT AND CHRONICLE

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pseudonymous page: “Round one. I’m gonna be a professional school shooter. I’ll be there in the morning.”

When she was interviewed at her house early the morning of Feb. 16, she denied any knowledge of the posts, or even that she had a Facebook account, Colavecchia said.

In the following days, police obtained records through Facebook that showed the messages came from the Motorola phone that Hernandez used. They returned Feb. 20, at which time Hernandez admitted

to the posts, Colavecchia said. She was then taken into custody.

Before sentencing, Dinolfo said he had no doubt that Hernandez was unable to carry out the threat she made, but that simply making the threat constituted a crime.

“When I look at you and I look at what you admitted you did, it doesn’t make any sense,” he said. “The only question I have remaining is the same question everyone has: Why? Why do something like this?”

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