

Abigail Hernandez still remains in jail

Competency hearing in threat case is June 22

Justin Murphy

Rochester Democrat and Chronicle USA TODAY NETWORK

Abigail Hernandez, the 21-year-old Edison Tech High School student accused of making terroristic threats toward East High School students in February, had a brief court appearance Thursday but remains in the Monroe County Jail as her legal team tries to plot a course toward freedom.

Her competency to stand trial will be decided at a June 22 hearing. According to her family, Hernandez has a significant cognitive disability and cannot understand why she is in jail or what she is accused of doing.

“I said, ‘They said you wrote something on your phone,’ “ her father, Eufrazio Torres, said in Spanish. “She said, ‘Papa, I didn’t write anything.’ “ The Rochester Police Department alleges she posted on the East High School Facebook page, on the afternoon of Feb. 15: “I’m coming tomorrow morning and I’m going to shoot all of ya bitches.”

After the school called the threat in to police, she was interviewed at her house early the morning of Feb. 16, then ultimately taken into custody Feb. 20. Torres said she would be incapable of finding her way to the school even if she had made the threat, which he does not believe she did.

Hernandez was born in Mexico and is not a U.S. citizen but has qualified for Deferred Action for Childhood Arrivals status, according to her family. Having the felony terroristic threat charge dropped would not necessarily shield her from deportation; she was briefly held in the Buffalo Federal Detention Center in Batavia in March. Her family is not trying to have her freed on bail right now because immigration authorities would likely pick her up again and return her to Batavia.

According to her family and advocates, including Rochester school board member Beatriz LeBron, Hernandez’ DACA status needs to be renewed before an August deportation hearing. They hope she might see some leniency if, by then, the state charges have been dropped and her DACA status is up-to-date.

Her lawyer, Michael Geraci, could not be reached for comment after the hearing.

While in jail Hernandez has been continuing her school work. Rita Gaither, who coordinates her education for the Rochester City School District, said she visits three times a week and always finds that Hernandez has finished her work on time.

The teachers in the jail and the deputies have been “amazing with her,” Gaither said, putting her in a somewhat private room away from other inmates and helping her do her hair in the morning.

RCSA teachers, meanwhile, have been buying her clothing and putting money in her commissary account for toiletries, food and the wrestling books she enjoys reading. Hernandez in turn shares her spoils with other women in the jail, Gaither said.

“She’s confused ... and (the jail staff) know she’s not supposed to be there,” Gaither said. “They were all hoping and praying that she’d get out today.”

JMURPHY7@Gannett.com



Abigail Hernandez was arraigned on two counts of making a terroristic threats on East High's Facebook page. POOL PHOTO/WHEC-TV