

Special needs New York student imprisoned over Facebook posting

By Jason Melanovski
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A 21-year-old developmentally disabled student was recently arrested and jailed in Rochester, New York for allegedly posting a threatening message to the Facebook page of a local high school.

Abigail Hernandez, a special education student in the Rochester school district, is one of several dozen students across the United States who have been arrested in a hysterical law and order crackdown in the weeks since Nikolas Cruz opened fire in Marjory Stoneman Douglas High School in Parkland, Florida killing 17 people, including 14 students.

According to local authorities Hernandez made a fake Facebook account named “Martin Doll” on January 15 and used her cell phone to post “I’m coming tomorrow morning and I’m going to shoot all of ya bitches” on East High School’s Facebook page. Hernandez was questioned by police without the presence of a lawyer or her parents and supposedly confessed to the crime. She was charged with making a “terroristic threat” and jailed on \$15,000 bail.

Hernandez’s case marks a particularly cruel intersection between the law and order reaction to school shootings and the Trump administration’s expanding anti-immigrant crackdown.

Following her arraignment on February 21, Hernandez was supposed to be released on bail back to the care of her family but was instead scooped up by Immigration and Customs Enforcement (ICE) agents and sent to the Buffalo Federal Detention Center in Batavia, New York to begin removal proceedings against her.

Despite a Rochester City Court judge’s order on Monday that Hernandez be returned to the Monroe County Jail, where she could be released on bail, she remains in ICE detention locked away from her family with no immediate prospect of being released.

“Hernandez-Arellano will remain in ICE custody while immigration charges are pending,” Khaalid Walls, a spokesman for the agency told the *Democrat and Chronicle*.

Hernandez was just three years old when her family came to the United States from Mexico and she is presently in the country under the Deferred Action for Childhood Arrivals (DACA) program. In addition to facing charges for the “terroristic threat” Hernandez can be held indefinitely in detention until she is subjected to a forced deportation to a country she has not lived in since she was a toddler.

According to Hernandez’s family, as a special-needs student she is in no way capable of making or carrying out the threat made on Facebook or of understanding the charges against her let alone the possibility of being deported to Mexico.

In an interview with the *Democrat and Chronicle*, her father Eufrazio Torres, a bus driver who works 80-hour weeks, stated his daughter would not even be able to walk to the school that was threatened in the Facebook posting without assistance from others. Torres stated, “You put my daughter (in front of our house) and say to go to East (High), she doesn’t know how.”

When Torres attempted to visit his daughter at the ICE Federal Detention Center he was told he could not see her unless she wrote a letter stating she wished to have visitors. Torres said that his daughter was incapable of writing such a letter, so ICE officials prevented him from seeing or speaking with her.

Both of Hernandez’s parents are in the United States legally with green cards and her younger siblings are both American citizens. However, Hernandez’s parents have been unable to obtain legal status for her due to her age when she arrived.

Residents across the region have responded with

strong support of Hernandez and her family, horrified by the idea of a special needs person being imprisoned and potentially deported on such flimsy charges.

Cheryl Carleton, the mother of a student who has Down syndrome and attends school in the same district as Hernandez appeared at the courthouse for the court hearing and told reporters she was “devastated for this family and the choices being made legally.”

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