

COLORADO COURT OF APPEALS

People v. Romero

Romero, 2025 COA 91 (Colo. Ct. App. 2025) · No. 25CA1082 · Decided November 26, 2025

SUMMARY

The Colorado Court of Appeals held that a reasonable juror could find that the small hatchet used by Diego Santiago Romero to threaten the victim qualified as a "knife" under Colorado's felony-menacing statute. The court rejected the argument that the statutory amendment narrowing felony menacing required a narrower definition of knife, reversed the district court's reduction of the charge, and remanded with directions to reinstate the felony-menacing charge.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Colorado Court of Appeals                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Judge Yun; Judge Freyre; Judge Pawar                                                                                                                                                                                                                                             |
| JURISDICTION          | Colorado Court of Appeals                                                                                                                                                                                                                                                        |
| DECIDED               | November 26, 2025                                                                                                                                                                                                                                                                |
| DOCKET                | 25CA1082                                                                                                                                                                                                                                                                         |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | The People appealed an order entered after a preliminary hearing that reduced Romero's charge from felony menacing to misdemeanor menacing.                                                                                                                                      |
| STANDARD OF REVIEW    | A probable-cause ruling at a preliminary hearing is reviewed for abuse of discretion and will not be reversed absent a showing that it is manifestly arbitrary, unreasonable, or unfair, or based on an erroneous view of the law. Statutory interpretation is reviewed de novo. |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                                                                   |
| PARTIES               | The People of the State of Colorado v. Diego Santiago Romero                                                                                                                                                                                                                     |

TOPICS

- statutory interpretation
- criminal procedure
- preliminary hearing
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the small hatchet Romero used to threaten the victim could qualify as a "knife" under Colorado's menacing statute.
2. Whether the evidence at the preliminary hearing established probable cause to support a felony menacing charge.
3. Whether the district court abused its discretion by reducing the charge from felony menacing to misdemeanor menacing.

## HOLDINGS

1. A reasonable juror could find that the particular small hatchet Romero used was a knife under section 18-3-206 because it was a sharp-edged blade attached to a handle and was used to place the victim in fear of imminent serious bodily injury.
2. There was probable cause to believe that Romero used a knife in committing menacing, and the jury must ultimately decide whether the charged conduct constituted menacing by use of a firearm, knife, or bludgeon.
3. The district court abused its discretion by reducing the charge from felony menacing to misdemeanor menacing based on its conclusion that the hatchet was not a knife.

## KEY QUOTATIONS

*“A preliminary hearing is “a screening device, designed to determine whether probable cause exists to support charges that an accused person committed a particular crime or crimes.”” (¶ 8)*

*“Multiple dictionaries broadly define the word “knife” as an instrument for cutting, consisting of a blade and a handle.” (¶ 17)*

*“In the context of placing another person in fear of imminent serious bodily injury, we conclude that the weapon Romero used is not meaningfully different from any other sharp-edged blade used for cutting and fitted with a handle.” (¶ 18)*

*“The order is reversed, and the case is remanded for the district court to reinstate the charge of felony menacing.” (¶ 24)*

## FACTUAL BACKGROUND

During an argument outside a shop in Grand Junction, Romero pulled a small hatchet from his coat and asked the victim whether they needed to "squash this beef." The victim reported that Romero repeatedly drew and sheathed the weapon in a threatening manner. A responding officer testified that the weapon was approximately ten inches long and consisted of a blade and a handle. The district court found probable cause for menacing but concluded that the hatchet was not a knife under the felony-menacing provision.

## PROCEDURAL HISTORY

The People charged Romero with felony menacing. After a preliminary hearing, the Mesa County District Court found probable cause for menacing but concluded that the small hatchet Romero used was not a knife under the menacing statute and reduced the charge to misdemeanor menacing. The Colorado Court of Appeals reversed and remanded with directions to reinstate the felony menacing charge.

#### DISPOSITION

reversed\_and\_remanded

#### REMAND INSTRUCTIONS

The district court must reinstate the charge of felony menacing.

#### CASES CITED

- People v. Treat, 568 P.2d 473, 474 (Colo. 1977)
- People v. Walker, 675 P.2d 304, 306 (Colo. 1984)
- People v. Hall, 999 P.2d 207, 221 (Colo. 2000)
- People v. Rieger, 2019 COA 14, ¶¶ 7-10
- People v. Butler, 2017 COA 117, ¶ 24
- People v. Garcia, 2016 COA 124, ¶ 9
- People v. Hill, 228 P.3d 171, 173-74 (Colo. App. 2009)
- Robinson v. Shell Oil Co., 519 U.S. 337, 341 (1997)
- Hice v. Giron, 2024 CO 9, ¶ 10
- McBride v. People, 2022 CO 30, ¶ 23
- People in Interest of J.W.T., 93 P.3d 580, 582 (Colo. App. 2004)
- Cowen v. People, 2018 CO 96, ¶ 14
- AviComm, Inc. v. Colo. Pub. Utils. Comm'n, 955 P.2d 1023, 1031 (Colo. 1998)

#### OPINION

#### PER CURIAM.

The summaries of the Colorado Court of Appeals published opinions constitute no part of the opinion of the division but have been prepared by the division for the convenience of the reader. The summaries may not be cited or relied upon as they are not the official language of the division. Any discrepancy between the language in the summary and in the opinion should be resolved in favor of the language in the opinion.

SUMMARY November 26, 2025 2025COA91 No. 25CA1082, People v. Romero — Crimes — Menacing — By Use of Firearm, Knife, or Bludgeon “A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury.” § 18-3-206, C.R.S. 2025. While menacing is generally a

misdeemeanor, it becomes a felony when committed “by the use of a firearm, knife, or bludgeon.” *Id.* In this case, the district court determined at a preliminary hearing that the small “hatchet” used by the defendant to threaten the victim did not qualify as a “knife” under the menacing statute.

As a result, the court reduced the charge from felony to misdemeanor menacing. However, after applying principles of statutory construction, a division of the court of appeals concludes that a reasonable juror could find that this particular weapon is a knife. Multiple dictionaries broadly define the word “knife” as an instrument for cutting, consisting of a blade and a handle.

The division concludes that, when considered in the context of the menacing statute, these definitions are broad enough to encompass the weapon used by the defendant. Accordingly, the division reverses the district court’s order and remands the case for the court to reinstate the charge of felony menacing. COLORADO COURT OF APPEALS 2025COA91 Court of Appeals No. 25CA1082 Mesa County District Court No. 25CR5040 Honorable Douglas S. Walker, Judge The People of the State of Colorado, Plaintiff-Appellant, v. Diego Santiago Romero, Defendant-Appellee.

ORDER REVERSED AND CASE REMANDED WITH DIRECTIONS Division V Opinion by JUDGE YUN Freyre and Pawar, JJ., concur Announced November 26, 2025 Daniel Rubinstein, District Attorney, Juliann Lawrence, Deputy District Attorney, Grand Junction, Colorado, for Plaintiff-Appellant Megan A. Ring, Colorado State Public Defender, Olivia L. Williams, Deputy State Public Defender, Grand Junction, Colorado, for Defendant-Appellee ¶1 In the movie *Crocodile Dundee* (Rimfire Films 1986), Mick Dundee and his companion, Sue, are mugged by a teenager wielding a switchblade.

As Sue urges Mick to hand over his wallet to the mugger because “he’s got a knife,” Mick calmly glances at the switchblade and responds, “That’s not a knife,” before producing a much larger Bowie knife and declaring, “That’s a knife!” This case — which asks whether a “hatchet” qualifies as a “knife” — reminds us in many ways of that memorable scene. ¶2 In Colorado, “[a] person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury.” § 18-3-206, C.R.S.

2025. While menacing is a class 1 misdemeanor, it becomes a class 5 felony when committed “by the use of a firearm, knife, or bludgeon or a simulated firearm, knife, or bludgeon.” *Id.* ¶3 In this case, the People appeal the district court’s order reducing the charge of felony menacing against the defendant, Diego Santiago Romero, to misdemeanor menacing. At a preliminary hearing, the court determined that the small “hatchet” Romero used to threaten the victim did not qualify as a “knife” 1 under the menacing statute.

After considering dictionary definitions of the word “knife” and principles of statutory construction, we conclude that a reasonable juror could find that this weapon is a knife.

Accordingly, we reverse the district court's order and remand the case for the court to reinstate the charge of felony menacing.

I. Background ¶4 The People charged Romero with felony menacing, and the district court conducted a preliminary hearing. At the hearing, a police officer testified that the victim reported that, during an argument outside a shop in Grand Junction, Romero pulled a small hatchet from his coat and asked the victim "if we need to squash this beef." The victim told the officer that Romero repeatedly drew and sheathed the weapon in a threatening manner. ¶5 A second officer, who responded to the scene and took the weapon from Romero, testified that the hatchet was approximately ten inches long and consisted of a blade and a handle.

It is pictured below: 2 ¶6 The district court found that the evidence was clear that Romero, by both threat and physical action, had knowingly placed or attempted to place the victim in fear of imminent serious bodily injury. See *id.* But because it determined that the weapon Romero used was not a "knife," the court reduced the charge against him to misdemeanor menacing. ¶7 The People now appeal.

II. Standard of Review ¶8 A preliminary hearing is "a screening device, designed to determine whether probable cause exists to support charges that an accused person committed a particular crime or crimes." *People v. Treat*, 568 P.2d 473, 474 (Colo. 1977).

To establish probable cause, 3 the prosecution must introduce evidence sufficient to "permit a person of ordinary prudence and caution to form a reasonable belief that the accused committed the offense or offenses charged." *People v. Walker*, 675 P.2d 304, 306 (Colo. 1984).

The district court "must view all evidence and draw all inferences in favor of the prosecution." *People v. Hall*, 999 P.2d 207, 221 (Colo. 2000). ¶9 We review a district court's probable cause ruling at a preliminary hearing for an abuse of discretion, and we will not reverse such a ruling absent a showing that it is manifestly arbitrary, unreasonable, or unfair, or based on an erroneous view of the law.

*People v. Rieger*, 2019 COA 14, ¶ 7. Because this case hinges on the interpretation of the word "knife" as used in the menacing statute, we turn to rules of statutory construction. ¶ 10 The district court's statutory interpretation presents a question of law that we review *de novo*. *Id.* at ¶ 8.

We aim to effectuate the legislature's intent, and, in doing so, "we look first to the language of the statute itself, reading words and phrases in context and construing them according to rules of grammar and common usage." *Id.* at ¶ 9 (quoting *People v. Butler*, 2017 COA 117, ¶ 24).

We read and consider the statute as a whole, construing it 4 "to give consistent, harmonious, and sensible effect to all its parts." *People v. Garcia*, 2016 COA 124, ¶ 9 (quoting *People v. Dist. Ct.*, 713 P.2d 918, 921 (Colo. 1986)). And we avoid "constructions that would lead to an illogical or

absurd result, along with those which would be at odds with the overall legislative scheme.” Id. ¶ 11 “The plainness or ambiguity of statutory language is determined by reference to the language itself, the specific context in which that language is used, and the broader context of the statute as a whole.” *People v. Hill*, 228 P.3d 171, 173-74 (Colo.

App. 2009) (quoting *Robinson v. Shell Oil Co.*, 519 U.S. 337, 341 (1997)). If the statute’s language is clear, we must apply it as written and need look no further. *Rieger*, ¶ 10. But if the language is ambiguous — that is, if it is “reasonably susceptible of multiple interpretations” — we may turn to other tools of statutory interpretation. *Hice v. Giron*, 2024 CO 9, ¶ 10 (quoting *McBride v. People*, 2022 CO 30, ¶ 23).

III. The Menacing Statute ¶ 12 The menacing statute was amended effective March 1, 2022. Ch. 462, secs. 195, 803, § 18-3-206, 2021 Colo. Sess. Laws 3173, 5 3332. We discuss the statute before and after the amendment to provide context for Romero’s arguments. ¶ 13 Before 2022, the menacing statute provided that menacing was a felony if committed “[b]y the use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon.” § 18-3-206, C.R.S.

2021. ¶ 14 A deadly weapon is (1) “[a] firearm, whether loaded or unloaded”; or (2) “[a] knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.” § 18-1-901(1), (3)(e), C.R.S. 2025 (providing definitions applicable to the entire criminal code). ¶ 15 Effective March 1, 2022, the legislature amended the menacing statute to provide that menacing was a felony “if committed by the use of a firearm, knife, or bludgeon or a simulated firearm, knife, or bludgeon.” § 18-3-206, C.R.S.

2025. The statute does not define the word “knife.” Id. 6 IV. Discussion ¶ 16 The People argue, first, that we should apply the definition of “knife” found in section 18-12-101(1)(q), C.R.S. 2025, which defines a knife as “any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds,” excluding a hunting or fishing knife carried for sports use.

But as Romero points out, this definition is expressly limited to the word knife “[a]s used in this article 12” of the criminal code. § 18-12-101(1). The menacing statute, by contrast, is found in article 3. We thus conclude that the definition of knife applicable to article 12 does not define what a knife is for purposes of the menacing statute. See *People in Interest of J.W.T.*, 93 P.3d 580, 582 (Colo.

App. 2004) (section 18-12-101 “provides definitions applicable to article 12” of the criminal code). ¶ 17 Next, the People argue that the weapon Romero used falls within dictionary definitions of “knife.” See *Cowen v. People*, 2018 CO 96, ¶ 14 (in the absence of a statutory definition, “we

may consider a definition in a recognized dictionary” to determine the ordinary meaning of a word).

Although both parties refer to the 7 object Romero used to threaten the victim as a “hatchet,” we are not bound by that label. Instead, our analysis is guided by its specific characteristics. Multiple dictionaries broadly define the word “knife” as an instrument for cutting, consisting of a blade and a handle. See Webster’s Encyclopedic Unabridged Dictionary of the English Language 1062 (2001) (defining “knife” as “an instrument for cutting, consisting essentially of a thin, sharp-edged, metal blade fitted with a handle”; “a knifelike weapon”; “any blade for cutting”); Oxford Dictionary of English 973 (3d ed.

2010) (defining “knife” as “a cutting instrument composed of a blade and a handle into which it is fixed, either rigidly or with a joint”; “an instrument such as this used as a weapon”); Webster’s Third New International Dictionary 1249 (2002) (defining “knife” as “a simple instrument used for cutting consisting of a sharp-edged [usually] steel blade provided with a handle”; “a weapon consisting of or resembling a knife”).

The weapon in question is designed for cutting or chopping, 8 featuring a sharp-edged metal blade attached to a handle — characteristics similar to those of a cleaver.<sup>1</sup> ¶ 18 But we need not decide whether a hatchet qualifies as a knife in the abstract; rather, our task is to determine whether a reasonable juror could find that the particular weapon Romero used constitutes a knife in the context of the menacing statute.

See Hill, 228 P.3d at 173-74 (when interpreting a statute, we read words within the broader context of the statute as a whole). The statute prohibits knowingly placing or attempting to place another person in fear of imminent serious bodily injury, and it provides that doing so with a knife is a felony. § 18-3-206.

In the context of placing another person in fear of imminent serious bodily injury, we conclude that the weapon Romero used is not meaningfully different from any other sharp-edged blade used for cutting and fitted with a handle. Whether threatened with the hatchet or 1 A cleaver is a type of knife. See Webster’s Encyclopedic Unabridged Dictionary of the English Language 384 (2001) (defining “cleaver” as “a heavy, broad-bladed knife or long-bladed hatchet, [especially] one used by butchers for cutting meat into joints or pieces”); Oxford Dictionary of English 324 (3d ed.

2010) (defining “cleaver” as “a tool with a heavy, broad blade, used by butchers for chopping meat”). 9 another type of knife, the imminent serious bodily injury feared by the victim would be the same: being wounded by cutting or stabbing. ¶ 19 Although we must give effect to a statute’s plain and ordinary meaning, “the intention of the legislature will prevail over a literal interpretation of the statute that leads to an absurd result.” *AviComm, Inc. v. Colo.*

Pub. Utils. Comm’n, 955 P.2d 1023, 1031 (Colo. 1998). We agree with the People that, even assuming *arguendo* that the hatchet does not fall within the literal meaning of the word “knife,” it would be illogical for the statute to treat this particular weapon differently from any other sharp-edged blade used for cutting and fitted with a handle.

For example, it would be absurd to conclude that Romero could be charged with felony menacing if he knowingly placed or attempted to place another person in fear of imminent serious bodily injury using a dinner knife, but he could not be so charged for using a hatchet.

Although both share the essential characteristics of a “knife,” a hatchet is far more threatening and dangerous than a dinner knife. Thus, we must eschew an interpretation that “would lead to an illogical or absurd result.” Garcia, ¶ 9. 10 ¶ 20 We are not persuaded otherwise by Romero’s arguments that (1) we must construe the word “knife” narrowly to give effect to the 2022 legislative change and (2) the weapon he used is more akin to an axe than a knife. ¶ 21 As to the legislative change, we agree with Romero that the amendment indicates the legislature’s intent to narrow the scope of items that can trigger a felony menacing charge.

Before 2022, menacing was a felony when committed not only with a firearm, knife, or bludgeon, but also with “any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.” § 18-1-901(3)(e); see § 18-3-206, C.R.S. 2021.

Now, only the use of a firearm, knife, or bludgeon, or a simulated version of those weapons, can trigger a felony menacing charge. § 18-3-206, C.R.S. 2025. But the amendment does not indicate any intent to narrow the definition of a “knife.” Menacing another person with a knife was a felony before the legislative change and remains so now. ¶ 22 As to Romero’s argument that the weapon he used is more akin to an axe, he does not explain which of its characteristics meet 11 the definition of an axe but not the definition of a knife.

See Oxford Dictionary of English at 112 (defining “axe” as “a tool used for chopping wood, typically of iron with a steel edge and wooden handle”); Webster’s Third New International Dictionary at 153 (defining “axe” as “a cutting tool or implement that consists of a relatively heavy edged head fixed to a handle, the edge or edges being parallel to the handle so as to be suited for striking, and that is used [especially] for felling trees, chopping and splitting wood, and hewing timber”).

More importantly, however, the overlap between the definitions of axe and knife — namely, that both feature a sharp blade and a handle — does not serve to exclude this particular hatchet from the latter category. As discussed above, the definition of “knife” is broad enough to include the weapon Romero used in the context of the menacing statute. ¶ 23 We therefore conclude that there is probable cause to believe that the weapon Romero used is a knife under the menacing statute,

and that the jury must ultimately decide whether Romero committed the crime of menacing “by the use of a firearm, knife, or bludgeon.” 12 V. Disposition ¶ 24 The order is reversed, and the case is remanded for the district court to reinstate the charge of felony menacing.

JUDGE FREYRE and JUDGE PAWAR concur. 13