

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)