

# **FORMAL GRIEVANCE AND DEMAND FOR PROSECUTION**

**Re: Failure to Prosecute Sexual Assault  
Resulting in Death – Makayla Renee  
Settles**

**Submitted by: Concerned Citizen**

## **EXECUTIVE SUMMARY**

**This grievance places prosecutorial authorities, judicial officers, and oversight bodies on formal notice of credible allegations involving the sexual assault of Makayla Renee Settles and her subsequent death by suicide. It further demands immediate prosecutorial review and action in the matter of:**

# **The People of the State of California v. Steven Vincent Chavez**

**Where biological and forensic evidence—including DNA—exists linking an accused individual to criminal conduct, the failure to pursue prosecution raises serious constitutional, statutory, and ethical concerns. This submission also serves as a formal notice of escalation and preservation of rights.**

## **I. STATEMENT OF FACTUAL AND LEGAL CONCERN**

**The allegations involve sexual assault of a vulnerable individual, followed by a fatal outcome directly associated with the trauma inflicted.**

**Under California law, sexual assault offenses are codified under:**

- California Penal Code § 261 (Rape)**
- California Penal Code § 262 (Spousal Rape)**
- California Penal Code § 288 (Lewd Acts with a Minor, if applicable)**
- California Penal Code § 289 (Sexual Penetration by Force)**

**Where DNA evidence exists, such evidence is governed by:**

- California Penal Code § 1405 (Post-conviction DNA testing standards, evidentiary recognition)**

**Failure to act on such evidence may constitute a breakdown in prosecutorial duty and undermine statutory**

**enforcement mechanisms.**

## **II. PROSECUTORIAL DUTY AND LIMITS OF DISCRETION**

**While prosecutors retain discretion, such discretion is not absolute.**

**Courts have established that prosecutorial discretion must not be exercised arbitrarily or in a manner that results in injustice:**

- People v. Superior Court (Greer), 19 Cal.3d 255 (1977)**
- Wayte v. United States, 470 U.S. 598 (1985)**

**A refusal to prosecute despite credible forensic evidence may constitute:**

- Arbitrary enforcement**
- Abuse of discretion**
- A violation of equal protection principles**

### **III. VICTIM RIGHTS – MARSY’S LAW**

**Under California Constitution, Article I, Section 28 (Marsy’s Law), victims are entitled to:**

- Justice and due process**
- A timely resolution of the case**
- Protection from further harm**

**Failure to act in a case involving severe violence and resulting death may violate these constitutional guarantees.**

## **IV. CONSTITUTIONAL IMPLICATIONS**

**Failure to prosecute credible allegations supported by forensic evidence raises concerns under:**

- Fourteenth Amendment – Equal Protection Clause**
- Fourteenth Amendment – Due Process Clause**

**Relevant precedent:**

- DeShaney v. Winnebago County, 489 U.S. 189 (1989) (state responsibility limitations, but establishes framework of state duty context)**

**While the state is not always required to act, selective inaction in the face of compelling evidence may create**

**constitutional exposure.**

## **V. PUBLIC INTEREST AND SYSTEMIC RISK**

**Cases involving:**

- Sexual violence**
- DNA evidence**
- Victim death by suicide**

**carry heightened public interest.**

**Failure to prosecute under such conditions signals:**

- Evidence may be disregarded**
- Victims may be denied justice**
- Accountability mechanisms may fail**

**This creates systemic risk and erodes**

**public trust in the criminal justice system.**

## **VI. DEMAND FOR ACTION**

**The following actions are formally demanded:**

- 1. Immediate confirmation of investigative and prosecutorial status**
- 2. Full forensic review and documentation of DNA evidence**
- 3. Filing of appropriate criminal charges where supported by probable cause**
- 4. Compliance with Marsy's Law regarding victim family communication**
- 5. Preservation of all investigative and prosecutorial records**

## **VII. NOTICE OF ESCALATION**

**Failure to act will result in escalation to:**

- State oversight authorities**
- Federal civil rights enforcement agencies**
- Judicial conduct review bodies**
- Public accountability channels**

**This notice establishes a documented expectation of lawful and timely action.**

## **VIII. WHERE TO SEND**

### **Primary Jurisdiction**

- Ventura County District Attorney's Office**
- Superior Court of California, County of Ventura (Presiding Judge; Criminal Division)**

## **Local Oversight**

- Ventura County Victim Services Unit**
- Ventura County Grand Jury**

## **State Oversight**

- California Attorney General's Office**
- California Department of Justice**
- California Commission on Judicial Performance**
- California Victim Compensation Board**

## **Federal Oversight**

- U.S. Department of Justice Civil Rights Division**
- Federal Bureau of Investigation**

## **Elected Officials (Public Accountability)**

- Ventura County Board of Supervisors**
- California State Assembly (district covering Moorpark)**
- California State Senate (district covering Moorpark)**
- U.S. House of Representatives (district covering Moorpark)**

## **IX. PRESERVATION OF RIGHTS AND REMEDIES**

**All rights are expressly reserved, including:**

- Federal civil rights actions (42 U.S.C. § 1983)**
- State tort claims**

## **– Victim rights enforcement actions**

**This submission is intended to preserve standing for future legal remedies.**

## **X. CONCLUSION**

**The presence of forensic evidence, combined with the severity of the allegations and resulting harm, demands immediate and decisive prosecutorial action.**

**Failure to act under these circumstances is not neutral—it constitutes a breakdown in justice.**

**APPENDIX A – RESEARCH ON SEXUAL ASSAULT AND SUICIDE (APA FORMAT)**

Dworkin, E. R., Menon, S. V., Bystrynski, J., & Allen, N. E. (2017). Sexual assault victimization and psychopathology: A review and meta-analysis. *Clinical Psychology Review*, 56, 65–81.

→ Found strong correlation between sexual assault and long-term psychological trauma, including suicidality.

Devries, K. M., et al. (2014). The global prevalence of intimate partner violence against women. *Science*, 340(6140), 1527–1528.

→ Establishes widespread impact of sexual violence and associated mental health outcomes.

Ullman, S. E. (2010). Talking about sexual assault: Society's response to survivors. American Psychological Association.

→ Identifies secondary harm caused by systemic failure and lack of justice.

American Foundation for Suicide Prevention. (2023). Suicide statistics and risk factors.

→ Confirms trauma as a major contributing factor to suicide risk.

National Institute of Justice. (2015). The impact of sexual violence.

→ Federal-level acknowledgment of long-term psychological and behavioral consequences.

## **APPENDIX B – RELEVANT STATUTES**

- California Penal Code § 261
- California Penal Code § 262
- California Penal Code § 288

- California Penal Code § 289
- California Penal Code § 1405
- California Constitution Article I, § 28  
(Marsy's Law)
- 42 U.S.C. § 1983

**Submitted by:**  
**Concerned Citizen**

## **WHERE TO SEND**

**State of California v. Steven Vincent  
Chavez (2025)**

**Victim: Makayla Renee Settles**

**Jurisdiction: Ventura County, California  
(Moorpark area)**

**PRIMARY RECIPIENTS (DIRECT  
AUTHORITY)**

## **Ventura County District Attorney**

**Office: Ventura County District Attorney's Office**

**District Attorney: Erik Nasarenko**

**Address: 800 S. Victoria Ave, Ventura, CA 93009**

**Phone: (805) 654-2500**

**Website: <https://da.ventura.org> **

**Purpose:**

**Formal demand for prosecution, evidentiary review, and justification for any declination decision.**

## **Ventura County Superior Court**

**Court: Ventura County Superior Court**

**Relevant Judge: Anthony Sabo**

**Address: 800 S. Victoria Ave, Ventura, CA 93009**

**Phone: (805) 289-8545**

**Website: <https://>**

**[www.ventura.courts.ca.gov](http://www.ventura.courts.ca.gov) **

**Purpose:**

Judicial notice of public concern,  
preservation of record, and scrutiny of  
proceedings.

## **LOCAL LAW ENFORCEMENT (CASE ORIGIN)**

**Ventura County Sheriff's Office**

**Agency: Ventura County Sheriff's Office**

**Address: 800 S. Victoria Ave, Ventura, CA  
93009**

**Phone: (805) 654-2380**

**Website: <https://www.venturasheriff.org> ◆**

**Purpose:**

**Confirmation of investigative  
completeness, DNA evidence handling,  
and referral actions.**

## **STATE-LEVEL OVERSIGHT**

**California Attorney General**

**Office: California Department of Justice**

**Attorney General: Rob Bonta**

**Address: 300 S. Spring St., Los Angeles,  
CA 90013**

**Phone: (213) 269-6000**

**Website: <https://oag.ca.gov> **

**Purpose:**

**Request for state intervention, supervisory review, or reassignment if local prosecution fails.**

**California State Bar (Attorney Misconduct)**

**Organization: State Bar of California**

**Address: 845 S. Figueroa St., Los Angeles, CA 90017**

**Website: <https://www.calbar.ca.gov> **

**Purpose:**

**Complaint if prosecutorial misconduct, negligence, or ethical violations are suspected.**

**FEDERAL CIVIL RIGHTS & CRIMINAL  
OVERSIGHT**

**U.S. Department of Justice – Civil Rights  
Division**

**Office: United States Department of  
Justice Civil Rights Division**

**Address: 950 Pennsylvania Ave NW,  
Washington, DC 20530**

**Website: <https://civilrights.justice.gov>◆?**

**Purpose:**

**Investigation into potential civil rights violations, failure to protect, or systemic neglect.**

**Federal Bureau of Investigation (FBI) –  
Los Angeles Field Office**

**Agency: Federal Bureau of Investigation  
Los Angeles Field Office**

**Address: 11000 Wilshire Blvd, Los  
Angeles, CA 90024**

**Phone: (310) 477-6565**

**Website: <https://www.fbi.gov>◆?**

**Purpose:**

**Submission of evidence where local  
prosecution appears compromised or  
obstructed.**

**CONGRESSIONAL OVERSIGHT  
(ESCALATION PRESSURE)**

**U.S. House Judiciary Committee**

**Committee: United States House Judiciary Committee**

**Website: <https://judiciary.house.gov> **

**Purpose:**

**Congressional inquiry into prosecutorial failure or systemic breakdown.**

**U.S. Senate Judiciary Committee**

**Committee: United States Senate Judiciary Committee**

**Website: <https://>**

**[www.judiciary.senate.gov](http://www.judiciary.senate.gov) **

**Purpose:**

**Federal oversight request and record escalation.**

**ADDITIONAL ESCALATION / PUBLIC ACCOUNTABILITY**

**California Commission on Judicial Performance**

**Organization: California Commission on Judicial Performance**

**Website: <https://cjp.ca.gov> ◆?**

**Purpose:**

**Complaints regarding judicial misconduct or failure to ensure justice.**

**California Office of the Inspector General**

**Organization: California Office of the Inspector General**

**Website: <https://oig.ca.gov> ◆?**

**Purpose:**

**Independent review of systemic failures in justice handling.**

**HOW TO USE THIS SECTION (STRATEGIC)**

**Send individually addressed copies (not just CCs) to create separate records.**

**Prioritize:**

**Ventura County DA**

**California Attorney General**

**DOJ Civil Rights Division**

**Then expand outward to oversight bodies.**

**Use certified mail where possible for DA and court filings.**

