

CAUSE NO. 1888712

STATE OF TEXAS	§	IN THE
v.	§	497 TH DISTRICT COURT
LEE GILLEY	§	HARRIS COUNTY, TEXAS

STATE'S PUNISHMENT NOTICE

To the Honorable Peyton Peebles:

THE STATE OF TEXAS officially notifies the Court that it will not seek the death penalty against the defendant.

The State's punishment election has been well known to the defendant and defense counsel for months. As the Court properly noted during the September 14th status hearing held by the 497th District Court, "If it was a death penalty case, it would have raised its head well before."¹ During that same court setting, defense counsel Dick DeGuerin acknowledged to the Court that the State was never seeking the death penalty and that the Italian court has misinterpreted Texas law in their extradition assessment.

Moreover, the State has notified the Court of Appeal of Turin (where the defendant currently finds himself having fled the jurisdiction) through the United States government that it will not seek the death penalty. Since this written

¹ Nicole Hensley, *Italy requests DA's pledge against death penalty for Lee Gilley in pregnant wife's Heights death*, HOUSTON CHRONICLE (September 15, 2026), <https://www.houstonchronicle.com/news/houston-texas/crime/article/lee-gilley-italian-court-death-penalty-22433052.php>.

assurance is provided in consideration for the Italian Republic to extradite the defendant, this prosecutorial decision is irrevocably binding on Harris County District Attorney's Office in perpetuity under the Rule of Specialty and Texas law regarding specific performance. *State v. Hatter*, 707 S.W.3d 429, 438 (Tex. Crim. App. 2025).

Nevertheless, the State files this unusual notice because the defendant continues to falsely insist to the Court of Appeal of Turin that he remains subject to the death penalty, and that a judge or jury could assess the death penalty notwithstanding the State's decision not to seek that punishment. As the court is aware, Texas Code of Criminal Procedure article 37.071, Sec. 1(a) and Texas Penal Code section 12.31 preclude such a scenario.

The Court of Appeal of Turin has also been misled to believe by the defendant's Italian counsel that commutation is not possible for an inmate sentenced to life without parole. Indeed, defense counsel DeGuerin advanced this same false argument during the aforementioned status hearing.

Should he be sentenced to life without parole, the defendant would be eligible for commutation consideration under Texas Administrative Code Chapter 143, Sub. E, Sec. 143.51-52 if he satisfied certain conditions including

the recommendations of two trial officials that, in light of subsequent events (including rehabilitation), the punishment should be reformed to a definite term.

It is our hope that this notice will put an end to the defendant's charade so that he can be tried by a jury or judge in the United States and the victims receive the justice they deserve.

SIGNED this 18th day of September 2026.

Respectfully submitted,

/s/ Sean Teare

District Attorney
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CERTIFICATE OF SERVICE

Service has been accomplished by serving a copy of this document on counsel for the defendant, Dick DeGuerin, via e-mail at ddeguerin@aol.com.

Italy requests DA's pledge against death penalty for Lee Gilley in pregnant wife's Heights death

By Nicole Hensley, Staff Writer Sep 15, 2026

An Italian court wants the Harris County District Attorney's Office to formally say it will never seek the death penalty against fugitive Lee Gilley in the death of his pregnant wife before officials consider whether to extradite him, his attorney said Tuesday in court.

The request was among several questions that an Italian court wanted District Attorney Sean Teare's office to answer by Sept. 30, ahead of a hearing in the Italian city of Turin aimed at deciding whether Gilley should return to U.S. soil to stand trial, according to Dick DeGuerin, one of Gilley's defense lawyers who has reviewed correspondence from the Italian court.

The U.S. government already shared an extradition packet with Italian officials to facilitate Gilley's return to Texas as he seeks asylum from prosecution. The packet included a letter from Teare saying his office never sought the death penalty in Gilley's case and never would, according to prosecutors.

DeGuerin, who is in contact with Gilley's immigration lawyers in Italy, said the Italian court isn't satisfied with Teare's letter.

"They have basically criticized what the U.S. government has provided," DeGuerin said. "They said they need more."

The Italian court apparently wants Teare to vow that his successor would also avoid the death penalty in Gilley's case should his trial take place years from now after Teare leaves office, DeGuerin said.

The district attorney's office didn't respond to a request for comment Tuesday about the request from the Italian court.

Gilley, 40, has been held in Europe since escaping the U.S. in May after removing his ankle monitor a month before his capital murder trial. Local authorities have not detailed how Gilley fled Texas, but court records show he managed to secure a flight from Canada to Italy with fake Belgium documents.

Gilley had been free on bond following his arrest in October 2024 in the death of his wife, Christa Gilley, whose maiden name was Bauer, at their Houston home. The couple argued over Gilley's purchase of a new car the night of Oct. 7. Hours later, he called 911 to report she had taken her own life through a drug overdose.

The couple had two children and she was pregnant with their third.

Gilley's escape went unnoticed by local law enforcement for nearly three days until federal agents reported his capture at an airport in Milan. He sought asylum, saying he was wrongly accused and that he faced the death penalty in Texas should he return.

Lawyers on neither side were preparing for a death penalty trial — which requires the individual questioning of prospective jurors — at the time of his escape. The Italian court has since taken issue with his capital murder charge because it carries execution by lethal injection as a potential punishment and does not allow for parole.

The court in Italy pressed Harris County prosecutors to file a sworn declaration that the death penalty would not be sought by Teare — or his successor — should he leave office. Teare is up for re-election in 2028.

"I don't know if that can be done," DeGuerin said of the latter request.

Judge Peyton Peebles, who inherited Gilley's case in 2025 following his appointment to the 497th District Court, said he was never under the impression the death penalty was being considered.

"If it was a death penalty case, it would have raised its head well before," said Peebles.

Janna Oswald, the prosecutor in Gilley's case, said they answered the court's question about whether they were seeking a death sentence in Teare's letter, but they normally don't make those statements in public filings. Her office is working with the federal government on how to "clearly communicate" their procedural protocols.

The other inquiries from the Turin court include whether Peebles could overrule Teare's decision about the death penalty, and whether a potential punishment of life imprisonment without parole could be altered following evidence of rehabilitation.

DeGuerin addressed both questions with a "no."

"Life without parole is: you die in prison," the lawyer said.

Oswald said the district attorney's office expects to respond to the request by the deadline.

Sep 15, 2026

Nicole Hensley

REPORTER