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Court rejects Fla inmate's death penalty appeal

The Associated Press

ATLANTA -- A federal appeals court has rejected a Florida inmate's bid to overturn his death sentence for the 1990 rape and strangulation of a 10-year-old girl.

Elmer Leon Carroll claimed it would be unconstitutional to execute him because he is mentally retarded and was mentally ill when he killed Christine McGowan of Apopka in her bedroom.

The Supreme Court has barred execution of the mentally retarded, but various psychiatrists and psychologists who examined Carroll disagreed on the extent of his impairment and whether he was competent to understand what he had done.

A panel of the 11th U.S. Circuit Court of Appeals on Friday rejected Carroll's petition in absence of a Supreme Court decision barring execution of mentally ill prisoners.