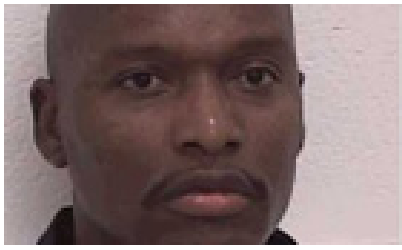

A death row prisoner in Georgia who has been officially deemed by the courts to be "mentally retarded" is scheduled to be executed next week despite a supreme court ruling that bans the death sentence for people with learning difficulties.

The Georgia State Board of Pardons and Paroles was due to hear a clemency appeal on behalf of the prisoner, Warren Hill, on Friday and has the power to commute his death penalty to life without parole.

But should the five-member board decide to dismiss his plea, Hill will be executed by lethal injection at 7pm on Wednesday at the Georgia Diagnostic and Classification Prison in Jackson in a move that could pit Georgia against the clear will of the supreme court, the highest judicial panel in the nation.

"We are heading into a constitutional crisis," Hill's lawyer, Brian Kammer, said. "The supreme court banned executions of mentally retarded prisoners, but here we are in Georgia about to execute a man who is mentally retarded."

Hill, 52, was sentenced to death for killing a fellow prisoner, Joseph Handspike, in 1990. At the time he was already serving a life sentence for murdering his girlfriend, Myra Wright.

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