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## Court won't rehear Va. abortion ban case

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**RICHMOND, Va.** - A federal appeals court Friday denied a request by Virginia's attorney general to rehear a case challenging a state law banning a type of late-term abortion.

In June, a divided three-judge panel of the 4th U.S. Circuit Court of Appeals ruled that Virginia's law banning what anti-abortion activists call "partial-birth abortion" is unconstitutional because the law lacks an exception to protect a woman's health.

The Center for Reproductive Rights challenged the law when it was passed by the General Assembly in 2003, and a federal judge blocked its enforcement.

Following the appellate panel's ruling, Attorney General Judith Williams Jadgmann filed a petition asking all 13 judges from the court to rehear the case, saying the state believed the panel's majority decision was "fundamentally flawed."

The full court, in refusing to rehear the case, pointed to a U.S. Supreme Court decision that struck down a similar Nebraska law in 2000 because it did not contain a health exception protecting the mother.

"Our office is carefully reviewing the opinion and reviewing our options," Jadgmann said in a statement. She said Virginia's law is "distinct and distinguishable from any considered by the United States Supreme Court."

The state still can ask the Supreme Court to review the decision.

The type of abortion at issue is a procedure generally performed in the second or third trimester in which a fetus is partially delivered and its skull is punctured.