Farmington District Judge Michael Hand was issued a temporary restraining order Wednesday by a federal judge, prohibiting enforcement of the aga rule Hand imposed on newsmen covering a morals case.

MXYZ-TV (Channel 7) and the Michigan Association of Broadcasters brught suit against Hand before U.S. District Judge James P. Churchill on Tuesday.

Tuesday.
Attorneys for the station and Hand are scheduled to argue in court Sept. 22 over whether a permanent injunction should be issued.

THE FOLLOWING day. Sept. 23.
Hand is scheduled to hold a preliminary exam in his own court on two counts of criminal sexual misconduct against Rev. Gary Berthiaume. 33. assistant pastor of Our Lady of Sorrows Catholic parish.
Acting under the 1974 Michigan Criminal Sexual Conduct Act, Hand

on Sept. 2 issued an oral suppression order barring the news media from revealing the name of the accused priest, the name of the accused any details of the alleged offense. The television station, The Detroit Free Press and the Associated Press reported the defendant's name. When the matter became public knowledge, more stations and newspapers—including this newspaper, which never received a copy of the suppression order—also reported the name, although others still abided by the gag order.

Hand was required by the law to issue the order when requested to do so by the priest's attorney. James Lawson.

AS OF TUESDAY, 12 days after the priest's arrest. Hand had yet to issue any contempt of court citations against any of the media.
"I'm working on the citations right

now," Hand told this newspaper Tuesday before he knew about the WXYZ suit, "and they will be issued sometime this week. I wanted to study the law pretty carefully." Hand declined to say which newsmen and organizations he had planned to cite for contempt. Another television station. Channel 2. reported last week that the accused man had been released on bond, but local court and Parmington police officials refused to discuss it. The federal court flearing Sept. 22 will determine whether the accused man's pre-trial exam next day will be held in open court, as are all other

criminal cases, or behind closed doors.

There will be no jury or defense wit-nesses in such a proceeding. The judge listens to the prosecution wit-nesses and determines whether a crime has been committed and wheth-er there is reason to believe the ac-cused committed the 'crime.

If the answers are no. the man will be set free. If the answers are yes, the accused will be bound over to Oak-land Circuit Court, where he will be arraigned, probably about Sept. 26. At that time, Hand's suppression order would expire.

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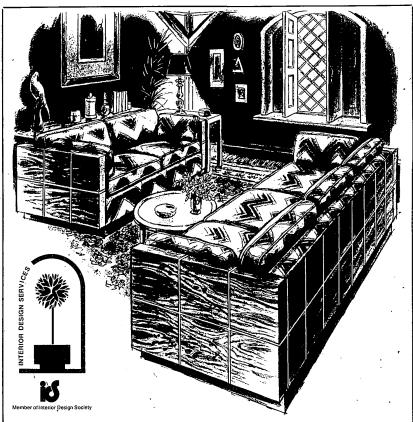
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