

IN THE  
COURT OF APPEALS OF INDIANA

No. 26A-CR-00033

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CRAIG ROBERT HENDRY,	)	
	)	Appeal from the Green Superior Court
<i>Appellant</i>	)	
	)	
v.	)	No. 28D01-2403-CM-000100
	)	
STATE OF INDIANA	)	
	)	The Honorable Dena A. Martin, Judge
<i>Appellee</i>	)	

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**Motion of the ACLU of Indiana to Appear as *Amicus Curiae* in Support of Appellant**

The American Civil Liberties Union of Indiana (“ACLU of Indiana”) moves this Court to allow it to appear in this case as *amicus curiae*, pursuant to Rule 41 of the Indiana Rules of Appellate Procedure, in support of appellant. In support of this motion, the ACLU of Indiana says that:

1. The ACLU of Indiana is the Indiana affiliate of the America Civil Liberties Union, the nation’s leading defender of the Bill of Rights and a leader in ensuring that the government does not overreach its prescribed authority.
2. In the estimation of the ACLU of Indiana, Indiana Code § 35-44.1-2-3(d)(5) is facially unconstitutional as violating the First Amendment.

3. The ACLU of Indiana is frequently involved in litigation challenging what it believes to be unconstitutionally vague and overbroad laws that chill or punish expression protected by the First Amendment.

4. Furthermore, while the ACLU of Indiana does not represent people in criminal cases, the conviction of Mr. Hendry in this case threatens fundamental constitutional rights. The ACLU of Indiana understands that Appellant's brief will address the application of Indiana's false reporting statute, Indiana Code § 35-44.1-2-3, to Mr. Hendry's protected political hyperbole. To the extent this Court wishes to address only applicability to Mr. Hendry's political hyperbole, this case can be resolved by holding simply that the statute does not apply to such speech.

5. Here, the ACLU of Indiana seeks to write separately to address its concerns that the government may use overbroad or vague portions of its false reporting statute to stifle Hoosiers' ability to use political hyperbole and petition their local governments, or to retaliate against Hoosiers for expressing uncomfortable facts or unpopular viewpoints.

6. The ACLU of Indiana therefore has an interest in the outcome of this case and its impact on the rights of Hoosiers and accordingly believes that it may be of assistance to the Court in resolving the issues that the case presents and in interpreting the constitutionality of Indiana Code § 35-44.1-2-3.

7. Undersigned counsel for the ACLU of Indiana has consulted with counsel for the appellant and with Caroline Templeton, Assistant Section Chief of Criminal Appeals with

the Indiana Office of the Attorney General and both have indicated they have no objection to the ACLU of Indiana appearing as *amicus curiae*.

WHEREFORE, the ACLU of Indiana moves this Court to allow it to appear as *amicus curiae* in this case, and for all other proper relief.

/s/ Joshua T. Bleisch

Joshua T. Bleisch  
No. 35859-53  
ACLU of Indiana  
1031 E. Washington St.  
Indianapolis, IN 46202  
317/635-4059  
fax: 317/635-4105  
jbleisch@aclu-in.org

Attorney for ACLU of Indiana

### **Certificate of Service**

I certify that on April 2, 2026, I electronically filed the foregoing document using the Indiana E-Filing system (IEFS). I also certify that on April 2, 2026, the foregoing document was served upon the following persons using the IEFS.

Alexander W. Robbins  
Attorney for Appellant

Theodore E. Rokita  
Indiana Attorney General

Jarrold Holtsclaw  
Greene County Prosecuting Attorney

/s/ Joshua T. Bleisch

Joshua T. Bleisch  
Attorney at Law