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IN THE  
**Supreme Court of the United States**

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TRACY RENEE PENNINGTON,  
*Petitioner,*

v.

STATE OF WEST VIRGINIA,  
*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
SUPREME COURT OF APPEALS OF WEST VIRGINIA

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**Brief of National Association of Criminal  
Defense Lawyers as *Amicus Curiae*  
in Support of Petitioner**

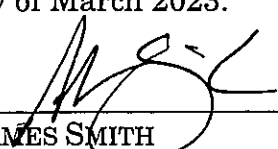
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**CERTIFICATE OF COMPLIANCE**

As required by Supreme Court Rule 33.1(h), I certify that the document contains 5,232 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Sworn to and subscribed before me this 9th day of March 2023.

  
\_\_\_\_\_  
ALAN JAMES SMITH  
NOTARY PUBLIC  
District of Columbia

My commission expires September 30, 2027.

