No. 25-7467

IN THE

SUPREME COURT OF THE UNITED STATES

Nancy Egegbara Ziesche

vs.

United States

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Armed Forces (CCAF)

PETITION FOR WRIT OF CERTIORARI

Nancy Egegbara Ziesche

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QUESTION(S) PRESENTED

1. Whether a guilty plea obtained under coercive circumstances can be treated as a knowing and voluntary waiver of constitutional rights under the Fifth Amendment.

2. Whether the military appellate courts violate due process when they decline to meaningfully review a substantial claim that a guilty plea was involuntary.

3. Whether the protections of Article 45 and Article 66 of the Uniform Code of Military Justice require independent review of the voluntariness of a guilty plea despite waiver principles.

LIST OF PARTIES TO THE PROCEEDING

☒ All parties appear in the caption of the case on the cover page.

Petitioner, Nancy E. Ziesche, is the Appellant below.

Respondent, the United States of America, is the Appellee below.

RELATED CASES

Pursuant to Rule 14.1(b) of the Rules of the Supreme Court of the United States, Petitioner states that the following proceedings are directly related to this case:

United States v. Nancy E. Ziesche, No. ACM 24022, United States Air Force Court of Criminal Appeals.

United States v. Nancy E. Ziesche, USCA Dkt. No. 26-0036/AF, United States Court of Appeals for the Armed Forces.

Petitioner is not aware of any other directly related proceedings within the meaning of this Rule.

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES CITED

CASES

STATUTES AND RULES

CONSTITUTIONAL PROVISIONS

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States Air Force Court of Criminal Appeals appears at Appendix B to the petition and is unpublished..

The order of the United States Court of Appeals for the Armed Forces denying review appears at Appendix C.

JURISDICTION

The date on which the United States Air Force Court of Criminal Appeals decided on my case was October 8, 2025.

A timely petition for rehearing was denied by the United States Court of Appeals on December 30, 2025, and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1259(3).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. V

No person shall be deprived of life, liberty, or property, without due process of law.

U.S. Const. amend. VI

In all criminal prosecutions, the accused shall enjoy the right to a fair trial, to be informed of the nature and cause of the accusation, and to have the Assistance of Counsel for his defense.

10 U.S.C. § 845 (Article 45, UCMJ)

A plea of guilty may not be accepted if it is inconsistent with the facts or if it is not made voluntarily and knowingly.

10 U.S.C. § 866 (Article 66, UCMJ)

The Courts of Criminal Appeals shall review the record for legal and factual sufficiency.

STATEMENT OF THE CASE

Petitioner is a former member of the United States Air Force who was subjected to criminal proceedings under the Uniform Code of Military Justice.

During the course of those proceedings, Petitioner entered a guilty plea under circumstances that she consistently maintained were the result of coercion, undue pressure, and constrained alternatives. At the time, Petitioner faced significant personal and familial hardship, including conditions that made continued resistance to the charges untenable.

Petitioner raised the issue that her plea was not voluntary, but rather the product of duress and coercion, both during the appellate process and through submissions permitted under *United States v. Grostefon*. Despite these assertions, the military appellate courts declined to provide meaningful review of the voluntariness of the plea.

The United States Air Force Court of Criminal Appeals affirmed the findings and sentence, and the United States Court of Appeals for the Armed Forces denied further review.

As a result, Petitioner's conviction rests on a guilty plea that she maintains was not knowingly, voluntarily, and intelligently made, raising serious constitutional concerns under the Due Process Clause of the Fifth Amendment and the right to a fair proceeding.

This petition seeks review of whether a guilty plea obtained under coercive circumstances can be treated as a valid waiver of constitutional rights, and whether the military appellate courts erred in failing to address that issue.

REASONS FOR GRANTING THE PETITION

This case presents a fundamental constitutional question regarding the validity of a guilty plea entered under coercive circumstances and the extent to which such a plea may be treated as a waiver of constitutional rights.

1. The decision below permits a guilty plea obtained under coercion to operate as a complete waiver of constitutional protections.

The Due Process Clause of the Fifth Amendment requires that a guilty plea be entered knowingly, voluntarily, and intelligently. Likewise, Article 45 of the Uniform Code of Military Justice prohibits acceptance of a plea that is inconsistent with the facts or not voluntarily made.

Here, Petitioner consistently asserted that her plea was the product of coercion and duress. Despite this, the military courts treated the plea as a valid waiver of all claims, without meaningful examination of its voluntariness. Allowing a coerced plea to foreclose constitutional review undermines the fundamental protections guaranteed
by due process.

2. The military appellate courts failed to conduct meaningful review of a substantial constitutional claim.

Under Article 66 of the Uniform Code of Military Justice, the Courts of Criminal Appeals are required to review cases for legal and factual sufficiency. This obligation includes ensuring that constitutional violations are addressed.

Although Petitioner raised the issue of coercion through appropriate appellate channels, including submissions permitted under *United States v. Grostefon*, the courts below failed to meaningfully engage with the claim. Instead, they relied on waiver principles without resolving whether the plea itself was constitutionally valid.

This failure raises serious concerns about the adequacy of appellate review in the military justice system.

3. This case presents an important question concerning the protection of constitutional rights within the military justice system.

The integrity of the military justice system depends on adherence to constitutional safeguards, including the requirement that guilty pleas be voluntary and the right to fair proceedings under the Fifth and Sixth
Amendments.

If left unreviewed, the decision below permits constitutional claims to be bypassed whenever a guilty plea is entered, even where that plea is alleged to have been coerced. This issue has significant implications not only for Petitioner, review by this Court is necessary to ensure that constitutional protections are not diminished in the military context.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Nancy Egegbara Ziesche

Date: 19 March 2026