

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-6623

HAMED KIAN, PETITIONER

v.

STATE OF FLORIDA

ON WRIT OF CERTIORARI
TO THE DISTRICT COURT OF APPEAL
OF FLORIDA, FOURTH DISTRICT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting respondent and requests that the United States be allowed ten minutes of argument time. Respondent consents to this motion and has agreed to cede ten minutes of argument time to the United States. Accordingly, if this motion were granted, the argument time would be divided as follows: 30 minutes for petitioner, 20 minutes for respondent, and 10 minutes for the United States.

This case presents the question whether the Court should overturn its decision in Williams v. Florida, 399 U.S. 78 (1970),

and hold that the Sixth Amendment right to trial “by an impartial jury,” U.S. Const. Amend. VI, requires a jury of exactly 12 people. Although federal criminal juries generally consist of 12 people, federal courts may permit a jury of 11 to return a verdict if there is good cause to excuse a juror after deliberations have begun. Fed. R. Crim. P. 23(b)(1) and (3). The United States accordingly has an interest in the resolution of this case. The United States has filed an amicus brief in support of respondent.

The government has previously presented oral argument in cases concerning the scope of the Sixth Amendment jury-trial right, both as a party (see, e.g., United States v. Haymond, 588 U.S. 634 (2019); Alleyne v. United States, 570 U.S. 99 (2013)), and as amicus curiae (see, e.g., Peña-Rodriguez v. Colorado, 580 U.S. 206 (2017); Apprendi v. New Jersey, 530 U.S. 466 (2000)). The United States’ participation in oral argument in this case could accordingly be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record

OCTOBER 2026