

**Criminal Litigation**

Code: 42473  
ECTS Credits: 9

Degree	Type	Year	Semester
4313312 Legal Profession	OB	1	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

**Contact**

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**Use of Languages**

Principal working language: spanish (spa)

**Teachers**

Joan Baucells Lladós  
Míriam Cugat Mauri  
Juan Carlos Gavara de Cara  
Fermín Morales Prats  
María Jesús García Morales  
Jose Riba Ciurana

**External teachers**

Abel Andrade Ortiz  
Blanca Ruiz-Zorrilla Cruzate  
Elena Contreras  
Enric Bertolín Ponsa  
Gonzalo Quintero Olivares  
Jordi Puigvert Terra  
Josep Maria Torras Coll  
José Luis Ramírez Ortiz  
Marc Pérez Bou  
Mercedes de la Peña Oliete  
Oriol Rusca Nadal  
Pilar López Fondón  
Yolanda Rueda Soriano

**Prerequisites**

No special requirements, except to have a basic knowledge of Criminal and Procedural Law.

## **Objectives and Contextualisation**

To gain specific skills on the subject matter of special interest for the legal practice.

## **Competences**

- Choose the correct strategy for defending clients' rights, while keeping in mind the particular demands of each area within professional practice.
- Communicate and justify conclusions clearly and unambiguously to both specialist and non-specialist audiences.
- Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
- Know the techniques for ascertaining the facts in different types of procedure, especially the production of documents, examination and expert evidence.
- Present facts and their corresponding legal implications orally and in writing, in a way that is appropriate to the context and the addressees and, where necessary, to the established procedures.
- Put into practice the specialist academic knowledge acquired on the degree programme in order to avoid damage, risk or conflict with respect to clients' interests or regarding professional practice before the courts and other authorities and when offering consultancy services.

## **Learning Outcomes**

1. Communicate and justify conclusions clearly and unambiguously to both specialist and non-specialist audiences.
2. Draft statements of accusation and defence at the intermediate stage of criminal proceedings.
3. Draft the various types of appeals against rulings by examining magistrates.
4. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
5. Know the techniques for defending clients before the police or examining magistrates.
6. Know the techniques of examination.
7. Know the various types of briefs that can be submitted in examining magistrates' courts.
8. Learn factual assessment techniques in the corresponding area of criminal law. Handle case law.
9. Locate, analyse and assess the legislation, case law and scientific doctrine applicable to the case.
10. Present facts and their corresponding legal implications orally and in writing, in a way that is appropriate to the context and the addressees and, where necessary, to the established procedures.
11. Propose the making of inquiries and gathering of evidence in the trial.

## **Content**

### **I. EFFECTIVE JUDICIAL PROTECTION**

Maria Jesús García Morales

### **II. GENERAL PRINCIPLES AND CONCEPTS ON CRIMINAL LAW**

Fermín Morales Prats

### **III. INTRODUCTION TO CRIMINAL PROCEDURAL LAW**

Oriol Rusca Nadal

#### **IV. INITIATION OF CRIMINAL PROCEEDING AND INVESTIGATION OF THE CRIMINAL OFFENCE**

Marc Pérez Bou

#### **V. PRECAUTIONARY MEASURES**

Yolanda Rueda Soriano

#### **VI. CONSTITUTIONAL PROTECTIONS DURING THE INVESTIGATION OF THE CRIMINAL OFFENCE**

Juan Carlos Gavara de Cara

#### **VII. THE INTERMEDIATE PHASE OF THE PROCEDURE**

José Luis Ramírez Ortiz

#### **VIII. ORAL TRIAL (I): PRELIMINARY DEFENCES**

Enric Bertolín Ponsa

#### **IX. ORAL TRIAL (II): THE BURDEN OF PROOF AND EVALUATION OF THE EVIDENCE**

Pilar López Fondón

#### **X. ORAL TRIAL (III): FINAL REPORT AND JUDGEMENT**

Jordi Puigvert Terra

#### **XI. COURT'S DECISIONS AND JUDICIAL REMEDIES**

Josep Maria Torras Coll

#### **XII. CASSATION APPEAL**

Mercedes de la Peña Oliete

#### **XIII. ANNULMENT OF THE PROCEEDINGS AND "AMPARO" TO THE CONSTITUTIONAL COURT**

Abel Andrade Ortiz

#### **XIV. EXECUTION OF SENTENCE AND PAROLE**

Blanca Ruiz-Zorrilla Cruzate

#### **XV. SPEEDY TRIALS**

Jordi Puigvert Terra

## **XVI. PROCEDURE AGAINST MINOR OFFENCES**

Jordi Puigvert Terra

## **XVII. THE JURY**

Elena Contreras

## **XVIII. CIVIL LIABILITY AND CONFISCATION OF GOODS**

Gonzalo Quintero Olivares

## **XIX. RESPONSABILITY AND CRIMINAL PROCEEDINGS OF MINORS.**

Josep Riba Ciurana

### **Methodology**

The teaching method combines theory and practice.

### **Activities**

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Case studies	19	0.76	8, 3, 6, 9, 11, 4, 1, 2, 5, 10
theoretical lessons	38	1.52	8, 3, 6, 7, 9, 4
Type: Supervised			
evaluation of case studies	12	0.48	3, 9, 11, 4, 1, 2, 5, 10
Type: Autonomous			
Readings	106	4.24	8, 9, 4, 2, 10
exam preparation	32	1.28	8, 9, 4, 10

### **Assessment**

The teacher will value theoretical knowledge (50%) and practical skills (50%), according to the instructions that will be presented to the student at the beginning of the course.

The student has the possibility of a second retake opportunity of the exam on theoretical contents.

### **Assessment Activities**

Title	Weighting	Hours	ECTS	Learning Outcomes
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Case law and drafting of procedural writs	50%	16	0.64	8, 6, 9, 11, 4, 1, 2, 5, 10
test	50%	2	0.08	8, 3, 7, 9, 5

## Bibliography

Basic literature:

CUGAT/BAUCELLS/AGUILAR (coords.), *Manual de Litigación penal. Materiales para la prueba de acceso a la profesión de abogado*, Tirant lo Blanch, Valencia, 2017.

Complementary literature:

GIMENO SENDRA, V., *Derecho procesal penal*, 2015, Castillo de luna.

QUINTERO OLIVARES, G. (dir.), *Compendio de la Parte especial del Derecho penal. Adaptada al programa de ingreso en las carreras judicial y fiscal*, Aranzadi, 2016.

QUINTERO OLIVARES, G./MORALES PRATS, F., *Parte general del Derecho penal. Adaptada al programa de ingreso en las carreras judicial y fiscal*, Aranzadi, 2015.

RAMOS MÉNDEZ, F., *Enjuiciamiento criminal: undécima lectura constitucional*, Atelier, 2014.

Links:

[www.boe.es](http://www.boe.es)

[www.fiscal.es](http://www.fiscal.es)

[www.poderjudicial.es](http://www.poderjudicial.es)