

Procedural Criminal Law

Code: 100457
ECTS Credits: 6

| Degree | Type | Year | Semester |
|---------------------|------|------|----------|
| 2500257 Criminology | OB | 3 | 1 |

Contact

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Use of Languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: No
Some groups entirely in Spanish: Yes

Teachers

Jose Luis Rodriguez Torres
Carlos de Miranda Vazquez

Prerequisites

Do not apply.

Objectives and Contextualisation

The main goal of this course is that the student could be able to explain to anyone the basic structure of our Criminal process system. Especially it is intended that the student could be able to provide information to a defendant about the structure of the Criminal process, the different kinds of Courts, the parties that can be involved and about the legal appeals against the judgment.

Furthermore, others aims are the following ones: a) Ensure that the student can draw up a Criminological report required by the Judge during the pre-trial stage of the Criminal process and/or advise the Judge regarding the adoption of a precautionary measure against the accused; b) Ensure that the student can cooperate with the different institutions in charge of the investigation, particularly with the police.

Competences

- Ability to analyse and summarise.
- Clearly explaining and arguing a carried out analysis about a conflict or crime problem and its responses in front of specialised and non-specialised audiences.
- Drawing up an academic text.
- Identifying the most appropriate and effective penal intervention for each particular case.
- Properly using the legal, psychological, pedagogical and sociological language.
- Respectfully interacting with other people.
- Students must demonstrate they know the legal framework and operating model of the crime control agents.

- Students must demonstrate they know the legal/penal response framework to criminality (constitutional law, police law, procedural law and criminal law).
- Using non-discriminatory and respectful language when referring to the several parties involved in conflict and criminality.
- Verbally transmitting ideas to an audience.
- Working autonomously.

Learning Outcomes

1. Ability to analyse and summarise.
2. Applying effectiveness criteria when using law in the field of criminology.
3. Applying the constitutional law in the criminological field.
4. Arguing criminality arguments in a verbal and polite way and without bias.
5. Arguing with accuracy legal concepts at a forum.
6. Drawing up an academic text.
7. Effectively communicating by using specific law terms.
8. Respectfully interacting with other people.
9. Using the legislation and its means of implementation to the criminal act.
10. Verbally transmitting ideas to an audience.
11. Working autonomously.

Content

I. Constitution and criminal procedure. Principles of criminal procedure

1. The constitutionalization of procedural rights
2. The consequences of the constitutionalization of procedural rights
3. Types of procedural rights
4. The principles of the criminal process

II. Systems of criminal prosecution

1. The accusatory system
2. The inquisitive system
3. The mixed system
4. The different functions of the criminal process

III. Ordinary criminal proceedings

1. The process for minor offences
2. The abbreviated process
3. The process for serious offences
4. The process for the trial by Jury
5. Summary judgements
6. The procedure for juvenile offenders

IV. The Spanish judicial organisation

1. Criminal jurisdiction. Limits
2. Criminal competence
 - 2.1. The objective competence
 - 2.2. The functional competence
 - 2.3. The territorial competence
 - 2.4. Connection between crimes
- V. The activity of the parties in the criminal process
 1. The criminal action
 2. The civil action derived from the crime
- VI. The parties in the criminal process
 1. The concept of party in the criminal process
 2. The prosecuting parties
 3. The accused parties
 4. The legal representation in the Criminal process
- VII. Prevention measures in the criminal process
 1. Notion and function of the prevention measures
 2. Elements to apply prevention measures
 3. Different preventive measures
 4. The procedure for adopting prevention measures
- VIII. The initiation of the criminal process
 1. The criminal report
 2. The criminal complaint
 3. The initiation by the judge
- IX. The investigation (Pre-trial stage)
 1. Investigation measures
 2. The end of the investigation
 3. The dismissal
- X. The trial stage
 1. The accusation pleading (or provisional qualification)
 2. Preliminary questions
 3. The evidence
 4. Suspension and interruption of the trial

XI. Expert evidence

1. Characteristics of the expert
2. Expert opinion
3. Role of the expert in the process

XII. The end of the trial and appeals

1. The criminal judgement
2. The prejudicial questions
3. Effects of the judgment: *res judicata*
4. Challenging *res judicata*
5. The appeals: types and effects

Methodology

The programming of the 2022-2023 academic year at the Faculty of Law is totally face-to-face, both in terms of teaching and in relation to evaluation.

Teaching of "Criminal process" will combine lectures and seminars. The first part of the class will be based on the lecturer's explanation. The second part of the class will be dedicated to the preparation, correction and commentary of works presented by the students, as well as to doubts and questions about topics raised by students.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

| Title | Hours | ECTS | Learning Outcomes |
|---|-------|------|-------------------------|
| Type: Directed | | | |
| Discussion and resolution of practical cases | 2 | 0.08 | 5, 4, 7, 8, 1, 10 |
| Practicum | 14 | 0.56 | 5, 4, 7, 6, 8, 1, 10, 9 |
| Resolution of doubts, discussions and conferences | 2 | 0.08 | 2, 3, 5, 4, 7, 8 |
| Theory class | 18 | 0.72 | 2, 3, 7, 8, 9 |
| Type: Supervised | | | |
| Evaluation | 5 | 0.2 | 3, 5, 7, 6, 1 |
| Type: Autonomous | | | |
| Study of the subject | 109 | 4.36 | 5, 4, 7, 8, 1, 9 |

Assessment

There is only one evaluation model: the "continuous evaluation". Failure to comply with duties due to illness or other exceptional circumstances will be considered, provided there is a valid certification.

The final grade for the course will be obtained by the sum of the different works and papers that the student has to present (25%+25%), as well as by adding the score achieved in the test (50%).

The student that cheats or attempts to cheat in the exam will fail it and will lose the right to a second chance. Plagiarism will conduct to fail the essay.

Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|----------------|-----------|-------|------|-----------------------------|
| Exam | 50% | 0 | 0 | 2, 3, 7, 6, 1, 11, 9 |
| Papers | 25% | 0 | 0 | 2, 3, 5, 4, 7, 8, 9 |
| Works at class | 25% | 0 | 0 | 2, 3, 5, 4, 7, 6, 1, 10, 11 |

Bibliography

SOME POSSIBLE HANDBOOKS TO CONSULT:

Navarro-Villanueva, Carmen and Tamarit-Sumalla, Josep M. (2017). *Introducción al derecho procesal penal: jurisdicción, competencia, partes y estatuto jurídico de la víctima*. In M. Cugat-Mauri, J. Baucells-Lladós and M. Aguilar-Romo (Coords.). *Manual de litigación penal* (pp. 179-206). Tirant lo Blanch. [Electronic document]

Ramos-Méndez, Francisco (2022). *Enjuiciamiento Criminal*. Atelier.

Gimeno-Sendra, Vicente (2018). *Manual de derecho procesal penal*. Castillo de Luna.

Nieva-Fenoll, Jordi and Bujosa-Vadell, Lorenzo (Dirs.) (2016). *Nociones preliminares de derecho procesal penal*. Atelier.

Nieva-Fenoll, Jordi and Bujosa-Vadell, Lorenzo (Dirs.) (2017). *Nociones preliminares de derecho procesal penal para criminólogos*. Atelier.

Nieva-Fenoll, Jordi (2019). *Derecho procesal III: Proceso penal*. Tirant lo Blanch. [Electronic document]

Moreno-Catena, Víctor and Cortés-Domínguez, Valentín (2019). *Derecho Procesal Penal*. Tirant lo Blanch. [Electronic document]

Armenta-Deu, Teresa (2019). *Lecciones de Derecho Procesal Penal*. Marcial Pons.

Montero-Aroca, Juan, Gómez-Colomer, Juan L., Barona-Vilar, Silvia, Esparza-Leibar, Iñaki and Etxeberria-Guridi, JoséF. (2019). *Derecho Jurisdiccional III. El proceso penal*. Tirant lo Blanch. [Electronicdocument]

Asencio-Mellado, José María (Dir.) (2020). *Derecho Procesal Penal*. Tirant lo Blanch. [Electronic document]

Software

The subject does not require any specific software.