

Criminal Court Cases

Code: 102204
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	2

Contact

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

Jose Luis Rodriguez Torres

Prerequisites

Do not apply

Objectives and Contextualisation

The main goal of this course is that the student could be able to understand the basic structure of our Criminal process system. Especially it is intended that the student could be able to provide information to an accused person in a Criminal process or to the victim of a crime about its structure, the different kinds of Courts, the parties that can be involved and about the legal appeals against the judgment. Moreover, the course aims to provide a general overview about the Spanish prison law and the enforcement of the prison sentence.

Competences

- Acquiring the basic knowledge from the several legal dogmas and presenting them in public.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up legal texts (contracts, judgements, sentences, writs, rulings, wills, legislation...).
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Memorising and utilising legal terminology.
- Working in multidisciplinary and interdisciplinary fields.

- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Defining the basic procedural concepts.
2. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
3. Distinguishing the procedural and non-procedural documents of the several procedural fields.
4. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
5. Identifying the arisen procedural problems and looking for a solution for them in the several sources and resources studied.
6. Identifying the procedural issues presented in every practical case.
7. Managing the sources and resources needed in order to find the solutions to the practical cases.
8. Relating the basic procedural concepts to the rest of legal disciplines.
9. Using the legal procedural language.
10. Working in multidisciplinary and interdisciplinary fields.
11. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

FIRST PART: REVIEW OF THE MAIN CONCEPTS OF THE CRIMINAL PROCEDURE LAW

I. Procedural principles and guarantees

1. The constitutionalization of procedural rights.
2. The consequences of the constitutionalization of procedural rights.
3. Procedural guarantees
4. The principles of the Criminal Process

II. The functions of the Criminal process. Systems of Criminal prosecution

1. Systems of Criminal prosecution
2. The different functions of the Criminal Process

III. Ordinary Criminal proceedings

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

IV. The Spanish judicial organization

1. The criminal jurisdiction and the limits of the Criminal jurisdiction

- 2. The criminal jurisdiction
- 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. Requirement to apply prevention measures and elements
 - 3. Kinds of 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. The end of the trial
 - 1. The criminal judgement
 - 2. The prejudicial questions
 - 3. Effects of the judgment: res judicata
- XII. The appeal

1. The appeal and its effects

2. Kinds of appeals

SECOND PART. PENITENTIARY LAW

I. The nature of the execution of the prison sentence. Law applicable and organs involved

1. The complexity of the penal execution: dispersal legislation and the division of the functions between the different organs.

2. The Penitentiary Administration

3. The intervention of the sentencing judge in the execution of the prison sentence. Special reference to the alternatives to the prison.

4. The role of the prison inspection judge.

5. Other organs involved in the execution of the prison sentence.

II. Classification and treatment

1. General overview

2. Assessment and classification

3. Types of classification: closed regime, ordinary regime and open regime.

III. Prisoner rights and duties

1. The status of prisoner

2. Rights

3. The right to the prison work

4. Duties

5. The responsibility of the Prison Administration

IV. The contacts with the outside world

1. Overview

2. Accompanied exits and leaves

3. Communications

4. Packages

V. Disciplinary measures

1. Disciplinary infractions

2. Disciplinary sanctions

3. Procedure

VI. Release from prison

1. Overview

2. Parole
3. Indult
4. Rewards

Methodology

Classes of the "Criminal Process" will combine lectures and seminars. The first part of the class will be devoted mainly to the learning of the Criminal process based on the professor's explanation. Previously, the student will need to study in detail the subject in question. Sometimes, after the lecture, students will be tested in order to verify their knowledge of the subject.

The second part of the class will be dedicated to the correction and commentary of the works presented by the students as well as to doubts and questions about the topic raised by students. Finally, we will discuss the news appeared along the week into the media regarding the reality of the Criminal process in Spain.

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 relating real and current procedural problems	5	0.2	2, 3, 4, 5, 8, 9
Lectures	11.5	0.46	1, 2, 6, 8, 9
Practical cases	17.5	0.7	2, 3, 4, 6, 5, 8, 11, 10, 7
Practical cases and works resolution	11	0.44	1, 2, 3, 6, 8, 11, 10, 9, 7
Type: Autonomous			
Assessment	5	0.2	1, 2, 6, 8, 10, 9
Study of the subject	100	4	1, 2, 3, 8, 10, 9

Assessment

A) Continuous evaluation model

The continuous evaluation model- which is the recommended model- requires the attendance of the classes. No attendance is only justifiable in case of illness or similar reasons. Documentary evidence will be provided in case of no attendance. The final grade for the course will be the average grade of the different works that the student has to present along the course (50%) as well as of the grades of two multiple choice exams that the student will do (50%). The mark of the exams must be, at least, a 4 in order to pass the course, provided that the average grade of both is a 5.

A minimum mark of 5 in the two items of assessment is required. In the case of failure of one of the two items of assessment (works and exams) a second chance will be given.

The student that cheat or attempt to cheat in the exam will fail. Plagiarism will conduct to a fail the essay. In the case of recidivism, the student will receive a fail mark.

B) Single evaluation model

Students will be assessed on the basis of a unique evaluation. This evaluation will include three types of activities:

a) Theoretical exam (50%). The format will be multiple choice. Duration: 60 minutes

b) Oral presentation (25%) before a University Tribunal: Two sections or subsections of the programme will be offered and the student must select one to present it orally. The student will be given a maximum of 10 minutes to prepare the presentation; next, the student will make the oral defence (5 minutes), and, finally, the student will answer the questions arisen by teaching staff.

c) Case paper (25%): The question(s) formulated in the case paper will have to be answered. The student can use the Ley de Enjuiciamiento Criminal, the Ley Orgánica General Penitenciaria and the Reglamento Penitenciario in this activity. Duration: 60 minutes

To pass the course, the student needs a minimum score of 2,5 points in the exam, 1,25 points in the oral presentation and 1,25 points in the case paper. Only failed activity will be subject to re-evaluation.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Assessment	50%	0	0	1, 2, 3, 5, 9
Individual practices and working groups	25%	0	0	1, 2, 3, 6, 5, 8, 11, 10, 9, 7
Practical cases in classroom	25%	0	0	2, 3, 4, 6, 5, 8, 11, 10, 9, 7

Bibliography

Bibliography

Compulsory handbook:

* RAMOS MÉNDEZ Francisco. (2022), *Enjuiciamiento criminal. 13ª lectura constitucional*, Atelier, Barcelona.

* NAVARRO VILLANUEVA Carmen (2017), *Las recientes reformas de la ejecución de la pena privativa de libertad*. Justicia 2, 275-318.

Other handbooks:

* ARMENTA DEU Teresa (2021), *Lecciones de Derecho Procesal Penal*, Marcial Pons, Madrid.

* CERVELLÓ DONDERIS Vicenta (2016), *Derecho penitenciario, Tirant lo blanch, Valencia* (available at the UAB digital library)

*CORTES Valentín/MORENO Víctor (2021), *Derecho procesal penal, Tirant lo blanch, Valencia* (available at the UAB digital library).

* GIMENO SENDRA Vicente(2019), *Derecho procesal penal*, Dykinson, Madrid (available at the UAB digital library)

* MONTERO AROCA Juan et al (2018) *Derecho jurisdiccional*, vol. III (Proceso penal), Tirant lo blanch, Valencia (available at the UAB digital library)

* NAVARRO villanueva Carmen (2019), *Ejecución de la pena privativa de libertad*. Juruà, Porto (available at the UAB digital library)

Software

The subject does not require any specific software.