

Academic Year: (2022 / 2023)

Review date: 24-05-2022

Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: SOLETO MUÑOZ, HELENA

Type: Compulsory ECTS Credits : 5.0

Year : 4 Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Judicial System
Criminal Law I
Criminal Law II

OBJECTIVES

Generally, comprehension of fundamental concept of Criminal Procedure is pursued; to this end, legal texts, databases and case-law shall be used, together with the ability of teamwork and the development of writing and oral presentation abilities.

More specifically, theoretical and pragmatic knowledge that is essential to developing a professional activity in the Criminal Procedure Law field shall be pursued, such as:

- Criminal Procedure and its procedural modalities.
- Preparation of criminal defense and prosecution.
- Composing of writings and procedural acts, rulings and appeals.
- Decision making.
- Precedents and legislation database handling.
- Knowledge and practical advice to the development of the professional careers related to the activities of attorneys and legal representatives in the Criminal Law field.
- Basic knowledge to the development of professional careers related to Justice Administration as a Judge, Prosecutor, Court worker, Clerk etc in the Criminal Law field.
- Oral and written skills to advocate.

DESCRIPTION OF CONTENTS: PROGRAMME**I. CRIMINAL PROCEDURE LAW. FUNDAMENTAL CONCEPTS****THE CRIMINAL PROCEDURE**

Concept, object and finality.

Principles

STRUCTURE OF CRIMINAL PROCEDURE**SUBJECTS OF THE PROCEDURE****II. CRIMINAL TRIAL PROCEDURE****OUTSET OF CRIMINAL PROCEDURE****PRELIMINARY INVESTIGATION****TRIAL PHASE****ORAL JUDGMENT AND COURT DECISION****THE ORDINARY CRIMINAL PROCEDURE****SPECIAL CRIMINAL PROCEDURES****III. THE APPEAL SYSTEM****IV. THE CRIMINAL ENFORCEMENT****LEARNING ACTIVITIES AND METHODOLOGY**

The subject contents a period of four months in total 16 weeks: 12 weeks of teaching with 3 hours per week, divided in one theoretical class in a multiple group (1h30) and one practical class developed in small groups (1h30).

ACTIVITIES:

- o Lectures.

- o Seminars.
- o Research.
- o Oral presentation of the research work.
- o Practical classes:
 - Elaboration of procedural documents.
 - Analysis of precedent and doctrine.
 - Reflections about legal news.
 - Analysis of videotaped real trials.
 - Simulations of trials and legal debates; or, visits to the courts and/or tribunals to attend real trials.

METHODOLOGY:

- Through the study of the specialized material (handbooks, doctrine and precedents) and through the classes and the guidance in office hours, the student will participate in seminars in order to improve the oral legal argumentation capacities.
- Concerning the practical classes, the student will elaborate legal documents which will be revised and debated.
- Students will defend different legal positions during the role-play to be held in the Sala de Vistas; the activity will then be commented and analyzed.
- The essential abilities will be gained by means of the study of real trials, both by attending in real time and by viewing videotaped versions, and on the basis of subsequent analysis.

OFFICE HOURS SYSTEM:

- Individual tutoring will be scheduled between professor and student following a request by the student and taking into account the timetable of both.
- During the period of classes, to the extent that there exist such a possibility, three collective office hours shall be scheduled: one corresponding to each evaluation/month; they shall be complementary and non compulsory to the student.

ASSESSMENT SYSTEM

1. Ordinary Summon:

Continuous assessment: Professors can design a combination of continuous assessment for maximum 4 points with these two activities:

- 4 points maximum for practical exercises and works.
- 1 points maximum for participation.

Professors can design a continuous evaluation system of contents for 6 points.

The final exam would have a 6 points maximum. The continuous assessment can be added only if higher or equal to 2 points.

2. Extraordinary Summon:

2.1. If the student followed the continuous assessment process, the exam will have the same percentage value as in the ordinary call, and the final grade for the course will take into account both the grade of the continuous assessment and the grade obtained in the final exam.

2.2. If the student did not follow the process of continuous assessment, they shall be entitled to sit under the extraordinary call an exam with a value of 100% of the total grade for the course.

2.3. Even in cases when the student followed the continuous assessment process, under the extraordinary call he or she shall be entitled to obtain a final grade that is calculated merely on the basis of the grade obtained in the final exam, when this grade is the most favorable one for the student.

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| % end-of-term-examination: | 60 |
| % of continuous assessment (assignments, laboratory, practicals...): | 40 |

BASIC BIBLIOGRAPHY

- Andrés de la Oliva Santos, Sara Aragonese Martínez, Rafael Hinojosa Segovia, Julio Muerza Esparza, José Tomé García Derecho Procesal Penal, Ramón Areces, 2016
- José María Asencio Mellado Derecho Procesal Penal, Tirant lo Blanch., 2016
- Juan Montero Aroca Juan Luis Gómez Colomer Alberto Montón Redondo Derecho Jurisdiccional III Proceso penal. 22ª Edición., Tirant lo Blanch, 2016
- Soleto Muñoz, Helena Garantías y errores en la investigación penal: ciencia versus memoria, Tirant lo Blanch, 2017
- Teresa Arment a Deu Lecciones de Derecho Procesal Penal, Marcial Pons, 2016
- Victor Moreno Catena y Valentín Cortés Domínguez Derecho Procesal Penal 7 Edición, Tirant lo Blanch, 2016
- Victor Moreno Catena, Amaya Arnaiz Serrano, Raquel López Jiménez y Tamara Martínez Soto Tomo III Esquemas de Derecho Procesal Penal, Tirant lo Blanch, 2016

ADDITIONAL BIBLIOGRAPHY

- Fiodorova, Anna Intercambio transfronterizo de perfiles de ADN: ¿menos es más?, La Ley Penal. Revista de Derecho Penal, Procesal y Penitenciario, 2016, (118)
- Fiodorova, Anna La transmisión de información personal y datos personales en la Unión Europea para fines de investigación de delitos, Aranzadi, 2015
- Soleto Muñoz, Helena Macrojuicio por terrorismo: problemática procesal del enjuiciamiento de los ataques terroristas de 2004 en Madrid, RIEDPA, 2016
- Soleto Muñoz, Helena Parámetros europeos de limitación de Derechos Fundamentales en el uso de datos de ADN en el proceso Penal, Revista General de Derecho Procesal, 2016

BASIC ELECTRONIC RESOURCES

- Consejo General del Poder Judicial . Poder Judicial de España: http://www.poderjudicial.es/cgpj/es/Poder_Judicial
- Fiscalía General del Estado . Ministerio Fiscal: http://www.fiscal.es/cs/Satellite?cid=1240559967365&language=es&pagename=PFiscal/Page/FGE_home
- Thomson Reuters . La reforma penal: <http://www.reformapenal.es/>
- Tribunal Constitucional . Tribunal Constitucional de España: <http://www.tribunalconstitucional.es/es/Paginas/Home.aspx>