

## Criminal procedure law

Academic Year: ( 2022 / 2023 )

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

Coordinating teacher: GARCIA PEÑA, EDUARDO

Type: Compulsory ECTS Credits : 6.0

Year : 4 Semester : 1

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Judicial System  
Criminal Law I  
Criminal Law II

## OBJECTIVES

In general, the understanding of fundamental concepts of the criminal process will be promoted through the use of legal texts, databases and collections of jurisprudence, alternating with training in group work and developing skills in written and oral presentation.

In particular, it will promote the theoretical and practical knowledge essential for the development of professional practice in the field of criminal procedure, such as:

- Mastery of the criminal process in its various procedural modalities.
- Preparation of the defense and the criminal accusation.
- Elaboration of writings of complaint, denunciation, defense, accusation, different procedural steps, as well as the writing of sentences and resources.
- Elaboration of reports.
- Management of databases on legislation and jurisprudence.
- Knowledge and practical advice for the development of a professional career related to the practice of criminal law as a lawyer and prosecutor.
- Basic knowledge for the development of a professional career related to the Administration of Justice as a judge, lawyer of the Administration of Justice, prosecutor, management bodies, processing and judicial assistance, in the field of criminal law.
- Ability to defend legal positions orally and in writing.

## 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 course comprises a four-month period of 16 weeks in total, of which 12 weeks will be taught and will consist of three hours of classroom instruction per week, divided into a master class taught in a large group lasting one and a half hours and a more practical class taught in small groups lasting one and a half hours.

#### ACTIVITIES:

- .- Master classes
- .- Seminars
- .-Research work
- .-Oral presentation of the research work
- .-Practical classes:
  - Preparation of procedural documents
  - Study/commentary of jurisprudence and doctrine
  - Reflection on current legal news
  - Viewing/analysis of recorded actual trials
  - Representation at trials and subsequent legal discussion; or, visit to courts and/or tribunals to attend actual trials

#### METHODOLOGY:

- .-The student, through the personal study of specialized materials (manuals, jurisprudence, doctrine) and, after the master class as well as through the orientation in the pertinent tutorials, will participate in seminars where they will develop their oral capacity in legal argumentation
- .-For the practical classes he will prepare motivated legal documents, which will be corrected and discussed
- .-He will have to defend legal positions during a trial that will take place in the Hearing Room and will be commented on later
- .-Acquisition of the necessary skills through the study of real trials, both in person and through the viewing of recordings, and their subsequent analysis

#### TUTORIALS:

- .-Individual tutorials can be agreed with the teacher in view of the student's request and at a time compatible with this purpose.
- .-During the four-month period, and as far as possible, three group tutorials will be set up sufficiently in advance: one for each evaluation/month, as a complementary and voluntary activity for the student.

### ASSESSMENT SYSTEM

<b>% end-of-term-examination/test:</b>	60
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	40

\* The final qualification of the subject will be obtained from the following sum: 40% Continuous evaluation [3 tests with a value of 30% + 10% Participation in class and realization of practical cases] and 60% Final exam.

\* The qualification of the continuous evaluation will only be added to the final qualification if the final exam has been passed with at least a mark equal to or greater than 30% of the exam.

### BASIC BIBLIOGRAPHY

- Andrés de la Oliva Santos, Sara Aragoneses 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, 2019
- Juan Montero Aroca, Juan Luis Gómez Colomer, Silvia Barona Vilar, Iñaki Esparza Leibar y José Francisco Etxeberria Guridi Derecho Jurisdiccional III: Proceso penal. 27ª ed., Tirant lo Blanch, 2019

- Soleto Muñoz, Helena Garantías y errores en la investigación penal: ciencia versus memoria, Tirant lo Blanch, 2017
- Teresa Armenta Deu Lecciones de Derecho Procesal Penal, 12ª ed., Marcial Pons, 2019
- Victor Moreno Catena y Valentín Cortés Domínguez Derecho Procesal Penal. 9ª ed., Tirant lo Blanch, 2019
- Victor Moreno Catena, Amaya Arnaiz Serrano, Raquel López Jiménez y Tamara Martínez Soto Tomo III: Esquemas de Derecho Procesal Penal. 5ª ed., Tirant lo Blanch, 2019

#### 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](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](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>