

**Criminal Court Cases**

Code: 102204  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

**Contact**

Name: María Carmen Navarro Villanueva  
Email: MariCarmen.Navarro@uab.cat

**Use of Languages**

Principal working language: catalan (cat)  
Some groups entirely in English: No  
Some groups entirely in Catalan: Yes  
Some groups entirely in Spanish: No

**Other comments on languages**

If the course is attended by international students, the course will be in Spanish

**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.

## 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

There is only one evaluation model: the "continuous evaluation", that requires an attendance of 80% of the classes. Failure to comply with duties due to illness or other serious reasons will be considered, provided there is a valid certification. The final grade for the course will be the average grade of the different works that the student has to present along the course (25%+25%) as well as of the grades of two tests that the student will pass (50%). Before the course starts, the student will have a chronogram with the different activities and the deadlines.

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 tests) with at least a mark of 4, a second chance will be given.

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 a fail the essay. In case of recidivism, the student will receive a fail mark.

## 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**

### COMPULSORY HANDBOOK

\* RAMOS F. (2016), *Enjuiciamiento criminal. 12ª lectura constitucional*, Atelier, Barcelona.

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

### OTHER HANDBOOKS

\* ARMENTA Teresa (2018), *Lecciones de Derecho Procesal Penal*, Marcial Pons, Madrid.

\* CERVELLÓ Vicenta (2015), *Derecho penitenciario, Tirant lo blanch, Valencia*.

\*CORTES /MORENO (2015), *Derecho procesal penal*, Tirant lo blanch, Valencia.

\* GIMENO SENDRA (2015), *Derecho procesal penal*, Dykinson, Madrid.

\* MONTERO et al (2018) *Derecho jurisdiccional*, vol. III (Proceso penal), Tirant lo blanch, Valencia.

\* NAVARRO Carmen (2019), *Ejecución de la pena privativa de libertad*. Juruà, Porto