

The background of the page features a large, faint, circular seal of the University of Valencia. The seal contains the text "DEI GRA REX ARAGONVM • ALEXANDER PP VI VALENTINVS FERDINANDVS" around the perimeter. In the center of the seal is a shield with a crown on top, and a smaller shield below it. The shield is divided into four quadrants, each containing a different heraldic symbol.

DEGREE IN LAW

**ACADEMIC GUIDE
ANNEX
CRIMINAL PROCEDURAL
LAW**

Group AR

Patricia Llopis Nadal, Ph.D.

Assistant Professor

1.- DATA

Name of the subject	CRIMINAL PROCEDURAL LAW
Character	Compulsory
Degree	Law
Course/semester	1 st Semester
Department	Administrative and Procedural Law
Professor	Patricia Llopis Nadal, Ph.D. Assistant Professor Patricia.llopis@uv.es Office: 3C11
Tutorial hours	Tuesday: 15:30 – 18:30

1. PROGRAM

The following table contains the program of the subject.

<p>Lesson 1. Introduction.</p> <ol style="list-style-type: none">1. Principles of the process.2. The Spanish system of criminal proceedings.3. The phases of the criminal process.4. The different criminal procedures.
<p>Lesson 2. Criminal Courts: jurisdiction and competence</p> <ol style="list-style-type: none">1. Extension and limits of the Spanish international jurisdiction for criminal matters.2. Jurisdiction of Spanish criminal courts.3. The criteria for assigning criminal jurisdiction: a) Objective; b) Functional; c) Territorial.4. Procedural exam of jurisdiction.5. Criminal connection and its effects on the determination of the courts' jurisdiction.
<p>Lesson 3. Parties in the criminal procedure.</p> <ol style="list-style-type: none">1. The public prosecutor.2. The popular prosecutor.3. The particular prosecutor.4. The private prosecutor.5. The suspect / investigated / accused.6. The parties in the civil process (joinder of procedures).
<p>Lesson 4. Object of the criminal procedure.</p> <ol style="list-style-type: none">1. Concept, features and importance.2. The incidence of the penalty and the legal qualification.3. The elements that identify the object of the process: a) The criminal act charged; b) The accused person.4. The connection of objects.5. The object of the civil process (joinder of procedures).
<p>Lesson 5. Pre-trial proceedings or the investigation.</p> <ol style="list-style-type: none">1. Functions and content.2. The pre-trial judicial proceedings: a) Competent court; b) General rules on the requirements of the acts.3. The pre-trial proceedings by the public prosecutor.4. Police activities in the framework of the pre-trial proceedings.5. Intervention of the parties and other people interested in the pre-trial proceedings.
<p>Lesson 6. Acts to start the criminal procedure</p> <ol style="list-style-type: none">1. The complaint.2. The police report.3. The private complaint / The lawsuit.4. The institution of criminal proceedings ex officio.

Lesson 7. Acts of investigation

1. Concept of acts of investigation. Difference with the acts of evidence.
2. Typology.
3. The acts of investigation:
 - 3.1. Statement of the accused.
 - 3.2. Witness statements
 - 3.3. Entry and search of an enclosed space: a) Concept; b) Requirements; c) Effects.
 - 3.4. Searching books and papers.
 - 3.5. Seizure, opening and examination of private correspondence.
 - 3.6. Acts of bodily inspection, examination or intervention.
 - 3.7. Experts report.
 - 3.8. Visual inspection.
 - 3.9. Video recording in public places.
 - 3.10. The modern acts of investigation:
Common provisions.
 - Interception of telephone and telematic communications.
 - Capture and recording verbal communications with electronic devices.
 - Use of technical devices for image surveillance, location and capture.
 - Search of mass data storage devices.
 - Remote searches of computer equipment.

Lesson 8. The imputation

1. Concept and functions.
2. The non-formal acts of imputation.
3. The court order of prosecution.

Lesson 9. Precautionary measures

1. General remarks.
2. Precautionary measures: a) Arrest; b) The habeas corpus process; c) The provisional imprisonment; d) The provisional release.
3. The precautionary patrimonial measures.

Lesson 10. The termination of the investigation. The decision on the accusation.

1. The termination of the pre-trial proceedings.
2. The decisions concerning the exercise of the accusation: a) the dismissal; b) the oral trial opening.

Lesson 11. The oral trial and the agreement.

1. Overview of the oral trial.
2. Procedural requirements and their exam.
3. The initial act of accusation and the initial act of defense.
4. The agreement / conformity of the accused and the acceptance of the facts.

Lesson 12. The evidence.

1. Concept and object.
2. Evidence obtained violating fundamental rights.
3. The minimum evidentiary activity in criminal proceedings: a) The taking of evidence in the oral trial; b) The evidence prior to trial; c) The acts of investigation of the pre-trial proceedings; d) The acts of investigation of the judicial police and the public prosecutor.
4. The object of the evidence.
5. The assessment of the evidence.
6. The burden of proof and the right to the presumption of innocence.
7. The evidentiary procedure.

Lesson 13. The particular means of evidence.

1. The statement of the accused.
2. The witness evidence.
3. The expert evidence.
4. The documentary evidence.
5. The visual inspection.
6. Other means of evidence to form the judicial conviction.
7. Presumptions or the prima facie evidence (evidence of signs).

Lesson 14. The hearing in the oral trial

1. The public character of the hearing.
2. The postponement of the hearing.
3. The general features of the hearing.

Lesson 15. The termination of the criminal procedure and the preliminary questions.

1. The definitive act of accusation and the definitive act of defense.
2. The termination of the criminal procedure.
3. The judgment: a) Concept; b) Typology; c) Requirements; d) Form of the judgment, specific reference to the grounds of the judgment.
4. The preliminary questions.

Lesson 16. Judicial review: means of appeal.

1. The means of appeal: a) Concept and typology; b) The right to appeal; c) Object and effects.
2. Appeals against resolutions different from judgments.
3. Appeals against judgments and similar court orders: a) The appeal and the second instance; b) The cassation.

Lesson 17. The effects of the criminal procedure.

1. Firm judicial decisions and res judicata effect.
2. The res judicata: a) Effects of the res judicata; b) Resolutions with res judicata effect; c) Scope and limits of the res judicata effect.
3. The challenge of the res judicata effect.
4. Procedural costs and free legal assistance.

Lesson 18. The ordinary criminal procedures*.

1. Criminal proceedings: a) Ordinary; b) Specials.
2. The ordinary procedure for serious crimes*.
3. Fast-track proceedings*.
4. The procedure for misdemeanors.

Lesson 19. Special proceedings and the joinder of the civil procedure*.

1. The procedure for fast-track proceedings for certain crimes*
2. The proceedings before a jury court
3. The criminal proceedings for minors
4. Procedure for fast-track sentencing
5. Other special proceedings.
6. Procedural specialties in some proceedings.
7. The joinder of the civil procedure.

Lesson 20. Judicial activities concerning the execution.

1. General remarks.
2. Legal regime.
3. The execution of penalties and security measures: general provisions.
4. The enforcement of the penalties.
5. The enforcement of the security measures.
6. The end of the execution.
7. Appeals concerning the execution.
8. The enforcement of the civil aspects of the sentence.

Lesson 21. International judicial cooperation.

1. General remarks.
2. International legal mutual assistance for criminal matters.
3. Extradition: a) Requirements; b) Active extradition; c) Passive extradition.
4. The European arrest warrant.
5. Other instruments

2. SCHEDULE:

WEEK	MONDAY → LESSON /ACTIVITY	TUESDAY → LESSON /ACTIVITY
W1	Presentation	L1
W2	L1	L2
W3	L2	L2
W4	L3	L3
W5	L4	L5
W6	L6	L7 / A → Portfolio 1
W7	L7	L7
W8	L7 / A → Drafting a procedural act 28 th October	L8
W9	L9	L9 / A → Portfolio 2
W10	L10	L10
W11	L11 / A → Portfolio 3	L12 / A → Portfolio 4
W12	L12 / A → Portfolio 5	L13 – L14 – L15 / A → Portfolio 6
W13	L16	L16 – L17
W14	L17 – L18 / A → Portfolio 7	L19 / A → Portfolio 8
W15	L19 / A → Questionnaire case study 16 th December	L20 / A → Portfolio 9 and 10.

3. EVALUATION

The final mark will consist of:

- Up to a 70 %, the points obtained in the final exam aimed to assess the theoretical and practical knowledge.
- Up to a 30 %, the points obtained by doing the activities planned as matter of continuous assessment.

Important: *The points obtained from the continuous assessment will not be added to the points obtained in the exam if the latter does not reach, at least, a 50 % of the punctuation established for that kind of assessment in the final exam.*

On the one hand, the ASSESSMENT of theoretical and practical knowledge will be the result of:

- One final exam with all the contents that should be assessed in the course – 70% of the value of the final mark.

On the other hand, the CONTINUOUS assessment will be:

- The drafting of criminal procedural acts: up to 10% of the value of the final mark
- The questionnaire based on a case study concerning the main procedural aspects explained: up to 10% of the value of the final mark
- The students' criminal procedural law portfolio: up to 10% of the value of the final mark

The drafting of criminal procedural acts and the questionnaire based on a case study will take place during the class hours, when indicated in the schedule. It will be possible to use the main Acts and the slides as support materials. However, time will be limited and previous work and study by the student at home is required.

The students' criminal procedural law portfolio will consist in the individual study and the submission of a written work of some procedural aspects of the contents of this subject. It should be completed during the academic semester, being the deadline to submit the written work (the completed portfolio) the 24th December at 14h. The detailed portfolio will be provided by the Professor through "aula virtual". The ten procedural aspects analyzed in the portfolio will be excluded from the contents of the final exam.

If, for a justified reason, the student could not carry out any of the continuous assessment activities in the time and manner provided, the student must notify it (with enough advance notice) to the Professor in order to schedule its completion.