

**COURSE DATA****Data Subject**

<b>Code</b>	35067
<b>Name</b>	Criminal Procedural law II
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2020 - 2021

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1302 - Degree in Criminology	Faculty of Law	3	Second term
1923 - D.D. in Law-Criminology	Faculty of Law	4	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1302 - Degree in Criminology	8 - Procedural law	Obligatory
1923 - D.D. in Law-Criminology	5 - Year 4 compulsory subjects	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
CUCARELLA GALIANA, LUIS ANDRES	45 - Administrative and Procedural Law
MARTIN PASTOR, JOSE	45 - Administrative and Procedural Law

**SUMMARY****1) Status of the subject in the curriculum, other subjects with which they are linked**

The Criminal Procedure II course is among the compulsory Grade of Criminology at the University of Valencia. Is taught in the third year, second semester, and is the second matter on procedural science must take the student to graduate in Criminology. The other subject is Criminal Procedure I. With these aims at providing a complete view of the criminal with a prior approach to the basic concepts of the discipline.

Its development, over and over and both together, should be referred to the study of other subjects because it requires a minimal knowledge of disciplines such as criminology or criminal law.



## **2) Short description of the subject, type of content and possible applications**

Through this course, and the preceding one and is given in the previous year, the criminology student enters the procedural phenomenon, indispensable instrument for the realization of criminal law.

It is a matter of essential knowledge for those professionally involved in both criminology as subjects whose activity has a greater or lesser extent, related to criminal justice.

This course is a continuation of Criminal Procedure I. Therefore, it is to continue the study of the reporting process, from trial, and the implementation process, focusing and deepening these instruments by which the state exercises and the right to punish acts of which he is exclusive owner. However, the existence of different structures requires procedural approach each as well as the latest trends in the management of the legislature of the criminal proceedings.

The subject of Criminal Procedure Law II comprises five blocks:

- A first introduction which will review the essential contents of the subject of Procedural Law I.
- A second specific focus on the process of filing criminal. It will be analyzed: a) The trial; b) The remedies and the effects of criminal proceedings.
- One third of the various specific criminal procedures, routine and special.
- A quarter specific activity in the execution court.
- A fifth specific international judicial cooperation.

## **PREVIOUS KNOWLEDGE**

### **Relationship to other subjects of the same degree**

There are no specified enrollment restrictions with other subjects of the curriculum.

### **Other requirements**

Its development should be referred to the study of the subject of Criminal Procedure I and other related matters, it requires a minimal knowledge of disciplines such as criminology or criminal law.

## **OUTCOMES**

### **1302 - Degree in Criminology**

- Saber utilizar un lenguaje técnico que permita expresar los conceptos correctamente y desde una perspectiva de género.
- Saber argumentar y expresarse de modo coherente e inteligible de forma oral y escrita.



- Saber interpretar las fuentes y bases de datos relacionadas con la criminalidad.
- Saber seleccionar los datos con relevancia criminológica que sean útiles para emitir una resolución judicial.
- Saber aplicar las técnicas de investigación adecuadas para la persecución de delitos y la resolución de conflictos sociales, garantizando la seguridad ciudadana y los derechos fundamentales.
- Saber asesorar en la interpretación y valoración de los informes forenses.
- Ser capaz de analizar el delito, el delincuente y la víctima, y diseñar estrategias de prevención e intervención, desde el respeto a los derechos humanos, la igualdad entre hombres y mujeres, la paz, sostenibilidad, accesibilidad universal y diseño para todos y valores democráticos.

## LEARNING OUTCOMES

This course is designed so that students acquire these skills as learning outcomes:

- a) know how to use the system of sources of Spanish procedural law.
- b) Know the contents and limits of constitutional rights and freedoms of a procedural nature.
- c) Know the various courts of the penal and identify their respective powers.
- d) To understand the functioning of the criminal courts distinguishing the different phases of criminal proceedings and in particular those requiring intervention of a criminologist.
- e) Applying the knowledge acquired in Litigation inside and outside forensic reality.

## DESCRIPTION OF CONTENTS

### 1. Introduction

- A) The structure of criminal procedure in general (reminder): a) Process of declaration and its division into phases, b) Execution process; c) Precautionary measures.
- B) The various criminal and his determination (reminder): a) ordinary processes; b) Processes with procedural specialties; c) Special processes.

### 2. The start of the trial and compliance

- A) The completion of the preliminary proceedings and decisions on the exercise of the allegation: dismissal or for trial (reminder).
- B) Summary of the trial.
- C) The budgeting process and its treatment.
- D) The initial indictment and the initial act of defense.
- E) The conformity of the accused and the recognition of facts.



### 3. The evidence

- A) Concept.
- B) Evidence in violation of fundamental rights and freedoms.
- C) "Minimum evidential activity" or what constitutes proof in criminal proceedings: a) The evidence taken at the trial; b) The anticipated evidence; c) Acts of the preliminary procedure legal research; d) Acts of investigation the judicial police, the prosecution or other similar documents.
- D) Test subject.
- E) Assessment of the evidence.
- F) Burden of proof and the right to presumption of innocence.
- G) Taking of evidence.

### 4. The evidence in particular

- A) The statement of the accused.
- B) The oral evidence.
- C) The expert evidence.
- D) The documentary evidence.
- E) Proof of legal recognition.
- F) Other evidence to form the legal conviction.
- G) Presumptions or circumstantial evidence.

### 5. Termination of trial

- A) The final indictment and the final act of defense.
- B) The termination of the process: the decision: a) Definition b) School c) Form of the judgment, especially motivation.

### 6. The remedies

- A) The mass appeal: a) Definition and types b) The right to appeal; c) Purpose and effect.
- B) Remedies against decisions not sentences.
- C) Resources judgments and orders against similar: a) Appeal and second instance; b) Appeal.

### 7. The effects of the process

- ) Finality of judgments and res judicata.
- B) The double jeopardy: a) Effects of res judicata; b) Resolutions that produce res judicata; c) Scope and limits of res judicata; d) Challenge of res judicata.
- C) The court costs and legal aid.



### **8. The standard procedures**

- A) The standard procedure for serious offenses.
- B) The simplified procedure.
- C) The trial of offenses.

### **9. Special procedures and civil proceedings accumulated**

- A) The procedure for the rapid prosecution of certain crimes.
- B) The procedure in case of jurisdiction of the court of jury
- C) The juvenile criminal process.
- C) The cumulative civil process.

### **10. Judicial activity in the execution**

- A) General considerations.
- B) Legal.
- C) Enforcement of penalties and security measures: general provisions.
- D) Execution of sentences.
- E) Compliance with safety measures.
- F) Termination of execution.
- G) Resources for implementation.

### **11. International judicial cooperation**

- A) General considerations.
- B) The international judicial assistance in criminal matters.
- C) Extradition: a) requirements b) Extradition requests c) Passive extradition.
- D) The European Arrest Warrant and surrender.
- E) Other instruments.



**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Attendance at events and external activities	5,00	0
Development of group work	10,00	0
Development of individual work	10,00	0
Study and independent work	20,00	0
Readings supplementary material	5,00	0
Preparation of evaluation activities	5,00	0
Preparing lectures	15,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	10,00	0
<b>TOTAL</b>	<b>150,00</b>	

**TEACHING METHODOLOGY****Classroom Activities****Showroom theoretical**

The teacher will present and explain those key elements that should guide students in the study and understanding of the subject. The student, meanwhile, should actively engage in the learning process through reading, before the teacher's explanation, or in class, depending on the organization of teaching time, of those materials, manuals, monographs or texts provided or previously indicated. His involvement in the development of the sessions will include oral presentation of specific items on the agenda.

**Implemented activities**

Include, inter alia, the commentary of news releases, case resolution, the puzzle activities or questionnaires, or the display of works directed. By including the student must develop the skills outlined above and will be introduced and inure in handling those materials and techniques of the discipline.

These activities may either be complementary to the exposure of knowledge by the teacher, or focus on specific aspects of the subject program that will not be subject to exposure by the teacher.

The activities will be participatory and each teacher will indicate, where appropriate, which will be evaluated.

**Activities outside the classroom**



### **Follow-up**

These include seminars, tutorials collective viewing of documentaries and films with discussion afterwards, visits to public institutions, etc.. Be scheduled in the context of the course and will consist of specific activities or interdisciplinary or cross. Always be conducted in coordination with the various groups of the same subject and / or other subjects. Where appropriate, the teacher should indicate whether they are being evaluated.

### **Directed activities**

For both the theoretical exposure monitoring and the implementation of the activities implemented, the teacher will do readings, news search, judgments or case preparation, etc., Will the student.

The teacher also can be programmed within the volume of student work, other activities that serve to reinforce or review the knowledge acquired by the student.

### **Attendance at tutorials unscheduled**

For inquiries on any subject or aspect of the subject and its method of work, students may attend at the scheduled time for each teacher, unscheduled tutoring to be fixed at the time.

## **EVALUATION**

The overall evaluation of the signature will be obtained as a result of a combination of the assessment obtained in the evaluation test of theoretical-practical knowledge together with that obtained in the different continuous evaluation activities carried out.

Specifically, the overall assessment of the subject will consist of:

- Up to 30%, in the score obtained by the activities subject to continuous evaluation.
- Up to 70%, in the score obtained in the evaluation test of theoretical-practical knowledge.
- The score obtained in the continuous evaluation will only be added to the score obtained in the evaluation test of theoretical-practical knowledge, if at least 50% of the established maximum score is reached in the latter.

Continuous evaluation activities and their evaluation:

- The continuous evaluation will evaluate the realization of the activities in relation to the matter of the subject, which will be programmed and evaluated in the annexes to the teaching guide.
- In accordance with the Protocol for the Degrees of the Faculty of Law of the University of Valencia, at least three consistent assessable activities, among others, are recommended in the resolution of practical cases, in the answers to questionnaires, in the preparation of diagrams or summaries of certain contents of the matter of the subject, and in the realization of exhibitions.



- The teacher or professor of groups that participate in interdisciplinary workshops or complementary activities programmed must state in the annex the teaching guide of the affected groups if the participation in those workshops or activities will be evaluated as a continuous evaluation activity.
- In the annex to the group's teaching guide, it will be required if the continuous evaluation activities are recoverable or not, depending on the characteristics and nature of the activities in question.

The evaluation of theoretical-practical knowledge will be carried out through:

- A final test, which will deal with all the evaluable contents.
- In the annex to the teaching guide it will be specified if the mentioned test will be made orally.

## REFERENCES

### Basic

- Referencia b1: ARMENTA DEU, T., Lecciones de Derecho Procesal Penal, Madrid, Marcial Pons. Última edición.
- Referencia b2: ASECIO MELLADO, J. M., Derecho Procesal Penal, Valencia, Tirant lo Blanch. Última edición.
- Referencia b3: DE LA OLIVA SANTOS, A.-ARAGONESES MARTÍNEZ, S.-HINOJOSA SEGOVIA, R.-MUERZA ESPARZA, J.-TOMÉ GARCÍA, J.A., Derecho Procesal Penal, Madrid, Centro de Estudios Ramón Areces. Última edición.
- Referencia b4: GIMENO SENDRA, V., Manuel de Derecho Procesal Penal, Madrid, Colex. Última edición.
- Referencia b5: MONTERO AROCA, J., GÓMEZ COLOMER, J.L., MONTÓN REDONDO, A., Derecho Jurisdiccional III, Proceso Penal, Valencia, Tirant lo Blanch. Última edición.
- Referencia b6: MORENO CATENA, V.-CORTÉS DOMINGUEZ, V., Derecho Procesal Penal, Valencia, Tirant lo Blanch. Última edición.
- Referencia b7: NIEVA FENOLL, J., Derecho Procesal III. Proceso Penal, Madrid, Marcial Pons. Última edición.
- Referencia b8: RAMOS MÉNDEZ, F., Enjuiciamiento Penal. Décima Lectura Constitucional, Barcelona, Atelier. Última edición.

### Additional

- Referencia c1: ARNAIZ SERRANO, A.-LÓPEZ JIMÉNEZ, R.-LOREDO COLUNGA, M., Esquemas de Derecho Procesal Penal (MORENO CATENA, V., director; ARNAIZ SERRANO, A., coordinadora), Valencia, Editorial Tirant lo Blanch. Última edición.
- Referencia c2: Ley Orgánica del Poder Judicial. Actualizada.
- Referencia c3: Ley de Enjuiciamiento Criminal y leyes procesales penales complementarias. Actualizada.
- Referencia c4: Bases de datos: las que son accesibles en bases de datos DERECHO de la Biblioteca de Ciencias Sociales Gregori Mayans, a las que las y los estudiantes de la Universitat de València pueden acceder libremente.
- Referencia c5: Webs útiles:  
[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/judicial\\_cooperation\\_in\\_civil\\_matters/index\\_es](http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_civil_matters/index_es).





[http://ec.europa.eu/civiljustice/index\\_es.htm](http://ec.europa.eu/civiljustice/index_es.htm)

<http://www.prontuario.org/>

[http://www.poderjudicial.es/cgpj/es/Poder\\_Judicial](http://www.poderjudicial.es/cgpj/es/Poder_Judicial)

Referencia c6: Normas:

Diario oficial de la Unión Europea: <http://eur-lex.europa.eu>

BOE: <http://www.boe.es>

Referencia c7: Jurisprudencia:

Tribunal Constitucional: <http://hj.tribunalconstitucional.es/>

Tribunal de Justicia de la Unión Europea: [http://curia.europa.eu/jcms/jcms/j\\_6/pagina-principal](http://curia.europa.eu/jcms/jcms/j_6/pagina-principal)

Tribunal Supremo y otros tribunales españoles (Cendoj): <http://www.poderjudicial.es/search/index.jsp>

Tribunal Europeo de Derechos Humanos

<http://www.derechoshumanos.net/tribunales/TribunalEuropeoDerechosHumanos-TEDH.htm>

## **ADDENDUM COVID-19**

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

### **1. Contents**

The contents initially included in the teaching guide are maintained

### **2. Workload and time schedule**

There are no changes in the volume of work for the subject.

The weight of the different activities that add the hours of dedication in ECTS credits marked in the original teaching guide is maintained.

This course will be adapted to the HYBRID TEACHING MODEL established by the Faculty of Law, through which theoretical-practical classes will be taught face-to-face every other week. For this, the group will be divided into two subgroups that will receive face-to-face teaching on alternate weeks (even or odd), combined with non-face-to-face teaching. This hybrid teaching model requires the full presence of teachers, who will teach in the classroom, at the time established for the subject, every week.

For the students, in the week of no attendance, the teaching will be synchronous, being able to monitor through VIDEOCONFERENCE through the devices that the classroom has (cameras and / or microphones) or using portable devices available to teachers. If the class could not be broadcast synchronously by videoconference, it could be recorded and upload the link to the Virtual Classroom, so that the group of students who do not have to attend the classroom can view it remotely at any time of the week.



The planning of the teaching will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

If the sanitary situation changes and no access to the University facilities is possible, all teaching activities will be carried out completely online. In this case, the adaptations will be communicated to the students through the Virtual classroom.

### **3. Teaching Methodology**

The teaching methodology will consist of theoretical-practical classes, which can be complemented with different types of materials and activities in the Virtual Classroom, and which will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

The tutorials will be done online (through the tools provided in the Virtual Classroom or by institutional mail) or face-to-face, always by prior appointment with the teacher. The model for the tutorials will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

If the sanitary situation changes and no access to the University facilities is possible, teaching and tutorials will be carried out completely online. In this case, the adaptations will be communicated to the students through the Virtual classroom.

### **4. Evaluation**

The evaluation criteria established in the Course Guide are kept.

The evaluation criteria established in the teaching guide are maintained.

However, based on the recommendation to increase the weight of continuous assessment, the following restriction provided by the teaching guide is suspended: "The score obtained in the continuous assessment will only be added to the score obtained in the test or assessment tests of the theoretical-practical knowledge, if the latter reaches at least 50% of the established maximum score, either by adding the score of the partial test passed plus the final test, or by the final test score". Consequently, the score obtained by continuous evaluation will be added to any score obtained in the completion of the final test.

The grade for continuous assessment is not modified (30%), because with the elimination of the aforementioned restriction, the incidence of the score obtained by it in the final grade increases significantly.

The continuous assessment activities and the final test will have to be specified by each teacher in the Annex to the Teaching Guide.



If the University facilities were closed on the dates set in the official calendar for the final exam, the face-to-face exam will be replaced by an online test.

## **5. Bibliographic references**

The recommended bibliography is kept as it is accessible.

The main recommended manuals in all groups of the subject are available as e-books in the Social Sciences Library, so it is not necessary to replace them with other materials.

In any case, the teaching staff in charge of the different groups will specify in the Annex to the Teaching Guide and inform in writing in the Virtual Classroom that the manual they use is available as an e-book.