

SUBJECT TEACHING GUIDE

G462 - Procedural Law II

Degree in Law

Academic year 2019-2020

1. IDENTIFYING DATA					
Degree	Degree in Law			Type and Year	Compulsory. Year 3
Faculty	Faculty of Law				
Discipline	Topic: Procedural Law				
Course unit title and code	G462 - Procedural Law II				
Number of ECTS credits allocated	6	Term	Semester based (2)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

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3.1 LEARNING OUTCOMES

- Specific skills related to theoretical knowledge (knowledge). Regarding the ability to know and understand the proper theoretical knowledge of the subject matter of the course. Identification of the rules and procedural and procedural program and proper use of complex terminology forensic institutions.
- Specific skills or knowledge relating to Practical Clinical (Know how): In particular, a) the ability to apply practical and operational mode of knowledge gained practical cases; b) handling capacity, selection and synthesis of the various legal sources: legal, jurisprudential and doctrinal, of interest to the subject; c) ability to use intellectual work tools available specifically applicable to Procedural Law.
- Specific skills related to ethical commitment and Axiological (Ser and value)): Pertaining to the attitudes, values and provisions of ethical and evaluative behavior that must be present in the use of knowledge and the exercise of professional tasks and functions for which the subject is forming; developing, for this, the capacity of analysis and criticism, not only of the legal and procedural issues arising, but also the global criminal policy directing reforms of various aspects of procedural law covered in the course, under ethical guidelines and characteristics of an advanced democratic society axiológicas with.

4. OBJECTIVES

- Acquisition of the ability to know and understand the proper theoretical knowledge of the subject matter of the course.
- Identification of the rules and procedural and procedural program and proper use of complex terminology forensic institutions.
- Practical application and operating mode acquired knowledge to real situations.

6. COURSE ORGANIZATION

CONTENTS

1	The Criminal Procedure Ordinance: 1. The judicial guarantee the application of criminal law. 2. The so-called criminal procedure systems.
2	PRINCIPLES . I. The principles of criminal procedure: 1. The structural principles of criminal proceedings. 2. Principles relating to the object of the process. 3. Principles relating to the introduction of the facts. II The principles of criminal procedure: 1. Introduction. 2. Principles relating to the form of procedural acts. 3. Principles concerning the relationship between the Court and the procedural purpose. 4. Principles relating to the knowledge of the proceedings. 5. Principles on the rapidity of the procedure.
3	CRIMINAL JURISDICTION 1. The award criteria: a) Objective; b) Functional; c) concretions; d) The ordinary objective competence; e) Territorial. 2. Procedural treatment. 3. Other possible alterations in the final assessment of the competition; especially criminal connection.
4	PRELIMINARY RULINGS: 1. Concept. 2. Class. 3. Procedural treatment. 4 Special cases.
5	THE LITIGANTS: 1. Concept part: a) Party in the formal sense; b) classifications. Plurality of parts. 2. The accusing parties. to). The public prosecutor. b). The popular and particularly accusers. c). The private prosecutor. 3. The accused party: a) concept; b) Capacity and legitimacy. 4. The absence of the investigated-accused.
6	INVESTIGATION: 1. The pre-trial investigation and their differences with instruction. to). The investigation by the prosecution. b. The actions of the Judicial Police. 2. The judicial investigation: a) Body responsible; b) Principles governing it.
7	THE INITIATIVE OF CRIMINAL PROCEDURE: 1. Introductory notions. 2. The denunciation. 3. The complaint. 4. Special events initiation (crowded;-initiation).
8	ACTS AND MEANS OF RESEARCH: I. Acts of research in general: 1. Acts of investigation. 2. Check the crime. 3. Investigation of the offender. Media Research II: 1. Visual inspection. 2. Interrogation of the accused: Concept, Nature and Guarantees. 3. The cross-examination. 4. Documents and parts convicción.- 5. witness statements. 6. Expert reports. 7. Protection of witnesses and experts in criminal cases. 8. Controlled deliveries. The undercover agent. The agent provocateur. 9. alcoholimetric methods. III.- restrictive measures instrumental rights: 1. Admission and registration. 2. Registration of books and papers. 4. Measures limiting the rights recognized research in art. 18 of the Constitution.
9	THE IMPUTATION: 1. Imputation broadly. 2. Formal Indictment: Processing: a) concept. Nature. Functions. Characteristics; b) Effects; 3. Processes without formal charge: a) The simplified procedure; b) The speedy trial; c) The procedure for trial on minor offenses.
10	PRECAUTIONARY MEASURES IN THE CRIMINAL PROCESS: 1. The precautionary measures in the Criminal Procedure. General Theory. Distinction of similar institutions. Characters. Budgets. 2. Detention: a). The arrest by particulares.- b). The arrest policial.- c). 3.The judicial.- arrest the process of "Habeas Corpus" or manifestation of people. 3. The provisional freedom. 3. The provisional prison. 4. Other measures restricting freedom. 5. Recent reforms and legislative perspective on precautionary measures.
11	The impeachment trial: 1. The intermediate phase. 2. The dismissal a) concept; b) Classes; c) Budgets. 3. The order opening the trial. 4. The preliminary questions. 4. The writings of provisional qualification. 5. Compliance: a) Concept and nature; b) classes, legal status and respective effects; c) Compliance in speedy trial.
12	THE TRIAL: 1. Acts of preparation of the hearing. 2. The hearing: a). Publicity of meetings. b). Suspension of view. 3. Evidence in the trial: a). Concept. Differences investigative acts. b). Theme, freight and evaluation of evidence. Burden of proof and presumption of innocence. c). Early testing and the so-called pre-constituted evidence. d). Reading all evidentiary folios. and). illegal evidence and illegal evidence. F). evidentiary procedure: Proposal, Admission, Practice. 4. Evidence in particular: a) Declaration of the accused. Concept. Nature and guarantees. b). Proof of witnesses. c). expert evidence. d). Other tests to form judicial conviction: conviction parts and documents; Judicial recognition; careo; Presumptions. Conclusion of the trial: 1. The final conclusions. 2. art. LEC 733. 3. Reports and last word.
13	TERMINATION OF CRIMINAL PROCEDURE: 1. The criminal conviction: a) Concept and classes, b) Training c) Internal requirements, d) Specific Content. 2. res judicata: a) Firmness (or res judicata formal); b) The res judicata.

14	MEDIA CHALLENGE: 1. The right to appeal in criminal proceedings. 2. Effects of resources. 3. Design of system resources. 4. Resources not returnable: a) Resource reform; b) Remedy of appeal. 5. Resources devolutive ordinary: a) The appeal; b) Appeal for Redress as a substitute for appeal. 6. devolutive instrumental Resources: The complaint for denial of another resource. 7. devolutive extraordinary Resources: The appeal. 8. The review process. 9. The so-called action for annulment.
15	CRIMINAL PROCEDURES: I. standard procedures: 1. Systematization. 2. The ordinary common procedure. Concept. Nature. 3. The abbreviated process: a). Background. Crisis of school instruction. b). Concept. Nature. General characteristics. 4. The procedure for rapid prosecution of certain crimes: a). Regulation. Concept. b). Legal nature. 5. The procedure for trial on minor offenses). Concept. Nature. Characters. b). Constitutional problems.

7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
Continuous evaluation of acquired theoretical knowledge.	Written exam	No	Yes	70,00
Evaluation of the practical application of the knowledge acquired	Written exam	Yes	Yes	30,00
TOTAL				100,00
Observations				
<p>Regarding the evaluation of the theoretical contents of the subject, two written tests will be carried out throughout the course, the first in week 28 and, the second, on the date to be set for the examination period in May. Those tests will be considered passed when, at least, a score of five have been obtained from each test.</p> <p>The grade obtained in this part of the assessment will be the average obtained in the above tests and, if both test have been passed, will account for 70% of the final grade of the student in the subject.</p> <p>Evaluation test that have not been passed can be recovered in the extraordinary period foreseen for this purpose, in June, before the start of the next year. Failure to pass this test of recovery, or failure to submit to it, will mean a complete fail in the subject.</p>				
<p>In relation to the evaluation of the practical application of the acquired contents, in order to pass this part of the subject, it will be necessary to approve, with a score of five at least, the final test that, for this purpose, will be carried out on the date indicated within May examination period. The mark obtained in this part of the subject will be 30% of the individual final mark of the student in the subject.</p> <p>However, attendance to practical classes, regular delivery of requested essays and tasks, as well as participating in the supervised activities that will take place (assistance to trials, visits to institutions) can be valued up with up to 30% of the mark corresponding to this practical part, which will be added to the obtained in the final exam, provided that it has been passed with a score of five.</p> <p>If practical test have not been passed, it could be recovered in the extraordinary period foreseen for this purpose, in June, before the start of the next year. Failure to pass this test of recovery, or failure to submit to it, will mean a complete fail in the subject.</p>				
Observations for part-time students				
<p>In the case of students under a part-time position, and given that the subject there are no groups modalities of blended teaching or other alternatives that allow the student part-time regular participation in classroom teaching, the student may undergo a single assessment process, in which the student must answer a series of theoretical questions and solve a practical course in relation to the program contained in this guide.</p> <p>In such cases of a single assessment, the grade obtained in that one test will be the final grade of the student.</p>				

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

ARMENTA DEU, T., Lecciones De Derecho Procesal Penal, Marcial Pons, Madrid, última edición.

LORCA NAVARRETE, A.M. / LOZANO-HIGUERO PINTO, M., Tratado de Derecho Procesal Penal, Instituto Vasco de Derecho Procesal (IVADP), San Sebastián, 2002.

LOZANO-HIGUERO PINTO, M., Introducción al Derecho Procesal, Ministerio de Justicia, Madrid, 1990.

MONTERO AROCA, J / GOMEZ COLOMER, J.L / MONTON REDONDO, A., BARONA VILAR, S., Derecho Jurisdiccional III. Proceso Penal, Tirant Lo Blanch, Valencia, Última edición.

DE LA OLIVA SANTOS, A., Derecho Procesal Penal, Centro de Estudios Ramón Areces, Madrid, última edición.

PEREZ-CRUZ MARTÍN Y OTROS, Derecho Procesal Penal, Cívitas, 2011.

RAMOS MENDEZ, F., Enjuiciamiento Criminal. Lectura constitucional. Atelier, Barcelona, última edición.