

SUBJECT TEACHING GUIDE

M1838 - Criminal Law

Master's degree on Access to the Profession of Lawyer

Academic year 2020-2021

1. IDENTIFYING DATA					
Degree	Master's degree on Access to the Profession of Lawyer			Type and Year	Compulsory. Year 1
Faculty	Faculty of Law				
Discipline	Criminal Law				
Course unit title and code	M1838 - Criminal Law				
Number of ECTS credits allocated	10	Term	Semester based (1)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

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3.1 LEARNING OUTCOMES

- Improve the knowledge of criminal and procedural law
- Practical application of theoretical knowledge acquired from criminal and procedural law

4. OBJECTIVES

This subject is intended that lawyer trainees acquire the skills, ability and appropriate knowledge of criminal law, in order to advise the client, address the judicial procedure and, in general, the proper exercise of the profession in this area.

They are specific learning objectives, the following:

- Deeping the knowledge of the criminal law and criminal procedure, jurisprudence and literature.
- Deeping the knowledge of criminal types and their practical application.
- Knowing the legal and welfare reality of the phenomenon of gender violence.
- Knowing how to make writings addressed to judicial bodies.
- Developing accusation and defense strategies.
- Establishing relationships with institutions.
- Knowing the judicial facilities where the work is carried out.
- Becoming familiar with judicial files.
- Appreciating the role of the lawyer in the defense of the fundamental rights of persons.
- Knowing the practical application of the Law of Criminal Responsibility of Minors in Cantabria.
- Establishing relationships with the operators or institutions that work in this jurisdiction.
- Familiarizing with juvenile criminal jurisdiction.
- Knowing penitentiary law and reality in Cantabria

Students will acquire the following skills:

- Diligence in assistance to the workplace in police and judicial headquarters.
- Dexterity both in the exposition and in the legal argumentation.
- Distinguishing the concrete procedure depending on the fact to be prosecuted.
- Developing proficiently in the trial, with special attention to quick trials, provisional detention and protection order.
- Requesting precautionary measures.
- Improving redaction and training in the calculation of penalties.
- Preparing the trial and the most frequent allegations of nullity.
- Skills for legal argumentation.
- Interrogation techniques, especially avoiding repetitive, irrelevant, evaluative, damaging questions, etc ...
- Requesting alternatives to prison.
- Developing strategies to defend the rights of minors in the phases of instruction, oral trial and execution in juvenile criminal proceedings.

6. COURSE ORGANIZATION	
CONTENTS	
1	FIRST PART. BASIC AND PRELIMINARY ISSUES. I. Criminal Liability. Defenses. Authors II. Legal consequences of crime. III. Security measures. IV.- On Tort. V.- Extinction of criminal liability. Criminal records. VI. Criminal liability of minors. VII.- Criminal liability of juridical persons.VIII. -The procedural issues for annulment of proceedings.
2	SECOND PART. DEVELOPMENT OF CRIMINAL PROCEDURE: I. The criminal investigation phase. 1.- the pre-litigation phase; 2. the judicial pre-trial phase. 3. Jurisdiction and competence. 4. Acts of investigation: protection of constitutional guarantees. 5. Precautionar measures: criteria in practice. 6. Consensus formulas (compliances): practical considerations. 7. Committal for trial, Resources. 8. The proceedings of opening of the trial. II. Intermediate phase II. 1. Clousure of proceedings and dismiss the criminal case. 2. The Indictment. III Trial Phase. 1. Proposing new evidence and approach of previous issues. 2. The taking of evidence. 3. Definitive findings. 4. Oral Report: Techniques and structure. IV The Appeal stage. 1.-Appeal against judgments: Appeal and Cassation. 2. Appeal against other judicial decisions: "Reforma", Appeal, "queja", and Appeal. V.- The execution stage. 1. The final judgment. 2. Authority responsible for execution. 3. Executing acts according to the sentence. 4. Execution of civil condemnation. 5. Statement by Judge prison supervision. 6. Appeals against its resolutions. 7. The pardon.
3	THIRD PART. Different judicial proceedings: I. according to the subjects (deputies, senators, etc.). II. Taking the object (libel, slander, etc.). III Habeas Corpus. IV.- The ciminal juvenile law procedure: 1. Prosecution of minors. 2. The juvenile court. 3. The punitive-educational measures. Examination of the most common cases. The executive stage. Requests for modification, replacement, reduction or consolidation of the measure. The lawyer and the Authority execution Measures (the Government Cantabria). Lawyers contacts with the child and his parents to monitor the measures. Resource approach at this stage. 4. The request and requirement liability in this jurisdiction. The assumption lawyer in civil plaintiff and defense of the interests of civilians responsible . VI.. The Speedy trial. Compliance. VII. The simplified procedure: 1. Transformation abbreviated. 2. OThe sumptions. 2. Election of the jury. 3. Presentation of the case. 4. Fixing the object of the verdict. 5. Determination of the sentence. 6. System of appeals.IX.- Tribunal for Violence towards Women. Procedural specialties Judicial measures of fl protection of victims.
4	FOURTH PART. THE CONSTITUTIONAL PROCEDURE. I The writ of "amparo" and criminal proceedings. 1. Presumption of innocence and proof in criminal proceedings. 2. Constitutional guarantees of criminal proceedings. II The processes of protection of fundamental rights. 1.-The "amparo" before the Constitutional Court: a) procedural requirements; b) processing. 2. Intervention lawyer in the process. III The "amparo "and precautionary measures restricting rights. 1.-The right to freedom. 2. Pre-trial detention. 3. Habeas Corpus. IV The "amparo" in execution of sanctions and enforcement of sentences.
5	PART FIVE: PENITENTIARY LAW 1. Classification . 2.Sentencing. Life imprisonment. 3. The Prison and its organization (Board). 4. The director of prison . 5. Rights of imprisonment . 6. Post-sentencing. 7. Resources to Juzgado de Vigilancia Penitenciaria .

7. ASSESSMENT METHODS AND CRITERIA				
Description	Type	Final Eval.	Reassessn	%
assessment of skills and practical skills	Others	No	Yes	50,00
Test	Written exam	Yes	Yes	50,00
TOTAL				100,00
Observations				
Part-time students may opt for a single final exam. They must communicate previously by e-mail. In that case, only the qualification of the final exam will be taken into account.				
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8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

- Comentarios al Código penal, de Gonzalo Quintero Olivares, (director), Thomson Reuters Aranzadi, última edición.
- Tratado de Derecho penal español, de Alvarez García (Director), Tirant Lo Blanch, Tomos I a IV, última edición.
- MONTERO AROCA, J./ GOMEZ COLOMER, J.L./BARONA VILAR, S./ ESPARZA LEIBAR, J./ ETXEBERRÍA GURIDI, J.F. , Derecho Jurisdiccional III, Proceso penal, 25ª ed., Tirant Lo Blanch, Valencia 2017 (o última edición).
- Código penal y ley de enjuiciamiento criminal, actualizados