



General information		
Academic subject	Criminal procedure II	
Degree course	LMGI	
Academic Year	5th	
European Credit Transfer and Accumulation System (ECTS)		9
DSS	GIUR-13/A Criminal procedure	
Language	Italian	
Academic calendar (starting and ending date)	1st semester from 1/10/2024 to 16/12/2024	
Attendance	Highly recommended	

Professor/ Lecturer	
Name and Surname	Francesca Delvecchio
E-mail	francesca.delvecchio@uniba.it
Telephone	-
Department and address	Department of Law, floor IV, professor's room
Office hour	The office hours will be held in person or von MS Teams, on a date to be arranged by email. The office hours schedule is available on the professor's webpage."

Syllabus	
Learning Objectives	The course aims to provide an organic and comprehensive knowledge of the "dynamic" part of criminal procedural law, i.e., the development of criminal proceedings, their forms, contents and diversifications, starting from the registration of the notice of crime to the formation of the verdict.
Course prerequisites	Criminal law II To successfully study criminal procedure law, it is essential to have a solid foundation in criminal law.
Contents	<p>- PRELIMINARY INVESTIGATION The notice of the crime and its registration; conditions of prosecutability; investigative activities of the judicial police, prosecutor and defense counsel; precautionary measures; evidentiary incident; timing of the investigation; conclusion of the investigation; dismissal proceedings; forms of prosecution.</p> <p>- PRELIMINARY HEARING The contents and forms of the preliminary hearing; decisional rules; possible outcomes; judgment not to proceed and decree ordering trial.</p> <p>- THE TRIAL The acts preliminary to the trial; the introductory acts; the pre-trial investigation; the new charges; the final discussion; the acts following the trial: the deliberation of the judgment; the decision; the acts following the deliberation.</p> <p>- SPECIAL AND DIFFERENTIATED PROCEEDINGS Special proceedings: abbreviated trial; application of the penalty at the request of the parties; immediate trial; summary judgment; suspension of proceedings with probation; proceedings by decree; oblation. Restorative justice. Differentiated proceedings: proceedings before the monocratic court; proceedings against entities.</p> <p>- ORDINARY AND EXTRAORDINARY APPEALS General provisions; appeal; cassation; extraordinary remedies.</p>

	<p>- THE JUDGMENT AND ITS EFFECTS The formation and effects of a judgment; irrevocability of the judgment and its enforcement.</p>
Books and bibliography	<p>1) A. SCALFATI-A. BERNASCONI-A DE CARO-A. FURGIUELE-M. MENNA-C. PANSINI-N. TRIGGIANI- C. VALENTINI, <i>Manuale di Diritto Processuale Penale</i>, IV ed., Torino, Giappichelli, 2023, pp. 457-1012 (excluding pp. 734-779).</p> <p>Alternatively:</p> <p>2) P. TONINI-C. CONTI, <i>Manuale di procedura penale</i>, XXV ed., Milano, Giuffrè, 2024, part III, IV (excluding chapters III and IV), V and VI.</p>
Additional materials	<p>Students should use an up-to-date Code of Criminal Procedure as an indispensable tool for exam preparation. For this purpose, we recommend:</p> <p>H. BELLUTA-M. GIALUZ-L. LUPARIA (ed.), <i>Codice sistematico di procedura penale</i>, ult. ed. agg., Torino, Giappichelli.</p>

Work schedule			
Total	Lectures	Hands on (Laboratory, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
Hours			
225	60	12	153
ECTS			
9			
Teaching strategy			
	<p>Conventional teaching methodology. The course is developed through in-class lectures with the support of PowerPoint presentations and judicial measures of particular relevance.</p> <p>In-person teaching is accompanied by in-depth seminars held by scholars, magistrates and lawyers, favoring a "hands-on" approach through the study of court documents, participation in hearings before the Court of Bari and the conduct of simulated trials.</p>		
Expected learning outcomes			
Knowledge and understanding on:	<p>The course aims to provide students with an in-depth knowledge of the dynamics of the criminal justice process, developing skills of understanding and critical analysis, which are fundamental for both theoretical training and professional practice. Upon completion of the course, the student will acquire:</p> <ul style="list-style-type: none"> ○ an in-depth theoretical knowledge of the dynamics of criminal proceedings; ○ the ability to apply this knowledge in various practical contexts. 		
Applying knowledge and understanding on:	<p>Individual study, attendance and participation in seminar activities and hearings enable students to directly observe the workings of the criminal justice process and put the theoretical knowledge acquired into practice. By the end of the course, the student will have acquired the skills necessary both for the final examination and for future professional activity.</p>		
Soft skills	<ul style="list-style-type: none"> ● Making informed judgments and choices <ul style="list-style-type: none"> ○ Students should be able to read and critically examine, with independent judgment, scholarly articles and texts of judgments of the Courts of merit, legitimacy and the Constitutional Court, as well 		

	<p>as supranational courts.</p> <ul style="list-style-type: none"> • Communicating knowledge and understanding <ul style="list-style-type: none"> ○ Students should acquire appropriate technical legal language and use it to express themselves correctly, conveying the knowledge learned clearly and effectively. • Capacities to continue learning <ul style="list-style-type: none"> ○ Students are expected to acquire the ability to refine and deepen their knowledge by continuing to study and update skills independently.
--	--

Assessment and feedback	
Methods of assessment	The examination will be conducted exclusively in oral form and will consist of questions designed to ascertain both the acquisition of the necessary theoretical knowledge and the ability to apply this knowledge in the face of concrete situations of which exemplification may be requested, or proposed. For evaluation purposes, adequate account will be taken of the student's ability to express himself or herself through correct technical language.
Evaluation criteria	<ul style="list-style-type: none"> • Knowledge and understanding <ul style="list-style-type: none"> ○ The evaluation criteria used aim to verify the student's effective acquisition of the methodology necessary for the knowledge and understanding of the principles of criminal procedural law indicated in the program. • Applying knowledge and understanding <ul style="list-style-type: none"> ○ The evaluation criteria used aim to verify the student's effective acquisition of the methodology necessary for the application of theoretical knowledge for the purpose of solving practical case studies, as well as for the critical analysis of the case law of the Constitutional Court, the Supreme Court, the European Court of Human Rights and the Court of Justice of the European Union. • Autonomy of judgment <ul style="list-style-type: none"> ○ The evaluation criteria used aim to verify the student's effective acquisition and development of the ability to critically analyze the principles of criminal procedural law indicated in the program, including through the study of the most significant literature and jurisprudence on the individual topics under study. • Communicating knowledge and understanding <ul style="list-style-type: none"> ○ The evaluation criteria used aim to verify the student's effective acquisition of the ability to express himself or herself through correct technical language, arguing doctrinal theses and jurisprudential positions in a timely manner, and being able to communicate effectively during moments of sharing, confrontation and discussion, both individually and in groups. • Capacities to continue learning <ul style="list-style-type: none"> ○ The evaluation criteria used aim to verify the student's effective acquisition of the methodology necessary for learning, mastery of the discipline, and critical study of the main principles of criminal procedural law through examination of the most innovative doctrine and jurisprudence on the topics under study.
Criteria for assessment and attribution of the final mark	The final grade is given in thirtieths. The examination is considered passed when the grade is greater than or equal to 18/30. The oral examination is a suitable mode for verifying, in addition to the mastery of legal institutes and normative and "paranormative" discipline, the student's logical-argumentative, communicative and linguistic skills, as well as

	<p>the aptitude for highlighting connections with the "contiguous" disciplines of constitutional and criminal law.</p> <p>Evaluation criteria and relative scores in thirtieths are determined according to the following scale:</p> <p>less than 18: insufficient level of competence. The candidate does not achieve any of the learning outcomes under "knowledge and comprehension skills"</p> <p>18-20: sufficient level of proficiency. The candidate achieves the learning outcomes stipulated under "knowledge and understanding skills".</p> <p>21-23: fully sufficient level of competence. The candidate achieves the learning outcomes stipulated under "knowledge and understanding ability" and "applied knowledge and understanding ability."</p> <p>24-26: Good level of competence. The candidate achieves the expected learning outcomes at the points of "knowledge and understanding skills"; "applied knowledge and understanding skills" and "independent judgment".</p> <p>27-29: very good level of competence. The candidate achieves the expected learning outcomes at the points "knowledge and understanding skills"; "knowledge and understanding skills applied"; "autonomy of judgment"; and "communication skills."</p> <p>30 and 30 cum laude: excellent level of competence. The candidate fully achieves the expected learning outcomes at the points "knowledge and understanding ability"; "knowledge and applied understanding ability"; "autonomy of judgment"; "communication skills" and "capacities to continue learning".</p>
Additional information	
	<p>Dissertation Assignment:</p> <p>The thesis can be requested after passing the profit exam in full. Information on the assignment process can be found on the faculty member's personal page.</p>