

## CURRICULUM VITAE ET STUDIORUM

Ms. Simona Raffaele

Ms Simona Raffaele, born in Messina 19/10/1979 and there resident in via Cesare Battisti, no.75, took her Secondary School Diploma in Classics at “G. La Farina” in Messina, July 1997.

In October 28<sup>th</sup> 2004 took her Degree in Law graduating summa cum laude at the University of Messina, with a theses about the Criminal Law “Dolus eventualis and Mindful negligence. Tertium datur? (Any third possibility?/No third possibility is given”, Supervisor Professor Giancarlo de Vero.

During the Academic Year 2004/2005 and 2007/2008 was an academic tutor in Criminal Law (for a total 300 hours first and 150 hours then) Law Department at the University of Messina.

Since the Academic year 2004/2005 has been assisting as a teaching support at the Chair of Criminal Law I and II (Professors, Mr G. de Vero and Mrs Lucia Risicato) and up to present days also at the Chair of Criminology of the Law Department at the University of Messina.

In 2005 admitted, ranking on top of the list, to the course of the **PhD in “Criminal Subjects: criminal law and procedure” (XXI° cycle) at the university of Florence**

In 2005/2006 admitted to the **international PhD about “European integration and criminal Law”** (coordinated by the University of Ferrara with the partnership of the following universities: Florence, La Rochelle, The Second University in Naples, The University in Paris I Panthéon Sorbonne, Poitiers and Utrecht)

Achieved the qualification of **Subject Expert at the Chair of Criminal Law at the Law University of Messina**, by deliberation of the Rector of the university of Messina in November 14<sup>th</sup> ,2005. The same qualification has been fully renewed.

In October 2<sup>nd</sup>, 2009 she passed the exams and took the **title of PhD in Criminal subjects : Criminal Law and Procedure” and the equivalent title with the highest note at the university La Rochelle** discussing her theses on “*types of structure and kinds of dolus. Compared analysis between French and Italian criminal law*”.

In the academic years spanning from 2012 up to 2020 she was appointed as Sessional Professor/Lecturer in teaching Criminal Law I (course) at the University Consortium Megara Ibleo (Law department – branch university of Messina in Priolo Gargallo).

During the Academic year 2017/2018 appointed as **external Professor in a second level Master in “Criminology and Forensics” – report or analysis in criminal-based context: juridical aspects**, mod.19b at the University of Messina, Law Department.

In the Academic year 2014/2015 appointed as **Scientific Tutor** for the **II level Master in Criminology and Forensics** at the department of Law of the University of Messina.

In the Academic years 2009/2010, 2010/2011,2011/2012,2012/2013,2015/2016 ,2016/2017,2018/2019 and 2019/2020 appointed as “**Tutor**” in “**Criminal Law**” at the **School of Specialization for legal professions at the University of Messina**.

The Professor Raffaele holds the qualification of “**Senior**” **Researcher, ex art. 24, paragraph 3- B, Law no.24030 December 2010** (starting from March 8<sup>th</sup> 2021 till March 7<sup>th</sup> 2024 – SC 12/G1 – scientific area concerning Criminal Law at the code IUS/17 – DR1592/2020

In the year 2019 achieved the National Scientific Qualification – for the II category – according to the application class for Criminal Law 12/G1 as provided in the MIUR (Italian Ministry of Education, Universities and research)

## **PUBLICATIONS**

Il delitto di epidemia tramite contagio, un’analisi critica della giurisprudenza, in *Discrimen*, February 18<sup>th</sup> 2020 ISSN 2704 - 6338

Delitto di Epidemia: l’Affaire Coronavirus, in *Diritto penale e Uomo (DPU) – Criminal Law and Human Condition*, fascicolo 6/2020, pp. 1-23, ISSN 2704-6516.

Dal 41-bis ai domiciliari: l’ordinanza “Bonura”, commento su *Diritto Penale Uomo – Criminal Law and Condition*, April 29<sup>th</sup> 2020 ([www.dirittopenaleuomo.org](http://www.dirittopenaleuomo.org)).

Rapporti migratori e Criminalità nella prospettiva dell’integrazione e della sicurezza sociale, in *Aa. Vv. I Diritti sociali al tempo delle migrazioni*, a cura di F. Astone, A. Lupo, V. Prudente, A. Romeo, Collana del Dipartimento di Scienze Giuridiche di Messina, editoriale giuridica, 2019, pp. 55-75, ISBN 978-88-9391-586-1.

Inquinamento ambientale e deposito incontrollato di rifiuti, in *Giur. it.*, June 2019, pp. 1429 - 1436, ISSN: 0017-0623.

La resistibile ascesa della nuova legittima difesa, in *Studium Iuris*, 9/2019, p. 990 - 996 ss., ISSN 1722 -8387.

Essenza e confini del dolo, Milano, 2018 (ISBN 9788828803522).

La recidiva dei reati sessuali e la castrazione chimica, capitolo XXIII, in *Trattato di diritto e bioetica*, a cura di Alessandra Cagnazzo, *Diritto e Bioetica*, Edizioni Scientifiche Italiane, Napoli,

2017, pp. 577-595, ISBN: 978-88-6950-167-8.

Migrazione e Criminalità, in Immigrazione. Profili Giuridici, tutela dei diritti e sicurezza nazionale. Il modello Siracusa, Atti di un incontro di studio (Siracusa, 8 maggio 2015), Rogiosi editore, Napoli, 2016, pp. 46-61, ISBN: 978-88-6950-167-8.

Diniego di alcoltest e aggravante della causazione di incidente stradale, nota redazionale in Giur. it., fascicolo di Novembre 2015, pp. 2491-2495, ISSN: 0017-0623.

La (residua?) validità dell'accettazione del rischio quale criterio identificativo del dolo eventuale, in Giur. it., fascicolo Agosto/Settembre 2015, pp. 1990-1994, ISSN: 0017-0623.

La tutela penale degli anziani, in anzianità e rischio sociale, a cura di Bruno M. Bilotta, Aracne Editrice, Roma, 2015, pp. 203-227, ISBN: 978-88548-5292-1, DOI 10.4399/97888548529217.

La rappresentazione dell'evento al confine tra dolo e colpa: un'indagine su rischio, ragionevole speranza e indicatori sintomatici. Note a margine della motivazione della sentenza delle Sezioni Unite sul caso ThyssenKrupp, in Rivista Trimestrale Diritto penale Contemporaneo, n. 4/2015, ISSN 2240-7618 (già edito sul sito telematico [www.penalecontemporaneo.it](http://www.penalecontemporaneo.it) 5 giugno 2015)

Cap. IV, La tutela penale del paesaggio, in Il territorio violato. Paesaggio, territorio e criticità sociali, a cura di Bruno M. Bilotta e Roberto Saja, Cedam, Padova, 2014, pp. 165-187, ISBN: 978-88-13-32855-9.

Realizzazioni di discariche abusive e posizione di garanzia del proprietario del fondo, in Giur. it., n. 3 Marzo 2014, pp. 687-694, ISSN: 5000001503796.

Recensione al volume Lex mitior e giustizia penale di Marco Gambardella, Torino, 2013, in Riv. it. dir. proc. pen., Fascicolo n. 4/2013, pp. 2018-2019, ISSN: 0557-1391.

Recensione al volume Il negazionismo come reato di Emanuele Fronza, Milano, 2012, in Riv. it.

dir. proc. pen., n. 3/2013, pp. 1546-1549, ISSN: 0557-1391.

Recensione al volume di Principio e precauzione e diritto penale. Paradigmi dell'incertezza nella struttura del reato di donato Castronuovo, Roma, 2012, in Riv. it. dir. proc. pen., N. 2/2013, pp. 901-902, ISSN: 0557-1391.

La seconda vita del dolo eventuale tra rischio, tipicità e colpevolezza. Riflessioni a margine del caso Thyssen, in Riv. it. dir. proc. pen., N. 3, 2012, pp. 1077-1118, ISSN: 0557-1391.

La configurabilità del tentativo con particolare riferimento alla fattispecie delittuosa di cui all'art. 377-bis c.p. in Diritto e Giurisprudenza commentata (Ed. Dike giuridica), n. 1/2012, pp. 88-94, ISBN: 9 788858200933.

L'annosa questione della confisca del veicolo tra modifiche legislative e contrasti giurisprudenziali, in Diritto e Giurisprudenza commentata (Ed. Dike giuridica), n. 1/2012, pp. 95-100, ISBN: 9 788858200933.

La responsabilità del committente per gli infortuni dei lavoratori, in Diritto e Giurisprudenza commentata (Ed. Dike giuridica), n. 6/2012, pp. 69-76, ISBN: 9788858201510.

Il reato di riciclaggio e la sua configurabilità come reato a consumazione prolungata, in Il diritto per i concorsi, Rivista giuridica bimestrale, Ed. Dike giuridica, n. 6/2011 pp. 69-76. ISBN: 9788858200773.

Eventi lesivi dell'incolumità personale nel contesto di competizioni agonistiche, Dossier della rivista giuridica VENTIQUATTRORE AVVOCATO – IL SOLE 24 ORE, giugno 2010, n. 2, pp. 22-32.

Le notifiche del processo penale, Dossier della rivista giuridica VENTIQUATTRORE AVVOCATO – IL SOLE 24 ORE, dicembre 2010, n. 4. pp. 61-71.

Principio di affidamento e causalità del reato colposo, in Il diritto per i concorsi, Rivista giuridica

bimestrale, Ed. Dike giuridica, n. 4/2010, pp. 53-69, Codice editore: 4, ISBN: 9788858200094.

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Tipicità e giustificazione di lesioni personali in ambito sportivo, in Riv. it. dir. proc. pen., N. 4, 2006, pp. 1584-1613, ISSN: 0557-1391.

## **LESSONS, CONFERENCES AND LECTURES**

In December 19<sup>th</sup>, 2019 she gave a lesson about the *“Variable boundary between the eventualis dolus and the wilful negligence, among guidelines of the application practice and the comparative solutions”* in the field of the teaching and educational activities for the *PhD in Juridical Sciences, CV in criminal protection and guarantees of the person in the domestic, international and comparative criminal procedure law: substantial and processual aspects”*.

In November 26<sup>th</sup>, 2019 as a Speaker in a Training Course about *“Family protection practices”, articles 570 and 570 bis of the penal code and “conditions and sanctions”*, organised by the Judicial High School – Educational Institute of Messina joined to the Italian Association Lawyers for Families and Minors of Messina, held in the Lecture Hall at the Court of Appeal in Messina.

In November 28<sup>th</sup>, 2019 she took part as a Speaker in the Continuing Medical Education Training Path with *“The Categories”* organised by CONOSCENZA MEDICA AC (Educational Body entitled to carry on training activities suitable to the Continuing Medical Education and therefore included in the List of National CME providers at the no.5731) organised by the Provincial Midwifery Association of Messina around *“The Medical Responsibility of a team”*.

In November 6<sup>th</sup>, 2019 she gave a lecture during a Training event organised by the Italian Association Young Lawyers about *“The crime in assisted suicide after the Intervention of the Constitutional Court: The Cappato case”*, conference held at the lecture Hall of the Court of Appeal in Messina.

In October 15<sup>th</sup> 2019 she gave a lesson on *“Access of minors to social media and cyberbullying”, in the context of educational and teaching programme of the PhD in Law.*

In December 15<sup>th</sup> 2018 she gave two lessons about Environmental criminal Law during the IV edition of the Summer School *“Tiziano Granata”* in Forensic Geology and environmental crimes ( Director : Professor Mrs Roberta Somma).

In December 3<sup>rd</sup> – 4<sup>th</sup> and 15<sup>th</sup> -16<sup>th</sup>, 2018 she gave a lecture about *“The Responsibility of medical team”* during some theoretical and practical courses about *“The medical responsibility: among legal amendments and law modifications”* organised by the Ordine degli Avvocati held at the Culture and services Department of Messina (Scientific Committee: Prof. Mrs. L. Risicato; Prof. Mr. A. Asmundo; Lawyer Mr. G. Villari)

In November 29<sup>th</sup>, 2018 she took part with a presentation during a seminary on “ *The boundary between the eventualis dolus and windful negligence through theoretical interpretations and legal practices* “, held by the Italian Young lawyer Association of Messina, at the Department of Culture and Services of Messina.

In October 8<sup>th</sup>, 2018 she chaired a conference organised by Prof. Francesco Pira about “*The trick of fake news*” organised by the Consiglio dell’Ordine degli Avvocati, during the annual ongoing education programme for the year 2018

In June 28<sup>th</sup>, 2018 she gave a lecture about “*Migration reports and criminal actions within the integration perspective and the social security*” in the framework of a conference on “*Social rights during the migrations*”, organised by the Faculty of Political and Law Sciences of the University of Messina.

In April 27<sup>th</sup>, 2018 she gave a lecture with title “*Vehicular homicide*”, during the XIX° meeting of the two-year course on “*Criminal Lawyer’s code of ethics and professional conduct*”, organised by the Local Criminal lawyer association of Patti.

In April 20<sup>th</sup>, 2018 she held a session about “*Cyberbullying*” within the frame of a second level Master in “*Criminology and Forensics*”, academic year 2017-2018

In March 14<sup>th</sup>, 2018 lecture during a session about “*the boundary between wilful misconduct or negligence concerning the vehicular homicide. Comparison between the legislation and its application*”. Meeting held at the Department of Culture and services of Messina.

In the frame of the work-related learning programme “*Rhetoric workshop*” organised by the High School Liceo Classico G. La Farina for the year 2016/2017, she took part into the project “*Lawsuit against Ulysses*” organised and supervised by Mrs. L. Riscato, Full Professor in Criminal Law at the University of Messina, Law department. The simulation of the lawsuit was carried out during the IV° edition of the “*Notte Nazionale del Liceo Classico*” (In January 12<sup>th</sup> 2018).

In November 17<sup>th</sup> and December 4<sup>th</sup>, 2017 within the frame of a work-related learning programme for the High School Liceo Classico F. Maurolico she gave a lesson about “*Cyberbullying, use of social media and criminal law*” on behalf of the University of Messina, Law department for the subject Criminal law.

In November 9<sup>th</sup>, 2017 she gave a lesson about “*Use of social media and criminal law*” at the High School Liceo Classico S. Ignazio in Messina, on behalf of the University of Messina, Law department for the subject Criminal Law.

In June 26<sup>th</sup> and 27<sup>th</sup>, 2015 she chaired the meeting about “*Pedophilia. Hands off children*” organised by the Police, in the commune of Letojanni (Messina).

In May 8<sup>th</sup>, 2015 lecture on “*Clandestine immigration and criminality*” within the context of a Meeting about “*Juridical aspect of immigration, rights protection and national security. The model of Siracusa*” at the ISIGS of Siracusa.

In February 24<sup>th</sup>, 2015 lecture on “*Protection of environment through criminal laws*” during a meeting organised at the University of Magna Grecia in Catanzaro about “*Considerations on the violated landscape, territory and social issues*” volume CEDAM, 2014.

In March 21<sup>st</sup>, 2014 lecture on “the art. 612-bis of the penal code “*Substantive rules and recent applications of law*” during the 1<sup>st</sup> workshop at the University Consortium of Megara Ibleo organised by the Artemide Association about the prevention and the contrast to the gender violence “*Stalking and cases of persecuting actes*”

In June 12<sup>th</sup>,2013 she gave a theoretical practical lesson on the “*Preventive measures according to the new anti-mafia code*” at the Training and Specializing Italian Centre of the Guardia di Finanza in Orvieto.

In May 12<sup>th</sup>,2013 at the IISISG (Siracusa) lecture on the “*Preventive measures according to the new anti-mafia code*” within the studies frame of “*Right and Legality*” organised by the University Consortium Megara Ibleo (law department of the University of Messina) in partnership with the National Award in Investigative and Judicial Journalism 2013.

In May 15<sup>th</sup> 2013, she gave a lesson on the “*Defense Lawyer and his dossier*” at the Auditorium of the Court of Appeal of the Tribunal of Messina, during a course aimed at getting the title of “*Assigned counsel*” organised by the Criminal Lawyers Association of Messina.

In April 22<sup>nd</sup>,2013 she gave a lesson on the “*Tax violations*” within the frame of a training course on the “*Professional activity of junior barristers*” organised by the Group of junior barristers and the Ordine degli Avvocati of Messina at the Department of Culture and services of Messina.

In December 10<sup>th</sup>,2012 lecture on “*Minors’ abuse based on the ratification of Lanzarote Convention. New provisions introduced by the Law no.172 of October 1<sup>st</sup> 2012,*” within the course of study organised by the Lawyers Association of Messina for the permanent education of lawyers 2012.

In March and December 2011 gave two lessons – three hours each – on “*Principles of criminal law 2*” in the frame of the regional course “*Juridical path. Base course for public law, second edition.*”

## **OTHER SCIENTIFIC COOPERATIONS**

She cared the notes of the Book VII – Judgement – of the Criminal Procedure Code with juridical comments, 2012. Dike Giuridica publisher

In the year 2012 she cared the Criminal observatory of the two-month basis juridical magazine for the professional updating and training “*Law and caselaw explained*” (Dike Giuridica publisher).

Cooperation in writing two chapters of “*Handbook of criminal law. Special part*” ed. 2011, Dike Giuridica publisher, dedicated to the criminal actions connected to society crimes, mostly bank and financial ones.

She cared the annotations of the articles related to the book II, Titles III (Administration of Justice), VI (Public safety and security), VIII (Public economy) of the Criminal Code and special laws with juridical comments (2011), series of books managed by Mr. Vincenzo Carbone and Mr. Vincenzo Scordamaglia, cared of by Mr. Vincenzo Scordamaglia, Mr Francesco Garingella, Mr luca Buffoni and Mr Luigi Cameriero ( Dike giuridica pulisher)

She cared the comments to the provisions of Paragraph I – *About the crime carried out or attempted* 8 artt. 39-58 bis p.c.), Paragraph II – *About the crime circumstances* (art.59-70 p.c.), Paragraph III title VII – *About civil sanctions* (art. 185-198 p.c.) of the Codice Penale d’Autore (2011 – Dike Giuridica publisher)

She cared the annotations of the art. 1571-1674 and 2028-2042 of the *Civil Code commented with laws* (2011), series of books directed by Mr Vincenzo Carbone and mr. Vincenzo Scordamaglia, cared by Mr Francesco Caringella , Mr. Luca Buffoni and Mrs Francesca della Valle (Dike Giuridica publisher).

### **OTHER QUALIFICATIONS**

**Expert for the Supervisory Court of Catania in the Court of Appeal during the three-year period 2020-2022.**

**Became licensed to practise law** in October 2<sup>nd</sup> 2008 at the Court of Appeal of Messina.

Enrolled in the Albo degli Avvocati with resolution of November 19<sup>th</sup> 2008.

In March 10<sup>th</sup> 2021 admitted to the Board-Certified Professor and full time University Researcher, annexed to the Ordine degli Avvocati