

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cr. ID Nos. 2207013451
	)	2207016351
JUSTIN M. LOCKE,	)	
	)	
Defendant.	)	

Submitted: August 12, 2025
Decided: October 13, 2025

**COMMISSIONER’S REPORT AND RECOMMENDATION THAT
DEFENDANT’S RULE 61 MOTION FOR POSTCONVICTION RELIEF
SHOULD BE DENIED**

James K. McCloskey and Isaac A. Rank, Deputy Attorneys General, Department
of Justice, Wilmington, Delaware, Attorney for the State

Justin M. Locke, James T. Vaughn Correctional Center, Smyrna, Delaware, *pro se*.

PARKER, Commissioner

Defendant Justin M. Locke's Rule 61 motion for postconviction relief should be denied for the reasons set forth below.

PROCEDURAL HISTORY

On October 24, 2022, Defendant Justin M. Locke and his two co-defendants, Tyler Simpson and Jeffrey Labarge, were indicted on the charges of Murder in the First Degree, Possession of a Firearm During the Commission of a Felony ("PFDCF"), Kidnapping First Degree, Conspiracy First Degree, and two counts of Conspiracy Second Degree. These charges arose out of the beating, shooting and burning death of Kevin Goodson on July 23-24, 2022.¹

On October 10, 2023, Locke pled guilty to: (1) an amended charge of Murder in the Second Degree (a lesser included offense of Murder in the First Degree); (2) PFDCF, (3) Kidnapping First Degree; and (4) Conspiracy First Degree. The State dismissed all the remaining charges in the indictment as part of the plea.²

On March 8, 2024, the Court sentenced Locke as follows: (1) Murder Second Degree- Life suspended after 45 years at Level V to be served pursuant to 11 *Del. C.* § 4204(k); (2) PFDCF- 20 years at Level V suspended after 5 years at Level V followed by probation; (3) Kidnapping First Degree- 20 years at Level V suspended after 5 years followed by probation; and (4) Conspiracy First Degree- 5 years at

¹ As to Criminal No. 2207016351- D.I. 2 (Indictment).

² As to Criminal No. 2207016351- D.I. 26 (Plea Agreement).

Level V suspended for probation. Thus, Locke was sentenced to a total unsuspended prison term of 55 years, followed by decreasing levels of probation.³

Locke did not file a direct appeal.

On June 18, 2024, Locke filed a motion for modification of sentence⁴, which was denied by the Superior Court on June 27, 2024.⁵

FACTS

The criminal charges stemmed from Locke's conduct on July 23-24, 2022. In the late evening of July 23, 2022, Locke and his co-defendants viciously assaulted the victim, Kevin Goodson, leaving him motionless in a parking lot. Later they returned to retrieve the motionless Goodson and moved him to a secluded steel mill where they dumped him in the dirt. They purchased a can of gas and returned to the steel mill where they again moved Goodson to an even more secluded spot and then shot him, doused his body with gasoline, and set his body on fire.

The Beating, Kidnapping and Killing of Goodson

On July 23, 2022, at 11:04 p.m., the victim, Kevin Goodson, entered a convenience store at a Sunoco Gas Station on Philadelphia Pike, while Locke and his two co-defendants, Simpson and Labarge, were already inside. Goodson said

³ As to Criminal No. 2207016351- D.I. 34 (Sentencing Order).

⁴ As to Criminal Action No. 2207016351- D.I. 39 (Motion for Sentence Modification).

⁵ As to Criminal Action No. 2207016351- D.I. 40 (Order denying Motion for Sentence Modification).

something that Locke did not like in the convenience store.⁶ The interaction between Locke and Goodson was captured on video surveillance.⁷

After Goodson exited the convenience store, Locke and his two co-defendants followed Goodson and viciously attacked him in a three-on-one attack.⁸ The surveillance footage from Claymont Auto Repair, located on Philadelphia Pike, showed that at approximately 11:13 p.m., Goodson was walking along Philadelphia Pike when he was viciously assaulted by Locke and his two co-defendants. The surveillance footage showed Simpson hold up his hand in front of Goodson before Locke approached and sucker-punched Goodson from behind. Locke and his co-defendants continued to punch and kick Goodson until they left him unconscious on the ground. The surveillance footage showed Locke standing over Goodson, as he laid motionless on the ground, and deliver two more blows to his head, before the three men fled.⁹

Locke and his co-defendants then found somebody in the Knollwood neighborhood to go check on Goodson. They paid the person with drugs to check

⁶ March 8, 2024 Sentencing Transcript, at pgs. 20-21, 60.

⁷ August 11, 2022 Preliminary Hearing, at pg. 14.

⁸ August 11, 2022 Preliminary Hearing, at pgs. 6-8.

⁹ March 8, 2024 Sentencing Transcript, at pgs. 21, 45, 60; August 11, 2022 Preliminary Hearing, at pgs. 6-8; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 1.

on Goodson.¹⁰ They wanted Goodson checked on, not to see if Goodson was okay, but to see how bad he was.¹¹ That person went to the Claymont Auto Repair parking lot where Goodson laid motionless and reported back that Goodson was still alive but not doing well.¹²

Locke's co-defendants suggested getting Goodson help but Locke told his co-defendants that they could not do so because Locke was on probation and had a child and therefore could not get in any more trouble. Locke and his co-defendants decided instead to "get rid of" Goodson.¹³

At approximately 11:39 p.m., Locke drove his vehicle, a red Nissan Rogue, to the Claymont Auto Repair parking lot. The two co-defendants, Simpson and Labarge, exited the vehicle and loaded Goodson into the trunk as Locke remained in the driver's seat. Once Goodson was loaded inside the trunk, Simpson and Labarge

¹⁰ As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

¹¹ March 8, 2024 Sentencing Transcript, at pgs. 22.

¹² As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

¹³ March 8, 2024 Sentencing Transcript, at pgs. 44-45, 60.

got back into the vehicle and Locke drove away.¹⁴ Locke drove to a secluded steel mill where they dumped Goodson leaving him in the dirt.¹⁵

After dumping Goodson in the dirt in the secluded steel mill, Locke drove back to the Knollwood neighborhood to again have the person do another job for them. This time, they hired the person to buy gasoline for them. The three defendants planned to kill Goodson and then burn him to destroy the evidence.¹⁶

Surveillance footage from the Chichester Sunoco showed Locke's vehicle arriving in the parking lot and a man, consistent with the person who went to check on Goodson after the assault, get out and purchase a can of gasoline.¹⁷

After dropping the man who had purchased the gasoline off at the Knollwood neighborhood, Locke and his two co-defendants, went back to the steel mill.¹⁸ When

¹⁴ March 8, 2024 Sentencing Transcript, at pgs. 61; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pgs. 1-2,4.

¹⁵ March 8, 2024 Sentencing Transcript, at pgs. 22-23, 61; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pgs. 3-4.

¹⁶ March 8, 2024 Sentencing Transcript, at pgs. 44-45; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

¹⁷ August 11, 2022 Preliminary Hearing, at pg. 24.

¹⁸ As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

they returned to Goodson at the steel mill, Goodson was no longer breathing.¹⁹ They moved Goodson to another location at the steel mill along the Delaware River. They then shot Goodson multiple times, doused his body with gasoline, and set his body on fire.²⁰

Video Footage, Locke's GPS Records, Goodson's DNA and a Witness

The interaction between Locke and Goodson at the Sunoco Gas Station was captured on video surveillance.²¹ The vicious assault of Goodson by Locke and his co-defendants was captured on video surveillance.²² The person, that Locke and his co-defendants, paid to check on Goodson was captured on video surveillance checking on Goodson.²³ Locke returning to the parking lot with his co-defendants and loading Goodson into the trunk of Locke's vehicle was captured on video

¹⁹ As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

²⁰ March 8, 2024 Sentencing Transcript, at pgs. 60-63; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

²¹ August 11, 2022 Preliminary Hearing, at pgs. 13-14; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 5.

²² August 11, 2022 Preliminary Hearing, at pgs. 6-8.

²³ August 11, 2022 Preliminary Hearing, at pgs. 9-10; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 1.

surveillance.²⁴ Also captured on video surveillance was Locke's vehicle arriving in the parking lot of the Chichester Sunoco and the man, who they paid to purchase a can of gas, getting out of the Locke's vehicle and returning with a can of gas.²⁵

Moreover, a witness saw Goodson being loaded into the trunk of Locke's vehicle and called 9-1-1 to report it.²⁶ This report led to the police obtaining video surveillance from the area businesses. It was from video surveillance that the police were able to identify the vehicle registration plate (Delaware Tag No. 290410) on the red Nissan Rogue, the vehicle the assailants were driving at the time of the assault.²⁷ The police learned that the vehicle was owned by Locke. Locke matched the description of the person that they observed on the surveillance footage.²⁸ The

²⁴ August 11, 2022 Preliminary Hearing, at pgs. 10-11; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 1.

²⁵ August 11, 2022 Preliminary Hearing, at pg. 24.

²⁶ March 8, 2024 Sentencing Transcript, at pgs. 22, 46-47; August 11, 2022 Preliminary Hearing, at pg 6; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 1.

²⁷ August 11, 2022 Preliminary Hearing, at pg. 14; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 2.

²⁸ August 11, 2022 Preliminary Hearing, at pg. 14; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 2.

police located Locke's vehicle and seized it.²⁹ The vehicle was covered in dirt and during a search of the vehicle apparent blood was found in the truck.³⁰

The police quickly realized that Locke was on probation in Maryland and was on GPS monitoring at the time of the incident.³¹ The police obtained Locke's GPS coordinates for the evening he attacked Goodson. Locke's GPS location records led the police to Goodson's body, which the police found shot and burned and buried in a tarp along the riverbed of the Delaware River.³²

The police submitted various DNA swabs and collected items for DNA analysis. The DNA analyst determined that the blood swabs collected from the Claymont Auto Repair parking lot, the burn site, and the trunk of Locke's vehicle were all a match to Goodson.³³

²⁹ August 11, 2022 Preliminary Hearing, at pg. 18-19; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 1.

³⁰ As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 2.

³¹ August 11, 2022 Preliminary Hearing, at pg. 22; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 2.

³² March 8, 2024 Sentencing Transcript, at pgs. 63-64; August 11, 2022 Preliminary Hearing, at pgs. 22-27; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pgs. 3-4.

³³ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pgs. 12-13.

Defendants' Confessions

Locke was the first of the three defendants to be interviewed because he was the first one identified based on his vehicle registration records. The police conducted a post-Miranda interview with Locke.³⁴ At the time of the interview, the police had obtained the video surveillance footage of Locke's verbal altercation with Goodson, footage of the assault and footage of the kidnapping, but they had not yet obtained Locke's GPS location records. Locke was on probation in Maryland and as part of his probation he was wearing a GPS ankle monitor.³⁵

When confronted with the video surveillance footage, Locke admitted to having a verbal altercation with Goodson inside the Sunoco store and admitted that he along with two others got into a fight with Goodson.³⁶ Locke admitted that he drove back to the Claymont Auto Repair parking lot and that the other two defendants placed Goodson into the trunk of his vehicle while he was operating the vehicle.³⁷

³⁴ As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 3.

³⁵ August 11, 2022 Preliminary Hearing, at pg. 22.

³⁶ August 11, 2022 Preliminary Hearing, at pgs. 18-20; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 3.

³⁷ August 11, 2022 Preliminary Hearing, at pg. 20; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 3.

Locke then told the police that he drove to the Knollwood neighborhood where he pulled into an alleyway behind Balfour Drive and stated that Labarge and Simpson may have hidden or disposed of the victim. Locke told the police that he did not participate in this portion of the events and could not provide a definitive location of the victim, however, he believed that the victim could be in the wooded area behind the alley behind Balfour Avenue.³⁸

The police then obtained Locke's GPS location records, which update in one-minute intervals, and traced his whereabouts the evening at issue, July 23-24, 2022. Locke's GPS location records led the police to Goodson's body, which was found shot and burned, at the steel mill along the Delaware River.³⁹ It was apparent from Locke's GPS location records that he was not truthful about his knowledge of, and involvement in, the killing and disposal of Goodson's body.

Locke's GPS location records showed that he was at the steel mill complex along the Delaware River at 11:45 p.m. His GPS location records showed that he eventually left the steel mill and went to the Sunoco in Chichester, Pennsylvania.⁴⁰

³⁸ August 11, 2022 Preliminary Hearing, at pg. 21; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 3.

³⁹ August 11, 2022 Preliminary Hearing, at pgs. 21-28.

⁴⁰ As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pgs. 3-4.

The same timeframe that the surveillance footage from the Chichester Sunoco showed Locke's vehicle arriving in the parking lot and a man, consistent with the man who went to check on Goodson after the assault, got out of Locke's vehicle to purchase a can of gas and return to Locke's vehicle.⁴¹ The man purchasing the gas placed a white towel over his head and a baseball cap on top of it to conceal his face from video surveillance cameras.⁴²

Locke's GPS location records revealed he then returned to Knollwood after leaving the Chichester Sunoco, consistent with him dropping off the man that purchased the gas for him at the Chichester Sunoco.⁴³

Locke's GPS location records revealed that after going to Knollwood to drop off the man that purchased the gas, that contrary to what Locke told the police, at approximately 12:23 p.m., he, in fact, returned to the steel mill property.⁴⁴ At the steel mill property, Locke went to the location where he had previously parked for a

⁴¹ August 11, 2022 Preliminary Hearing, at pgs. 21-28; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pgs. 3-4.

⁴² August 11, 2022 Preliminary Hearing, at pgs. 24-25; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pgs. 3-4.

⁴³ August 11, 2022 Preliminary Hearing, at pg. 25; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁴⁴ August 11, 2022 Preliminary Hearing, at pg. 25; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

brief period and then traveled south along the river's edge, deeper into the property, to a remote location along the Delaware River at approximately 12:33 p.m.⁴⁵ Locke's GPS location records were consistent with his co-defendants' confessions that they moved Goodson from one location at the steel mill to another before shooting and burning him.⁴⁶

The police went to Locke's second GPS location at the steel mill complex and noticed a strong odor of gasoline and saw an apparent burn site.⁴⁷ They also found what appeared to be blood and two spent .25 caliber shell casings.⁴⁸ The police canvassed the area and noticed a gray tarp sticking out from under a pile of rocks. They removed the rocks and found the victim's burned body concealed within the tarp.⁴⁹

⁴⁵ August 11, 2022 Preliminary Hearing, at pg. 25; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pgs. 3-4.

⁴⁶ As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁴⁷ August 11, 2022 Preliminary Hearing, at pgs. 25-26; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁴⁸ August 11, 2022 Preliminary Hearing, at pg. 26; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁴⁹ August 11, 2022 Preliminary Hearing, at pgs. 26-27; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

An autopsy revealed that the burned body was Goodson.⁵⁰ The body was severely burned and he had four gunshot wounds to his head and torso.⁵¹ The manner of death was determined to be homicide and the cause of death was “homicidal violence including blunt impact injuries, thermal burns and gunshot wounds to the head and torso.”⁵²

On July 28, 2022, the police located and interviewed the witness who went to check on Goodson in the parking lot and then purchased a can of gas for the defendants. The witness explained that he was a drug addict who hangs out in the Knollwood neighborhood. He told the police that Locke showed up in a red car with two other guys saying that they beat someone up and wanted him to go check on the victim’s condition in exchange for drugs.⁵³ When he checked on the victim, the victim was unconscious but breathing.⁵⁴ Later that evening, they asked him to buy them a can of gas. He purchased the can of gas and then they dropped him back off in Knollwood and left.⁵⁵ He admitted that he wore a towel on his head to conceal his face when he purchased the can of gas for the defendants.⁵⁶

⁵⁰ As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁵¹ August 11, 2022 Preliminary Hearing, at pg. 27.

⁵² As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 8.

⁵³ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 9.

⁵⁴ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 10.

⁵⁵ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 10.

⁵⁶ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 10.

Co-Defendant Labarge was taken into custody on July 28, 2022.⁵⁷ He provided a post-Miranda statement on July 28, 2022 and another on April 20, 2023. After several false stories, when confronted with the surveillance footage and Locke's GPS location records, Labarge eventually told the police that he, Locke and Simpson assaulted the man they met at the Sunoco convenience store and left him in the Claymont Auto Repair parking lot.⁵⁸ After the initial attack, they went to the Knollwood neighborhood and picked up a man to go check on the victim. The man reported back to them that the victim was alive but did not look good.⁵⁹

Labarge told the police that it was Locke's idea to go back and get the victim from the parking lot.⁶⁰ Labarge admitted that after loading the victim into Locke's vehicle, they went into the dirt roads of the steel mill.⁶¹ Once they were deep in the property, they stopped and took the victim out of the vehicle. The victim was breathing and making a snoring noise.⁶² After dumping the victim out of the vehicle,

⁵⁷ August 11, 2022 Preliminary Hearing, at pg. 28.

⁵⁸ August 11, 2022 Preliminary Hearing, at pgs. 28-29; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁵⁹ August 11, 2022 Preliminary Hearing, at pg. 29.

⁶⁰ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 11.

⁶¹ August 11, 2022 Preliminary Hearing, at pg. 29; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

they went back to get the man from Knollwood to have him buy gasoline at the Sunoco in Chichester.⁶³

After the man purchased the can of gas for them, they brought the man back to the Knollwood neighborhood and the three of them, Locke, Labarge and Simpson, returned to the steel mill complex, located the victim, and put the victim back into the vehicle.⁶⁴ Labarge stated that when they returned to the steel mill complex, the victim was no longer breathing.⁶⁵ They moved the victim to a second location on the steel mill property.⁶⁶ Once they got to the second location, the victim was shot multiple times and the victim's body was set on fire.⁶⁷

⁶² August 11, 2022 Preliminary Hearing, at pg. 29; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁶³ August 11, 2022 Preliminary Hearing, at pgs. 29-30; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁶⁴ August 11, 2022 Preliminary Hearing, at pg. 30; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁶⁵ August 11, 2022 Preliminary Hearing, at pg. 30; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁶⁶ August 11, 2022 Preliminary Hearing, at pg. 30; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

⁶⁷ August 11, 2022 Preliminary Hearing, at pgs. 30-31; As to Criminal No. 2207016351- D.I. 1- Affidavit of Probable Cause attached as Exhibit B to Justice of Peace Court No. 2 Commitment filed in the Superior Court on August 12, 2022, at Exhibit B pg. 4.

Labarge also told police that there was a trap compartment in the center console of Locke's vehicle where Locke kept a gun and drugs.⁶⁸ Labarge told the police that he saw Locke in possession of the .25 caliber handgun for several days, and that it was Simpson's gun.⁶⁹

The police obtained a second search warrant for Locke's vehicle and discovered the trap compartment under the center console/gear shift. Inside, the police found a loaded .25 caliber handgun, 57 bags of heroin, nearly a gram of methamphetamine and pills.⁷⁰ The .25 caliber handgun was consistent with the .25 caliber shell casing recovered at the scene. Delaware State Police conducted a ballistics analysis of the firearm, shell casings and projectiles removed during Goodson's autopsy. The results were inconclusive as to whether they were fired from the recovered handgun.⁷¹

On May 25, 2023, the third defendant, Simpson, provided a statement to law enforcement.⁷² Simpson admitted being at the Sunoco convenience store with Locke and Labarge. He admitted assaulting Goodson.⁷³ He acknowledged having a drug addict from the Knollwood neighborhood go check on the victim.⁷⁴ Simpson told the police that the man reported back that the victim still had a pulse, and Simpson

⁶⁸ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 12.

⁶⁹ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 12.

⁷⁰ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 12.

⁷¹ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 12.

⁷² As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 13.

⁷³ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 13.

⁷⁴ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 13.

wanted to get the victim help, but Locke told Simpson they could not do so because Locke was on probation with GPS monitoring and had a child to worry about.⁷⁵ That was when they decided to “get rid of him.”⁷⁶

Simpson told the police that Locke then drove them back to the attack location and they loaded the victim into the vehicle. They then went to the steel mill and dropped the victim off there.⁷⁷ They then went back to the Knollwood neighborhood and began discussing “getting rid of the evidence”, so they decided to get a can of gas. They did not want to be caught on camera purchasing the gas, so they got the neighborhood drug addict to go with them and buy the gas.⁷⁸ Locke paid the drug addict with drugs.⁷⁹ Simpson told the police that the plan was to kill Goodson and burn his body at the time they had the man purchase the gas for them.⁸⁰

After the man purchased the gas, they dropped him back off in the Knollwood neighborhood and returned to the steel mill. Simpson told the police that all three of them- Locke, Labarge, and Simpson loaded Goodson back into the vehicle and drove him to a second location because Locke did not like the initial spot. They again took Goodson out of the vehicle.⁸¹

⁷⁵ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 13.

⁷⁶ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 13.

⁷⁷ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 13.

⁷⁸ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pgs. 13-14.

⁷⁹ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 14.

⁸⁰ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 14.

⁸¹ As to Criminal No. 2207016351- D.I. 51-State’s Response to Rule 61 Motion, at pg. 14.

Simpson told the police that Locke took out a gun. Locke said he had to be sure that Goodson was dead and then shot him.⁸² Simpson told the police that Locke often carries a firearm in his vehicle in a compartment near the gear shift.⁸³ They then dumped the gasoline on Goodson's body and lit him on fire. The three co-defendants then left in Locke's vehicle.⁸⁴

The Defendants Accept Plea Offers and are Sentenced

Locke and his two co-defendants all accepted plea offers. They each pled guilty to murder in the second degree (a lesser included offense of murder in the first degree) plus additional charges.⁸⁵

They were all sentenced on March 8, 2024.⁸⁶

Locke did not file a direct appeal.

On March 28, 2024, Locke filed a motion for modification of sentence, which was denied by Order dated June 27, 2024.⁸⁷ In denying the motion for modification of sentence, the Superior Court noted that Locke, along with his co-defendants, severely beat the victim until unconscious and near dead. Failing to kill him, Locke

⁸² As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 14.

⁸³ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 14.

⁸⁴ As to Criminal No. 2207016351- D.I. 51-State's Response to Rule 61 Motion, at pg. 14.

⁸⁵ As to co-defendant Simpson, see, *State v. Simpson*, Criminal ID Nos. 2207016353 & 2207013452; As to co-defendant Labarge, see, *State v. Labarge*, Criminal ID Nos. 2207013704 & 2207016329.

⁸⁶ March 8, 2024 Sentencing Transcript: Sentencing of Labarge at pgs. 18-42; Sentencing of Simpson at pgs. 43-59; Sentencing of Locke at pgs. 59-77.

⁸⁷ As to Criminal Action No. 2207016351- D.I. 40.

then actively arranged the subsequent shooting and burning of the victim. Locke did this while wearing a GPS monitor.⁸⁸ At sentencing, the Court found the facts of this horrible crime gave rise to aggravating factors for sentencing like “excessive cruelty,” “undue depreciation of offense,” vulnerability of victim”, and “custody status at time of offense.” As such, the Court found that the sentence was appropriate for all the reasons stated at the time of sentencing.⁸⁹

LOCKE’S RULE 61 MOTION

On January 2, 2025, Locke filed a *pro se* Rule 61 Motion for Postconviction Relief and a motion requesting the appointment of counsel.

By Order dated February 28, 2025, this Court denied the appointment of counsel and set a briefing schedule for Locke’s Rule 61 motion.⁹⁰ Before ruling on the Rule 61 motion, the record was enlarged, and Locke’s trial counsel was directed to submit an Affidavit responding to the ineffective assistance of counsel claim(s). Thereafter, the State filed a response to the motion and Locke filed a reply thereto.⁹¹

Locke, in his initial submission, raised only one broad allegation that trial counsel provided ineffective assistance throughout the case.⁹²

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ As to Criminal No. 2207016351- D.I. 49 (February 28, 2025 Order denying counsel and setting a briefing schedule).

⁹¹ Super.Ct.Crim.R. 61(f) and 61(g).

⁹² As to Criminal No. 227016351 – D.I. 44 (Rule 61 Motion)

In his Reply, Locke fleshed out his broad allegation of counsel ineffectiveness and raised various alleged missteps by counsel that he contended supported his counsel ineffectiveness claim.

All of Locke's claims of counsel ineffectiveness were waived at the time he entered into his plea. His claims are also without merit.

Locke's Claims Were Waived Upon the Entry of his Plea

A defendant is bound by his answers on the guilty plea form and by his testimony at the plea colloquy in the absence of clear and convincing evidence to the contrary.⁹³ In the subject action, the Plea Agreement, Truth-in-Sentencing Guilty Plea Form, and plea colloquy establish that Locke entered into his guilty plea intelligently, knowingly and voluntarily.⁹⁴

At the time of the plea, Locke represented that he had reviewed the plea agreement and Truth-in-Sentencing Guilty Plea Form with his attorney, that he understood the terms of the plea agreement, that he understood the consequences of entering into the plea, and that he was satisfied with his attorney's representation.⁹⁵ Locke further represented that nobody threatened or forced him to

⁹³ *State v. Harden*, 1998 WL 735879, *5 (Del.Super.); *State v. Stuart*, 2008 WL 486858, *3 (Del.Super.).

⁹⁴ October 10, 2023 Plea Colloquy; Plea Agreement dated October 10, 2023; Truth- in-Sentencing Guilty Plea Form dated October 10, 2023.

⁹⁵ October 10, 2023 Plea Colloquy at pgs. 3-7; Truth- in-Sentencing Guilty Plea Form dated October 10, 2023.

plead guilty.⁹⁶ Locke's representations to the Superior Court during the guilty plea colloquy are presumed to be truthful.⁹⁷

Locke expressly represented to the Court that he understood that by entering into his guilty plea he was not going to have a trial and that he understood he was waiving certain rights. He acknowledged that he was waiving the right to be presumed innocent until the State proved each and every element of all the charges against him. He was waiving the right to a speedy and public trial with the assistance of an attorney, the right to a trial by jury, the right to hear and question witnesses, the right to present evidence on his own behalf, the right to testify or not testify in his defense, and the right to appeal.⁹⁸

Locke understood that he waived his right to challenge any defects occurring prior to the entry of his plea, even those of constitutional proportions.⁹⁹ He also represented that he knew that he was waiving his right to test the strength of the State's evidence, the right to hear and question witnesses, the right to present evidence in his own defense, and the right to appeal, if convicted.¹⁰⁰

⁹⁶ October 10, 2023 Plea Colloquy at pg. 6.

⁹⁷ *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997).

⁹⁸ October 10, 2023 Plea Colloquy at pg. 6.

⁹⁹ October 10, 2023 Plea Colloquy at pg. 6; Plea Agreement dated October 10, 2023; Truth-in-Sentencing Guilty Plea Form dated October 10, 2023.

¹⁰⁰ October 10, 2023 Plea Colloquy at pg. 6; Plea Agreement dated October 10, 2023; Truth-in-Sentencing Guilty Plea Form dated October 10, 2023.

At the plea colloquy, Locke admitted that he was guilty of the charges of Murder in the Second Degree, PFDCF, Conspiracy First, and Kidnapping.¹⁰¹ At sentencing, Locke told the Court that he took full accountability for his actions that resulted in the death of his victim.¹⁰²

As confirmed by the plea colloquy, Plea Agreement and Truth-in-Sentencing Guilty Plea Form, Locke entered into his plea knowingly, intelligently and voluntarily.

The State's evidence against Locke was overwhelming. He was captured on video surveillance brutally and viciously attacking the victim, leaving the victim lying on the ground motionless. Indeed, Locke is captured on video continuing to punch the victim in the head, even after he is laying on the ground motionless. Locke was captured on video surveillance driving his vehicle back to the parking lot to retrieve the motionless victim to move him to another location. Locke was captured on video surveillance driving to the Chichester Sunoco gas station so that gas could be purchased in order to burn the victim. In fact, it was Locke's GPS location records that led the police to the victim's body, where the victim was found shot and burned. Locke's co-defendants both admitted to having participated in the assault, kidnapping and killing of Goodson. The witness, who had been paid

¹⁰¹ October 10, 2023 Plea Colloquy, at pgs. 7-9.

¹⁰² March 8, 2024 Sentencing Transcript, at pgs. 71-73.

in drugs to check on the status of Goodson in the parking lot, and to purchase the gas for Locke, admitted to doing so at Locke's behest.

Locke could have elected to proceed to trial thereby preserving the right to continue to test the State's case and preserving the right to raise any defenses but if this case went to trial, in all likelihood, Locke would have been convicted of Murder in the First Degree, as well as all the other indicted charges. Had Locke proceeded to trial, in all likelihood, Locke would be serving a life sentence without parole, plus significant additional years of incarceration. Instead, he chose to waive those rights and accept the plea offer. Locke's plea represented a prudent choice given the evidence against him, the pending charges, and the possible sentences he was facing.

Locke derived a significant benefit from accepting the plea, and pleading guilty to the lesser charge of Murder in the Second Degree, thereby sparing himself a life sentence without parole plus significant additional years of incarceration on all the other indicted charges.

All of Locke's claims presented herein stem from allegations of defects, errors, misconduct, shortcomings and deficiencies which existed at the time of the entry of the plea and sentence. All of Locke's claims presented herein were waived

when he knowingly, freely and intelligently entered his plea, even those of constitutional proportions.¹⁰³

Locke's Claims Are Without Merit

In addition to all of Locke's claims having been waived, Locke's claims are also without merit.

In order to prevail on an ineffective assistance of counsel claim, the defendant must meet the two-pronged *Strickland* test by showing that: (1) counsel performed at a level "below an objective standard of reasonableness" and that, (2) the deficient performance prejudiced the defense.¹⁰⁴ The first prong requires the defendant to show by a preponderance of the evidence that defense counsel was not reasonably competent, while the second prong requires him to show that there is a reasonable probability that, but for defense counsel's unprofessional errors, the outcome of the proceedings would have been different.¹⁰⁵

In the context of a plea challenge, it is not sufficient for the defendant to simply claim that his counsel was deficient. The defendant must also establish that counsel's actions were so prejudicial that there was a reasonable probability that, but for counsel's deficiencies, the defendant would not have taken a plea but would

¹⁰³ *Somerville v. State*, 703 A.2d 629, 632 (Del. 1997); *Modjica v. State*, 2009 WL 2426675 (Del. 2009); *Miller v. State*, 840 A.2d 1229, 1232 (Del. 2004); *Evans v. State*, 2025 WL 1565409 (Del.); *Mills v. State*, 2016 WL 97494, at *3 (Del.).

¹⁰⁴ *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984).

¹⁰⁵ *Id.* at 687-88, 694.

have insisted on going to trial.¹⁰⁶ The burden of proving ineffective assistance of counsel is on the defendant.¹⁰⁷ Mere allegations of ineffectiveness will not suffice; instead, a defendant must make and substantiate concrete allegations of actual prejudice.¹⁰⁸

Before turning to Locke's specific ineffective assistance of counsel claims, it is noted at the onset that it is hard to envision how trial counsel's representation of Locke could be deemed deficient in any respect given the ultimate result achieved in light of the facts and circumstances presented herein. Given the overwhelming evidence against Locke, if he did not accept the plea, and proceeded to trial, he would, almost certainly, have been convicted of Murder in the First Degree, as well as all the other indicted charges and would be serving a life sentence without parole, plus significant additional years of imprisonment. Locke derived a significant benefit from having taken his plea.

Locke's trial counsel effectively conveying to Locke that he did not have any viable defenses nor were there any viable pretrial motions that existed that could reduce or dismiss his pending charges, was not ineffective, but was accurately conveying the strength of the State's evidence against Locke, and the likelihood of convictions on all the indicted charges.

¹⁰⁶ *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984); *Somerville v. State*, 703 A.2d 629, 631 (Del. 1997); *Premo v. Moore*, 131 S.Ct. 733, 739-744 (2011).

¹⁰⁷ *Oliver v. State*, 2001 WL 1751246 (Del.).

¹⁰⁸ *Younger v. State*, 580 A.2d 552, 556 (Del. 1990).

Turning to Locke's specific complaints. In his Reply, Locke's Claims 1-5 and Claims 16-19, all pertain to his general dissatisfaction with his counsel's representation. However, his contentions in his Rule 61 motion that he was dissatisfied with his counsel's representation is directly at odds with his representation to the Court at the time of his plea.

At the time of the plea, Locke represented that he was satisfied with his counsel's representation of him and that he was fully advised of his rights.¹⁰⁹ Representations made by Locke during the plea colloquy are presumed to be truthful in the absence of clear and convincing evidence to the contrary. The record is devoid of any evidence to support his present contention of attorney dissatisfaction at the time of the plea. Locke is bound by his answers on the plea paperwork and at the plea colloquy.

In fact, at the time of the plea, the Court specifically acknowledged that Locke's trial counsel did a very good job in counsel's representation of Locke.¹¹⁰ The Court commented to Locke that his attorney had been very active in his case and did a very good job, and that Locke should keep following her advice during the presentence investigation through sentencing.¹¹¹ In response to the Court's comments, Locke did not voice any complaints or concerns or contrary views as

¹⁰⁹ Truth-in-Sentencing Guilty Plea Form dated October 10, 2023; October 10, 2023 Guilty Plea Colloquy, at pgs. 4-7.

¹¹⁰ October 10, 2023 Guilty Plea Colloquy, at pg. 10.

¹¹¹ October 10, 2023 Guilty Plea Colloquy, at pg. 10.

to his counsel's representation.¹¹² Locke, at the time of the plea, represented that he was satisfied with his counsel's representation. His present contentions of counsel dissatisfaction are without merit.

In Claims 6 and 7, Locke asserts that counsel was ineffective for failing to perform a full/complete investigation of the facts and failed to have a trial strategy. First, Locke understood that by accepting the plea he was waiving his rights to test the State's evidence and raise any defenses that may have existed. Second, Locke does not provide any support for this claim as to what should have been discovered but was not, and how that lack of discovery resulted in prejudice to him. As to a trial strategy, in light of the overwhelming evidence against Locke, there was no apparent viable defense. Conclusory, unsupported and unsubstantiated allegations are insufficient to establish a claim of ineffective assistance of counsel.¹¹³ These claims are without merit.

In Claim 8, Locke complains that the DNA report was submitted two months past the deadline and counsel never moved to exclude it as a result. Again, this claim was waived when Locke accepted his plea, thereby waiving his right to challenge the State's evidence and raise any defenses. Second, reasonable extensions for

¹¹² See, October 10, 2023 Guilty Plea Colloquy; Truth-in-Sentencing Guilty Plea Form dated October 10, 2023.

¹¹³ *Younger v. State*, 580 A.2d 552, 556 (Del. 1990); *State v. Brown*, 2004 WL 74506, *2 (Del.Super. 2004) (conclusory and unsubstantiated allegations of unprofessional conduct are insufficient to support a motion for postconviction relief).

deadlines are routinely granted. There does not appear to be any basis for counsel to have sought the exclusion of the report. An ineffective assistance of counsel claim based on the failure to object to evidence is without merit if trial counsel lacked a legal or factual basis to object to the evidence.¹¹⁴

Third, even if the DNA report was excluded, it would not have materially changed the outcome of the trial. The DNA report stated that the blood swabs collected from the Claymont Auto Repair parking lot, the burn site, and the trunk of Locke's vehicle were all a match to Goodson. If this report was excluded, there was still overwhelming evidence against Locke that he brutally assaulted Goodson and left him lying motionless in the parking lot, that he retrieved Goodson and put him in the truck of his vehicle, and that he then took Goodson to the secluded steel mill where he was shot and killed. This claim is without merit.

In Claim 9, Locke claims that because there were drugs found in the secret compartment of his vehicle, counsel was ineffective for not investigating why he was not charged with the drugs. Locke suffered no prejudice whatsoever from counsel not inquiring as to why the drug charges were not also included in the indictment. Counsel's inquiry could have led to the State amending the indictment to include the drug charges. Counsel was prudent not to raise this issue and was not ineffective in any regard. This claim is without merit.

¹¹⁴ *State v. Exum*, 2002 WL 100576, at *2 (Del.Super.), *affirmed*, 2002 WL 2017230, at *1 (Del.).

In Claim 10, Locke claims that the gun found in the secret compartment of his vehicle was put there after Locke's arrest. Again, Locke could have proceeded to trial thereby preserving his right to contest the State's evidence but he waived those rights when he accepted the plea. Moreover, there is no question that Locke or one of his co-defendants shot Goodson four times with a gun. Either they used the gun found in Locke's secret compartment or they used a different gun that they subsequently discarded. The State did not need to find the actual gun used to shot Goodson to establish that the defendants shot Goodson. The bullet wounds, the shell casings, and the co-defendants' admissions, establish that Goodson was shot by the defendants. This claim is without merit.

In Claim 11, Locke claims that there was no DNA comparison made between him and the evidence found. Again, Locke waived this claim at the time of the plea. Second, this case was not a whodunit. Locke did it. He was captured on video surveillance, he admitted to having committed the brutal assault and kidnapping, his co-defendants admitted to having participated in the brutal assault, kidnapping and killing, and Locke's GPS records established his whereabouts that evening and led the police to Goodson's shot and burned body. No DNA evidence was needed for the State to convict Locke of all the charges in the indictment. This claim is without merit.

In Claim 12, Locke claims that counsel did not object to the detective's testimony about the assault at the preliminary hearing, which to Locke somehow

shows that counsel never looked at the surveillance tape. Again, Locke waived this claim at the time of the plea. Moreover, the Detective accurately testified at the preliminary hearing as to the surveillance footage of the assault.¹¹⁵ The Detective testified that two people approached the victim from the sidewalk and the third flanked him from the left and all three of them were punching and kicking the victim until they fled leaving the victim motionless in the parking lot.¹¹⁶ There was no basis to object to the detective's testimony. Even if the detective did make some slight misstatement, which he then corrected, counsel would not be deemed ineffective for failing to object to every misstatement, however slight. Effective counsel picks and chooses his/her objections and cannot be deemed ineffective or unprepared for not making objections that would serve no useful purpose. This claim is without merit.

In Claim 13, Locke claims counsel was ineffective for not questioning why his statement was taken while he was under the influence of alcohol and drugs. Again, Locke waived this claim at the time of the plea. Moreover, in his statement Locke admitted only to having committed the assault and kidnapping. The assault and kidnapping were captured on surveillance footage. His statement was duplicative of the evidence the State already had. It does not appear that counsel even had a basis to question the admissibility of his statement but even if such a

¹¹⁵ August 11, 2022 Preliminary Hearing, at pgs. 7-9.

¹¹⁶ August 11, 2022 Preliminary Hearing, at pgs. 7-9.

basis existed, the admissibility of Locke's statement was inconsequential in light of the additional overwhelming evidence establishing Locke's guilt. This claim is without merit.

In Claim 14, Locke claims that counsel somehow impacted the ability of Locke to have his case dismissed or some charges dropped or reduced, formulate trial strategy, and/or receive a not guilty verdict by not filing the necessary pretrial motions, objecting to perjured testimony, and talking to co-defendant about recanting his statement.

This claim really appears to be Locke's frustration that the State's evidence against him was so overwhelming. Again, Locke waived this claim at the time of his plea. Moreover, Locke had no viable defenses, and there were no meritorious pretrial motions that could have been filed in good faith seeking to have his charges dropped or reduced.

Ineffective assistance of counsel claims based on the failure to file motions, raise defenses, or object to evidence, are without merit if trial counsel lacked a legal or factual basis to do so.¹¹⁷ The fact that Locke was voluntarily under the influence of drugs or alcohol at the time of incident is not a defense to his actions.¹¹⁸ Locke's

¹¹⁷ *State v. Exum*, 2002 WL 100576, at *2 (Del.Super.), *affirmed*, 2002 WL 2017230, at *1 (Del.).

¹¹⁸ See, 11 *Del. C.* § 401(c); 11 *Del. C.* § 421 (the fact that a criminal act was committed while the person committing such act was in a state of intoxication, or was committed because of such intoxication, is no defense to any criminal charge if the intoxication was voluntary.)

trial counsel cannot be deemed ineffective for not talking to his co-defendants about recanting their confessions. The co-defendants both accepted pleas and both admitted to their participation in the assault, kidnapping and killing of Goodson. To the extent that one or the other co-defendant told the police that Locke shot the victim and then lit him on fire, but it was really one of them that performed either of these acts, it would have made no difference to the charges Locke was facing. Locke would still have been convicted as an accomplice rather than as the principal.¹¹⁹

Locke's conclusory, unsupported and unsubstantiated claims of attorney ineffectiveness are not supported by the record and are insufficient to establish a claim of ineffective assistance of counsel.¹²⁰

In Claim 15, Locke claims that his counsel was ineffective for retaining a mental evaluator but not having the evaluator complete the assessment. Locke claims this prejudiced his ability to establish defenses of incompetency or insanity.

In this case, Locke clearly knew the difference between right from wrong. It was his idea to move Goodson, kidnap him and to kill him, and to thereafter burn his body in order to destroy the evidence of his wrongdoing. Locke wanted to prevent himself from being caught and punished for his wrongful conduct because he was already on probation and he had a child. He did not lack substantial capacity

¹¹⁹ See, *Ayers v. State*, 844 A.2d 304, 308-310 (Del. 2004).

¹²⁰ *Younger v. State*, 580 A.2d 552, 556 (Del. 1990); *State v. Brown*, 2004 WL 74506, *2 (Del.Super. 2004) (conclusory and unsubstantiated allegations of unprofessional conduct are insufficient to support a motion for postconviction relief).

to appreciate the wrongfulness of his conduct.¹²¹ He understood it fully and took the steps he deemed necessary to avoid being caught. He hired a man to check on the status of the victim in the parking lot because he did not want to be caught doing so. He hired that same man to purchase gas for him because he did not want to be caught on surveillance cameras purchasing gasoline, which he intended to use to burn the victim to destroy the evidence of his criminal conduct. He knew the wrongfulness of his actions and took steps to avoid being caught. Moreover, voluntary intoxication is not a defense to insanity or mental illness. The fact that Locke was under the voluntary influence of drugs or alcohol at the time of the incident is not a defense.¹²² Locke did not have a viable defense that he was incompetent or insane at the time of the incident. This claim is without merit.

Locke failed to establish how counsel's representation was deficient in any respect or that he was somehow prejudiced as a result thereof. Locke failed to make any concrete allegations of deficient conduct, let alone, deficient conduct that resulted in actual prejudice. Locke's unsubstantiated ineffective assistance of counsel claims were waived at the time of the plea and are without merit.

¹²¹ See, 11 *Del. C.* § 401; *Norman v. State*, 2013 WL 6710794 (Del.).

¹²² 11 *Del. C.* § 401(c); 11 *Del. C.* § 421 (the fact that a criminal act was committed while the person committing such act was in a state of intoxication, or was committed because of such intoxication, is no defense to any criminal charge if the intoxication was voluntary.)

CONCLUSION

Following a careful review of the record, and for the reasons discussed above, the Court concludes that the claims raised in Locke's Rule 61 Motion for Postconviction Relief were waived at the time he entered into his valid plea and are also without merit. Locke's Rule 61 motion should be **DENIED**.

IT IS SO RECOMMENDED.

/s/ Lynne M. Parker
Commissioner Lynne M. Parker

cc. Prothonotary
Tiffany Anders, Esquire