

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOSHUA TERRELL LOCKETT,

Petitioner,

v.

Civil Action No. **3:18CV325**

HAROLD CLARK,

Respondent.

MEMORANDUM OPINION

Joshua Terrell Lockett, a Virginia state prisoner proceeding *pro se*, brings this petition pursuant to 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 1), challenging his convictions in the Circuit Court for the City of Petersburg (“Circuit Court”). Following a jury trial in the Circuit Court, Lockett was convicted of second degree murder, use of a firearm to commit second degree murder, and manufacture of a controlled substance. In his § 2254 Petition, Lockett asserts:¹

Claim One: “Lockett was denied his right to effective assistance of counsel under the Sixth Amendment . . . when trial counsel [Susan Allen, Esq.,] failed to request a jury instruction on the lesser included offense of voluntary manslaughter.” (§ 2254 Pet. 6.)

Claim Two: “Lockett was denied his right to effective assistance of counsel under the Sixth Amendment . . . when counsel [Walter Harris, Esq.] failed to communicate a plea agreement to Mr. Lockett being offered to him by the Commonwealth.” (*Id.* at 11.)

By Memorandum Opinion and Order entered on January 13, 2020, the Court dismissed Claim One.


On June 2, 2021, the Court conducted an evidentiary hearing on Claim Two. For the reasons stated from the bench on June 2, 2021, Claim Two will be DISMISSED. The § 2254

¹ The Court corrects the spelling, punctuation, and capitalization in the quotations from Lockett’s § 2254 Petition. The Court employs the pagination assigned to the parties’ submissions by the CM/ECF docketing system.

Petition will be DENIED and the action will be DISMISSED. A certificate of appealability will be DENIED.

An appropriate Order shall issue.

Date: 3 June 2021
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
United States District Judge