

**SUPREME COURT OF ARKANSAS**

No. CR-08-160

LEDELL LEE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: April 20, 2017

MOTION TO RECALL THE  
MANDATE

CONCURRING OPINION.

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**RHONDA K. WOOD, Associate Justice**

Ledell Lee seeks to recall the mandate this court issued in *Lee v. State*, 2009 Ark. 255, 308 S.W.3d 596. There, we affirmed the denial of Lee’s second petition for postconviction relief. We had granted Lee an opportunity to file a second petition because his first postconviction counsel had been intoxicated during the proceedings. *See Lee v. State*, 367 Ark. 84, 238 S.W.3d 52 (2006). Lee argues in his current motion that his second postconviction counsel was ineffective. However, as we recently held, “we do not entertain a claim for recalling the mandate based solely on allegations of ineffective assistance of postconviction counsel.” *Ward v. State*, 2015 Ark. 62, at 9–10, 455 S.W.3d 830, 835. We also noted that the circumstances presented in Lee’s first postconviction case were “extraordinary.” *Id.* Because the allegations here are not extraordinary, we cannot entertain them in a motion to recall the mandate.