

CONCURRING OPINION BY ACOBA, J.

I agree for the sake of the orderly administration and disposition of cases that a collateral attack on a prior conviction should not be allowed in the trial proceedings in which the prior conviction is an element to be proven. But see, e.g., People v. Allen, 981 P.2d 525, 535-38 (1999) (holding that since the California Supreme Court has required a colloquy as to a defendant's constitutional rights, the "record [from the prior proceeding] should clearly demonstrate the defendant was told of his rights and that he affirmatively waived them[,] " and because of this ease of administration, "motions to strike prior felony convictions" in a subsequent trial are permitted). I do not find the reasoning in Custis v. United States, 511 U.S. 485 (1994), relied on by the majority, applicable because the motivating factors there were based on federalism concerns of

(1) "rummag[ing] through frequently nonexistent or difficult to obtain state-court transcripts or records that may date from another era, and may come from any one of the 50 States[]" and

(2) "'depriv[ing the state-court judgment] of [its] normal force and effect in a proceeding that ha[s] an independent purpose other than to overturn the prior judgment[s].'" Id. at 497 (quoting Parke v. Raley, 506 U.S. 20, 30 (1992) (brackets in original)). As indicated by the majority, the constitutional invalidity of a prior conviction, which seems to have been

conclusively established in this case, may still be determined in subsequent collateral proceedings.