

CONCURRING OPINION BY ACOBA, J.

While I agree there is no jurisdiction under Hawai'i Revised Statutes (HRS) § 641-11 (1993), I believe "challenges to the granting of deferred pleas may be appealed to this court under HRS § 602-5(4) (1993), which delegates power to decide writs of prohibition and writs of mandamus[,]" State v. Kealaiki, 95 Hawai'i 309, 313, 22 P.3d 588, 592 (2001) (footnote omitted); or under the collateral order exception in State v. Baranco, 77 Hawai'i 351, 354-55, 884 P.2d 729, 732-33 (1994); or by way of this court's "supervisory jurisdiction under HRS § 602-4 (1993) over the trial courts to prevent and correct errors and abuses therein where no other remedy is expressly provided for by law[,]" Kealaiki, 95 Hawai'i at 317, 22 P.3d at 596 (quoting State v. Ui, 66 Haw. 366, 367, 663 P.2d 630, 631 (1983)) (internal quotation marks omitted). Exercising jurisdiction, I would affirm, but without prejudice to any motion for post conviction relief filed pursuant to Hawai'i Rules of Penal Procedure Rule 40 (2005).

