

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52574

STATE OF IDAHO,	)
	) <b>Filed: March 17, 2026</b>
Plaintiff-Respondent,	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
ASHTON RAY SALERNO,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
_____	)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bear Lake County. Hon. Cody L. Brower, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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Before TRIBE, Chief Judge; GRATTON, Judge;  
and HUSKEY, Judge

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PER CURIAM

Ashton Ray Salerno pled guilty to lewd conduct with a child under sixteen years. Idaho Code § 18-1508. The district court sentenced Salerno to a unified term of twenty years with ten years determinate. Salerno filed an Idaho Criminal Rule 35 motion, which the district court denied. Salerno appeals asserting that the district court abused its discretion by denying this I.C.R. 35 motion.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or

additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new information submitted with Salerno's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Salerno's I.C.R. 35 motion is affirmed.