

**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 08-1732

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UNITED STATES OF AMERICA

v.

WALTER B. TECH,

Appellant.

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On Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(D. C. No. 03-07-cr-00120-001)  
District Judge: Hon. Thomas I. Vanaskie

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Submitted under Third Circuit LAR 34.1 (a)  
on December 11, 2008

Before: McKEE, SMITH and ROTH, Circuit Judges

(Opinion filed: March 26, 2009)

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O P I N I O N

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**ROTH, Circuit Judge:**

Walter B. Tech appeals the 78-month sentence he received after pleading guilty to

violating 21 U.S.C. § 846.<sup>1</sup> Tech argues that his sentence was unreasonable because the Court did not adequately consider the factors in 18 U.S.C. § 3553(a). In particular, he contends his military service and that of his father should have been taken into consideration when determining his sentence. We assume the parties' familiarity with the facts and the record of prior proceedings, which we refer to only as necessary to explain our decision. For the reasons given below, we affirm the District Court's judgment of sentence in this matter.<sup>2</sup>

The District Court did not abuse its discretion in its determination of Tech's sentence. The District Court must consider each of the § 3553(a) factors and “set forth enough to satisfy the appellate court that he has considered the parties' arguments and has a reasoned basis for exercising his own legal decision making authority.” *United States v. Lessner*, 498 F.3d 185, 203 (3d Cir. 2007) (quoting *Rita v. United States*, 127 S. Ct. 2456, 2468 (2007)). The record shows that the District Court adequately considered all of the § 3553(a) factors, including the seriousness of the offense, Tech's criminal history, his

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<sup>1</sup> Conspiracy to manufacture, distribute, and possess with intent to manufacture and distribute in excess of 500 grams of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). A second count for violating 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A) was dismissed.

<sup>2</sup>

We review the procedural and substantive reasonableness of a sentence for abuse of discretion. *See Gall v. United States*, 128 S. Ct. 586, 597 (2007). A sentence “will be upheld as reasonable if the record as a whole reflects rational and meaningful consideration of the factors enumerated in 18 U.S.C. § 3553(a).” *United States v. Schweitzer*, 454 F.3d 197, 204 (3d Cir. 2006).

generally steady employment, and his time in the military and the injuries he sustained as a result of it. The District Court found the seriousness of the offense, however, outweighed any mitigating factors in assigning the sentence. Accordingly, the 78-month sentence, which was slightly lower than the suggested guidelines range and markedly lower than the ten-year statutory mandatory minimum sentence, was reasonable.

For the foregoing reasons, we will affirm the District Court's judgment of sentence.