

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-3570

UNITED STATES OF AMERICA

v.

WILLIAM S. WELSH,
Appellant

On Appeal from the U.S. District Court, M.D. Pa.
Judge Matthew W. Brann, No. 4:24-cr-00299-001

Before: RESTREPO, MONTGOMERY-REEVES, AND MCKEE, *Circuit Judges*
Submitted: Sept. 10, 2026; Filed: Oct. 1, 2026

NONPRECEDENTIAL OPINION*

MCKEE, *Circuit Judge*.

William Welsh pled guilty to the production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e), and received a 360-month sentence. He challenges the procedural and substantive reasonableness of his 360-month, within-Guidelines sentence. For the reasons set forth below, we will affirm the District Court’s judgment.¹

When assessing a sentence for reasonableness, we first consider whether the District Court committed any “significant procedural error, such as failing to calculate (or improperly calculating) the Guidelines range, treating the Guidelines as mandatory,

*This is not an opinion of the full Court and, under 3d Cir. IOP 5.7, is not binding precedent.

¹ We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742.

failing to consider the [18 U.S.C.] § 3553(a) factors, selecting a sentence based on clearly erroneous facts, or failing to adequately explain the chosen sentence—including an explanation for any deviation from the Guidelines range.”² Second, we consider the substantive reasonableness of the sentence imposed, “tak[ing] into account the totality of the circumstances.”³

We review the procedural reasonableness of Welsh’s sentence for plain error because he did not object to any errors at sentencing.⁴ Under plain error review, Welsh bears the burden of demonstrating “(1) error, (2) that is plain or obvious, and (3) that affects a defendant’s substantial rights.”⁵ “If all three conditions are met, an appellate court may then exercise its discretion to notice a forfeited error, but only if the error seriously affects the fairness, integrity, or public reputation of judicial proceedings.”⁶

We find no plain error here. Welsh argues that the District Court procedurally erred in its analysis of the § 3553(a) factors by failing to adequately consider his remorse and rehabilitation efforts, mental and physical vulnerabilities, and the need to avoid unwarranted sentencing disparities. However, the District Court expressly considered the § 3553(a) factors, including Welsh’s “acceptance of responsibility” and statements “that

² *Gall v. United States*, 552 U.S. 38, 51 (2007).

³ *Id.*

⁴ *See United States v. Flores-Mejia*, 759 F.3d 253, 255 (3d Cir. 2014) (en banc) (“[W]hen a party wishes to take an appeal based on a procedural error at sentencing . . . that party must object to the procedural error complained of after sentence is imposed in order to avoid plain error review on appeal.”).

⁵ *United States v. Ferguson*, 876 F.3d 512, 514 (3d Cir. 2017) (quoting *United States v. Goodson*, 544 F.3d 529, 539 (3d Cir. 2008)).

⁶ *Id.* (citation modified).

he is trying to become a better person,”⁷ his past experiences with sexual abuse, his medical diagnoses, and the need to avoid unwarranted sentencing disparities.

Specifically, the District Court relied upon Welsh’s mental and physical struggles when justifying its sentencing decision, explaining that “Welsh will benefit from mental health treatment and medication that he may receive while incarcerated federally.”⁸ Ultimately, the 360-month sentence reflects the District Court’s consideration of the § 3553(a) factors, including the “egregious” nature of the crime and the need “to achieve specific deterrence and incapacitation.”⁹

Welsh also challenges the substantive reasonableness of his sentence, line which we review for abuse of discretion.¹⁰ Under this standard, “an abuse of discretion has occurred if a district court based its decision on a clearly erroneous factual conclusion or an erroneous legal conclusion.”¹¹ Thus, “defendants bear a heavy burden to show that a sentence within the applicable Guidelines range was substantively unreasonable.”¹² “[I]f the district court’s sentence is procedurally sound, we will affirm it unless no reasonable sentencing court would have imposed the same sentence on the particular defendant for the reasons the district court provided.”¹³ Here, it cannot be said that no reasonable court

⁷ Supp. App. 37.

⁸ Supp. App. 38.

⁹ Supp. App. 38.

¹⁰ *United States v. Tomko*, 562 F.3d 558, 567 (3d Cir. 2009).

¹¹ *Id.* at 567–68.

¹² *United States v. Seibert*, 971 F.3d 396, 402 (3d Cir. 2020) (citation modified).

¹³ *Tomko*, 562 F.3d at 568.

would have imposed a 360-month sentence on Welsh for the production of child pornography. Therefore, the sentence was substantively reasonable.

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For the above reasons, we will affirm.