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Washington state high court intervenes in shooter's 82-year sentence

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OLYMPIA – A Spokane man sentenced to 82 years in prison for a 2002 gun battle at the Amtrak station will have a chance to have his sentence reduced, the state Supreme Court said Thursday.

Jason Graham, who was 20 in January 2002, fired multiple rounds from a military-style assault rifle at police after being stopped for speeding about 1 a.m. near the Intermodal Station at Sprague Avenue and Browne Street. He fired about two dozen shots but didn't hit police, people in the train or waiting Greyhound buses or the station. He was wounded in the leg.

Family members told The Spokesman-Review at the time Graham was addicted to methamphetamine. At his trial, his attorney accused prosecutors of "overcharging" and refusing to plea bargain because he'd been in a gun battle with police. A jury convicted him on two counts of attempted first-degree murder, four counts of first-degree assault and single counts of second-degree assault with a deadly weapon, unlawful possession of a firearm, possession of stolen property and taking a motor vehicle without permission.

Spokane County Superior Court Judge Maryann Moreno initially sentenced Graham to 102 years, relying on state laws that provide enhanced sentences that can run consecutively for multiple violent crimes. The Supreme Court noted in Thursday's decision, however, that Moreno said at the sentencing she didn't agree with the prison term she was giving him but believed she had no choice. "I don't write the laws, the Legislature writes the laws," the opinion quotes her as saying.

In a previous appeal, Graham's sentence was reduced to 82 years when the firearms charges were reconsidered. But he came back to the high court to argue that Moreno wasn't required to sentence him to consecutive terms; they could be served concurrently. The court agreed.

Moreno could have given him an “exceptional sentence” with fewer years, the unanimous opinion written by Justice Mary Yu said. The law is written to make concurrent sentences possible for multiple violent crimes, but not mandatory.

It sent the case back to Moreno for resentencing, but left up to her whether Graham’s attorneys are correct that he should receive a sentence of about 25 years, or something longer.