You Decide

3.3 In May 1997, nineteen-year-old Jeremy Strohmeyer together with his friend David Cash played video games at a Las Vegas casino while Strohmeyer's father gambled. Seven-year-old Sherrice Iverson threw a wet paper towel at Strohmeyer, and a paper towel fight ensued. He followed her into the restroom to continue the game. The forty-six-pound Iverson threw a yellow floor sign at Strohmeyer and then began screaming. Strohmeyer covered her mouth and forced her into a bathroom stall. David Cash wandered into the restroom to look for Strohmeyer. He peered over the stall and viewed Strohmeyer gripping and threatening to kill Sherrice. Cash allegedly made an unsuccessful effort to get Strohmeyer's attention and left the bathroom. Strohmeyer then molested Sherrice and strangled her to suffocate the screams. As he was about to leave, Strohmeyer decided to relieve Sherrice's suffering and twisted her head and broke her neck. He placed the limp body in a sitting position on the toilet with Sherrice's feet in the bowl.

Strohmeyer confessed to Cash and, after being apprehended by the police three days later, explained that he wanted to experience death. His lawyer argued that Strohmeyer was in a "dream-like state" as a result of a combination of alcohol, drugs, and stress. In order to avoid the death penalty, Strohmeyer pled guilty to first-degree murder, first-degree kidnapping, and sexual assault of a minor, all of which carry a life sentence in Nevada.

Iverson's mother called for Cash to be criminally charged, but Nevada law required him neither to intervene nor to report the crime to the police. The administration at the University of California at Berkeley responded to a student demonstration calling for Cash's dismissal by explaining that there were no grounds to expel him from the institution because he had not committed a crime. Cash, who was studying nuclear engineering, refused to express remorse, explaining that he was concerned about himself and was not going to become upset over other people's problems, particularly a little girl whom he did not know.

Should David Cash be held criminally liable for a failure to rescue Sherrice Iverson? See Joshua Dressler, *Cases and Materials on Criminal Law,* 3rd ed. (St. Paul, MN: West, 2003), pp. 133–134.

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