

sufficient nexus to  
gated may be seized  
properly executing  
a search for other

appellants' conten-  
was too broad and  
ized were properly  
the warrant.

challenge the validity  
round that the war-  
h only of the office  
Carlos. The chal-  
authorized a search  
LOS CANTU TAX  
SULTANT located  
the left after enter-  
Suite 375 at 5959  
son (Bellaire), Tex-

earing, Jose Cantu  
sical layout of the  
5959 West Loop  
te 375 opens to a  
which are several  
es. Carlos Cantu  
ntu Tax and Busi-  
front door of the  
2 the suite, but did  
e door of his indi-  
parate businesses.  
y, a tax computer  
m, and the appel-  
ncy, had offices in  
the search. Jose  
ce or open to the  
ch his office, the  
gh the fence com-  
ocated behind the  
fter entering the  
This was the exact  
e warrant. Thus,  
between the loca-  
ant and the office

warrant adequate  
pt to the govern-  
has stated that

a warrant's description of the place to be  
searched need not meet technical require-  
ments nor have the specificity sought by  
conveyancers. It need only describe the  
place to be searched with sufficient par-  
ticularity to direct the searcher, to con-  
fine his examination to the place de-  
scribed, and to advise those being  
searched of his authority.

*United States v. Haydel*, 649 F.2d 1152,  
1157 (5th Cir.), corrected, 664 F.2d 84  
(1981), cert. denied, 455 U.S. 1022, 102  
S.Ct. 1721, 72 L.Ed.2d 140 (1982). The  
warrant in this case satisfied these require-  
ments and cannot be said to have limited  
the authorized search to only the individual  
office of Carlos Cantu.

### III

For the reasons stated herein, the judg-  
ment of the district court is

**AFFIRMED.**



**Dawn MUZYKA, Plaintiff-Appellant,**

**v.**

**REMINGTON ARMS CO., INC.,  
Defendant-Appellee.**

**No. 84-1212.**

**United States Court of Appeals,  
Fifth Circuit.**

**Oct. 25, 1985.**

A diversity jurisdiction strict liability  
suit was brought seeking recovery from  
rifle manufacturer for the injuries plaintiff  
sustained when magazine-fed bolt-action ri-  
fle discharged while plaintiff's stepfather  
was attempting to unload it. The United  
States District Court for the Western Dis-  
trict of Texas, at Waco, Lucius Desha Bun-  
ton, III, J., entered judgment for manufac-  
turer, denied plaintiff's motion for new tri-

al, and she appealed. The Court of Ap-  
peals, Politz, Circuit Judge, held that evi-  
dence of a design change made by manu-  
facturer a few months after the accident  
should have been admitted for impeach-  
ment purposes, and such error was not  
harmless.

Vacated and remanded.

Gee, Circuit Judge, filed a dissenting  
opinion.

#### 1. Federal Courts ¶903

**Weapons ¶18(2)**

**Witnesses ¶331½**

In strict liability suit seeking recovery  
from rifle manufacturer for injuries plain-  
tiff sustained when bolt-action rifle dis-  
charged while her stepfather was attempt-  
ing to unload it, trial court was correct in  
originally excluding evidence that manufac-  
turer made a design change a few months  
after the accident, so that the rifle then  
could be unloaded with its safety on; how-  
ever, in light of posture of the defense at  
trial, and manner in which evidence unfold-  
ed, especially in light of defense counsel's  
opening statement and closing argument,  
the court committed prejudicial error in not  
admitting evidence of the design change  
for impeachment purposes. Fed.Rules  
Evid.Rule 407, 28 U.S.C.A.

#### 2. Federal Courts ¶893

On appellate review, Court of Appeals  
will reverse district court for an error in an  
evidentiary ruling only if a substantial  
right of a party is affected. Fed.Rules  
Evid.Rule 103(a), 28 U.S.C.A.; Fed.Rules  
Civ.Proc. Rule 61, 28 U.S.C.A.

Joe K. Longley, Austin, Tex., Jack  
Welch, Marlin, Tex., Mark L. Kincaid, Aus-  
tin, Tex., for plaintiff-appellant.

Hilton H. Howell, Waco, Tex., for de-  
fendant-appellee.

Before GEE, POLITZ and WILLIAMS,  
Circuit Judges.