

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

varrant 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.