

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
h his office, the
gh the fence com-
ocated behind the
fter entering the
This was the exact
e warrant. Thus,
between the loca-
ent and the office

varrant adequate
t to the govern-
has stated that

a warrant's description of the place to be searched need not meet technical requirements nor have the specificity sought by conveyancers. It need only describe the place to be searched with sufficient particularity to direct the searcher, to confine his examination to the place described, 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 requirements 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 judgment 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 rifle discharged while plaintiff's stepfather was attempting to unload it. The United States District Court for the Western District of Texas, at Waco, Lucius Desha Bunton, III, J., entered judgment for manufacturer, denied plaintiff's motion for new tri-

al, and she appealed. The Court of Appeals, Politz, Circuit Judge, held that evidence of a design change made by manufacturer a few months after the accident should have been admitted for impeachment 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 plaintiff sustained when bolt-action rifle discharged while her stepfather was attempting to unload it, trial court was correct in originally excluding evidence that manufacturer made a design change a few months after the accident, so that the rifle then could be unloaded with its safety on; however, in light of posture of the defense at trial, and manner in which evidence unfolded, 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, Austin, Tex., for plaintiff-appellant.

Hilton H. Howell, Waco, Tex., for defendant-appellee.

Before GEE, POLITZ and WILLIAMS, Circuit Judges.