

3. Respondent is alleged to have committed acts that may constitute willful misconduct; specifically, knowingly and willfully evading service of a lawful Commission Order requiring Respondent to undergo drug screening, and for knowingly and willfully disregarding and failing to comply with that Order as discussed below:

**A. Inquiry No. 2006-042 (Commission Rule 8 Order to Undergo Drug Screening)**

Upon good cause shown (See Affidavit of Nicole Gonzales, Judicial Manager, Doña Ana County Magistrate Court, attached hereto as Exhibit A; Affidavit of Melinda Gamboa, Judicial Supervisor, Doña Ana County Magistrate Court, attached hereto as Exhibit B; and Letter from the Magistrate Advisory Committee dated May 2, 2006, attached hereto as Exhibit C), and pursuant to Rule 8(A) of the Judicial Standards Commission Rules and New Mexico Supreme Court Order No. 04-8200, on August 17, 2006, the Commission, upon its own motion, filed its Order requiring Respondent Judge Carlos E. Garza undergo a physical examination to collect samples of his hair and urine for the purposes of testing and analysis for drugs and/or other substances considered unlawful under the provisions of the Controlled Substances Act. See Commission's Rule 8 Order attached hereto as Exhibit D. The Commission further ordered that Respondent report to SED Medical Laboratories at 1121 Mall Drive, Las Cruces New Mexico within 24 hours of service of the Commission's Order for said drug screening. Additionally, the Commission further ordered that Respondent sign the SED Authorization Form for urine and hair testing in order for the Commission to receive said results of drug screening. The Commission further ordered that Respondent present a government-issued photo identification card for purposes of verifying his identity to SED laboratory staff.