

First Known Prosecution in the United States for Hemp-Derived THCA

A Case of Legal Misapplication, Systemic Delays, and Injustice



Bartlesville, Oklahoma Jan 17, 2026 ([IssueWire.com](https://www.IssueWire.com)) - A legal battle unfolding in Washington County, Oklahoma, has become the first known prosecution in the United States for hemp-derived tetrahydrocannabinolic acid (THCA), raising serious concerns about systemic failures, delayed justice, and the misapplication of law.

On **July 5, 2024**, I, Flynn Martin, a resident of Tucson, Arizona, was arrested during a traffic stop conducted by Officer Vincent Butters of the Bartlesville Police Department. After pulling me over for a dim license plate light, Officer Butters called for a K9 unit without any stated justification. The resulting K9 alert was used to search my vehicle, where a clearly labeled container of hemp-derived THCA was discovered. Despite the container's labeling, Officer Butters assumed the substance was methamphetamine, placed me under arrest *before conducting any field tests*, and charged me with possession of a Schedule II controlled dangerous substance "amphetamine/opioids" (CDS).

Following my arrest, I was transported to the Washington County Jail, where I spent **23 hours in custody** before being released on a \$1,000 bond.

Subsequent field tests conducted after my arrest yielded contradictory and inaccurate results, including positive readings for amphetamines, oxycodone, and heroin—none of which were true. Further testing by the Oklahoma State Bureau of Investigation (OSBI) was completed on **September 5, 2024**, conclusively identifying the substance as THCA, a non-psychoactive compound that was legal under Oklahoma law at the time of my arrest.

Despite the OSBI's report, the prosecution, led by **District Attorney William Drake's office**, failed to disclose the lab results at the next scheduled hearing on **October 9, 2024**, even though the report had been available for over a month. At that hearing, my court-appointed attorney informed the court that she was still awaiting the lab results. This deliberate delay in disclosure prevented me from preparing an adequate defense.

At the **September 4, 2024**, hearing, I provided both the prosecution and my court-appointed attorney with a Certificate of Analysis (COA) from a private lab in North Carolina that identified the substance as hemp-derived THCA. This COA was ignored, and the case continued based on the false presumption that the substance was an illegal drug.

The prosecution waited **117 days** from the date of the OSBI report to amend the charge. On **December 31, 2024**, they formally changed the charge to possession of a Schedule III CDS—"tetrahydrocannabinols". However, this amendment is equally flawed. At the time of my arrest, THCA was legal under Oklahoma law. The Oklahoma Medical Marijuana Authority's (OMMA) **permanent rule change**, redefining tetrahydrocannabinols to include THCA, did not take effect until **July 25, 2024**—20 days after my arrest.

This timeline underscores not only the misapplication of law but also the systemic delays and negligence and/or malice on the part of the prosecution:

- **July 5, 2024:** Arrested and charged with possession of methamphetamine (later classified as Schedule II CDS).

- **July 8, 2024:** Initial court appearance where bond was set at \$1,000.
- **July 31, 2024:** Status hearing where I filed a signed Pauper's Affidavit and formally requested court-appointed counsel.
- **September 4, 2024:** Status hearing where I provided the COA identifying the substance as THCA to both the prosecution and my newly appointed defense attorney.
- **October 9, 2024:** Status hearing where the OSBI report was not disclosed despite being completed on September 5 and my attorney stating that she was still waiting on the report.
- **December 18, 2024:** The defense finally received the OSBI report—117 days after its completion.
- **December 19, 2024:** Trial date of January 27, 2025, set despite the prosecution's stated intention to amend the charge.
- **December 31, 2024:** Charge formally amended to Schedule III CDS, tetrahydrocannabinols.
- **January 10, 2025:** Amendments, endorsements, and motion cutoff hearing during which my attorney filed a motion to dismiss.
- **January 22, 2025:** Hearing scheduled at 9:00 AM before Judge Jared Sigler to set a date for arguments on the motion to dismiss.

This case highlights a troubling disregard for due process and the constitutional prohibition on ex post facto prosecutions. The OMMA's rule change, which redefined tetrahydrocannabinols to include THCA, was not retroactive and cannot be applied to conduct that occurred before its effective date.

Furthermore, this case sets a dangerous precedent for the hemp and cannabis industries. As the first known prosecution in the United States for hemp-derived THCA, it raises critical questions about the misuse of legal authority to prosecute victimless crimes and the failure of law enforcement to adhere to established regulations.

I have had to travel from my home in Arizona to Bartlesville, Oklahoma, for **five separate court appearances** so far, with a sixth scheduled for January 22, 2025. The repeated trips have imposed significant financial and emotional burdens, yet I remain steadfast in my fight for justice.

This case isn't just about me—it's about ensuring that laws are applied correctly and fairly, and that innocent people are not dragged through the courts because of negligence or malice.

I will attach a link to a Google Drive file that contains all the relevant discovery, charging documentation, photographs, laboratory reports, and the motion to dismiss that was filed on January 10, 2025.

For more information or to discuss the case further, please contact Flynn Martin by phone or email.

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Links

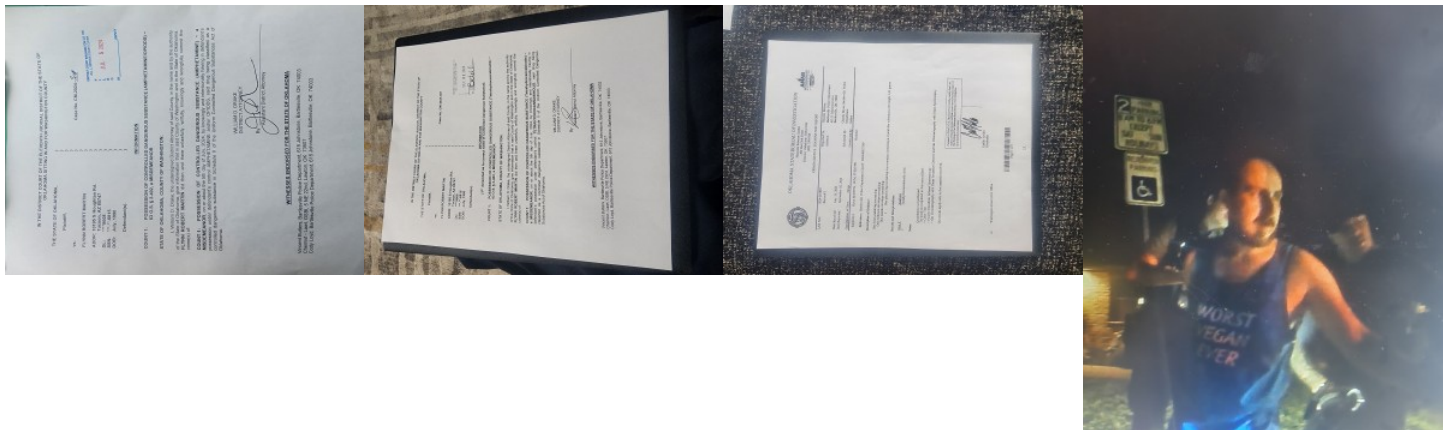
Public Record of all Case Details:

<https://www.oscn.net/dockets/GetCaseInformation.aspx?db=washington&number=CM-2024-00301&cmid=11481975>

Google Drive Folder:

https://drive.google.com/drive/folders/1rUYbDsezrF77n_Rn0Gt03sbBmilWrudH?usp=drive_link

GoFundMe: <https://www.gofundme.com/f/help-flynn-martin-fight-a-wrongful-prosecution-in-oklahoma>



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