

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSE CESARI,  
a/k/a “Cry,”  
MIGUEL CINTRON,  
LUIS IZQUIERDO,  
a/k/a “Luis Zapata,”  
WAKIEM JOHNSON,  
a/k/a “Waka,”  
KEMAR BONITTO,  
DEYLIN MARTINEZ-GUERRERO,  
ANTONIO GONZALEZ, and  
JUSTIN BRUNO,

Defendants.

**SEALED INDICTMENT**

24 Cr.

34 CRIM 154

**COUNT ONE**

**(Conspiracy to Commit Theft From Interstate or Foreign Shipments  
and to Break and Enter Carrier Facilities with Intent to Commit Larceny Therein)**

The Grand Jury charges:

Overview of the Scheme

1. From at least in or about July 2022 through at least in or about March 2024, in the Southern District of New York and elsewhere, JOSE CESARI, a/k/a “Cry,” MIGUEL CINTRON, LUIS IZQUIERDO, a/k/a “Luis Zapata,” WAKIEM JOHNSON, a/k/a “Waka,” KEMAR BONITTO, DEYLIN MARTINEZ-GUERRERO, ANTONIO GONZALEZ, and JUSTIN BRUNO, the defendants, together with others known and unknown, carried out a scheme to steal beer—primarily Corona and Modelo, shipped from Mexico—from railroad cars and beverage distribution facilities located throughout the northeast, including in Connecticut, Massachusetts, New Jersey, and New York (the “Beer Theft Enterprise”).

2. Between in or about July 2022 and in or about March 2024, the Beer Theft Enterprise carried out dozens of beer thefts, which cumulatively resulted in losses to certain beverage distribution companies of at least hundreds of thousands of dollars.

3. In a typical theft, the Beer Theft Enterprise operated under cover of night. At least some of the members of the Beer Theft Enterprise working that night typically assembled in the Bronx before travelling to that night's target railyard or beverage distribution facility. Typically, one or more of the members of the Beer Theft Enterprise working that night drove a vehicle—often a U-Haul box truck—to the target railyard or beverage distribution facility, to be filled with cases of stolen beer. After arriving at the railyard or beverage distribution facility, members of the Beer Theft Enterprise typically gained unauthorized access to the target location, sometimes by cutting a hole in fencing surrounding the railyard or beverage distribution facility. Members of the Beer Theft Enterprise then typically drove vehicles—often U-Haul box trucks—into the railyard or beverage distribution facility. When stealing from a railyard, members of the Beer Theft Enterprise then typically cut the lock to railroad cars containing sealed pallets of cases of beer—usually Corona or Modelo. Members of the Beer Theft Enterprise then typically unsealed the pallets and transported the cases of beer to their waiting vehicles. Typically, they then took the stolen beer to the Bronx, where it was inspected and then made available for sale. The participating members of the Beer Theft Enterprise were typically paid hundreds of dollars for the night's work after assisting in a beer theft.

4. JOSE CESARI, a/k/a "Cry," the defendant, was a leader of the Beer Theft Enterprise. As a leader of the Beer Theft Enterprise, CESARI was often present at the Beer Theft Enterprise's beer thefts. Sometimes, during a particular beer theft, CESARI used a police scanner to monitor potential police activity. In addition to participating in many of the Beer Theft

Enterprise's beer thefts over the course of the conspiracy, CESARI sometimes sought to grow the Beer Theft Enterprise by attempting to recruit new members to the conspiracy with promises of monetary gain.

5. MIGUEL CINTRON, LUIZ IZQUIERDO, a/k/a "Luis Zapata," WAKIEM JOHNSON, a/k/a "Waka," KEMAR BONITTO, DEYLIN MARTINEZ-GUERRERO, ANTONIO GONZALEZ, and JUSTIN BRUNO, the defendants, were members of the Beer Theft Enterprise. These defendants participated in certain beer thefts perpetrated by the Beer Theft Enterprise by, for example, renting or driving vehicles that were used in particular beer thefts, helping plan or execute particular thefts by communicating with JOSE CESARI, a/k/a "Cry," the defendant, and otherwise assisting in particular beer thefts.

#### Statutory Allegations

6. From at least in or about July 2022 until at least in or about March 2024, in the Southern District of New York and elsewhere, JOSE CESARI, a/k/a "Cry," MIGUEL CINTRON, LUIS IZQUIERDO, a/k/a "Luis Zapata," WAKIEM JOHNSON, a/k/a "Waka," KEMAR BONITTO, DEYLIN MARTINEZ-GUERRERO, ANTONIO GONZALEZ, and JUSTIN BRUNO, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, (1) stealing from an interstate or foreign shipment by carrier, in violation of Title 18, United States Code, Section 659, and (2) breaking and entering carrier facilities with intent to commit larceny therein, in violation of Title 18, United States Code, Section 2117.

7. It was a part and an object of the conspiracy that JOSE CESARI, a/k/a "Cry," MIGUEL CINTRON, LUIS IZQUIERDO, a/k/a "Luis Zapata," WAKIEM JOHNSON, a/k/a "Waka," KEMAR BONITTO, DEYLIN MARTINEZ-GUERRERO, ANTONIO GONZALEZ,

and JUSTIN BRUNO, the defendants, and others known and unknown, would and did knowingly embezzle, steal, unlawfully take, and carry away goods valued at \$1,000 and more, namely, beer, from railroad cars and storage facilities, with intent to convert the goods to their own use, which goods were moving as, and which were part of, and which constituted an interstate and foreign shipment of freight and property, in violation of Title 18, United States Code, Section 659.

8. It was further a part and an object of the conspiracy that JOSE CESARI, a/k/a “Cry,” MIGUEL CINTRON, LUIS IZQUIERDO, a/k/a “Luis Zapata,” WAKIEM JOHNSON, a/k/a “Waka,” KEMAR BONITTO, DEYLIN MARTINEZ-GUERRERO, ANTONIO GONZALEZ, and JUSTIN BRUNO, the defendants, and others known and unknown, would and did knowingly break the seals and locks of, and enter, railroad cars and vehicles, containing interstate and foreign shipments of freight and property, with the intent to commit larceny therein, in violation of Title 18, United States Code, Section 2117.

#### Overt Acts

9. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 24, 2022, JOSE CESARI, a/k/a “Cry,” the defendant, made several Instagram posts in an attempt to recruit members to the Beer Theft Enterprise. In one post, the background was a railroad track, and CESARI wrote: “Need workers who want to make money [money bag emoji],” and included a “Yes” or “No” vote button. In another post, CESARI offered a “GUARANTEE” that recruits would “MAKE 100k+ IN A MONTH” by following the “BEER TRAIN METHOD.”

b. On or about July 25, 2022, MIGUEL CINTRON and LUIZ IZQUIERDO,

a/k/a “Luis Zapata,” the defendants, rented a U-Haul box truck in New York, New York.

c. On or about July 25, 2022, at approximately 3:28 a.m., WAKIEM JOHNSON, a/k/a “Waka,” the defendant, called JOSE CESARI, a/k/a “Cry,” the defendant.

d. On or about November 11-12, 2023, ANTONIO GONZALEZ, the defendant, entered a beverage distribution facility located at or near 20 Dunnigan Drive, in Suffern, New York.

e. On or about December 1-2, 2023, KEMAR BONITTO and JOSE CESARI, a/k/a “Cry,” the defendants, drove from the Bronx, New York, to West Haven, Connecticut.

f. On or about December 1-2, 2023, DEYLIN MARTINEZ-GUERRERO, the defendant, drove a U-Haul box truck from the Bronx, New York, to West Haven, Connecticut.

g. On or about December 7-8, 2023, JUSTIN BRUNO, the defendant, drove a U-Haul box truck from the Bronx, New York, to Suffern, New York.

h. On or about March 14, 2024, JOSE CESARI, a/k/a “Cry,” the defendant, made an Instagram post in an attempt to recruit members to the Beer Theft Enterprise. In that post, CESARI said that he was “taking all applications” and that, “if you trying to get money with me, send an application in.”

(Title 18, United States Code, Section 371.)

**COUNT TWO**  
**(Theft from Interstate or Foreign Shipments)**

The Grand Jury further charges:

10. The allegations contained in paragraphs 1-5 and 9 above are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

11. On or about July 25-26, 2022, in the Southern District of New York and elsewhere, JOSE CESARI, a/k/a “Cry,” MIGUEL CINTRON, LUIS IZQUIERDO, a/k/a “Luis Zapata,” and

WAKIEM JOHNSON, a/k/a “Waka,” the defendants, knowingly embezzled, stole, unlawfully took, and carried away goods valued at \$1,000 and more, namely, beer, from railroad cars and storage facilities, with intent to convert the goods to their own use, which goods were moving as, and which were part of, and which constituted an interstate and foreign shipment of freight and property, to wit, CESARI, CINTRON, ZAPATA, and JOHNSON stole from railroad car BKTY 155401, stationed on a railroad track in the 65th Street Railyard in Brooklyn, New York, approximately \$1,500 worth of Corona beer that was moving as and constituted an interstate shipment of freight and property from Mexico to New York, and aided and abetted such theft.

(Title 18, United States Code, Sections 659 and 2.)

**COUNT THREE**  
**(Theft from Interstate or Foreign Shipments)**

The Grand Jury further charges:

12. The allegations contained in paragraphs 1-5 and 9 above are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

13. On or about November 11-12, 2023, in the Southern District of New York and elsewhere, JOSE CESARI, a/k/a “Cry,” KEMAR BONITTO, and ANTONIO GONZALEZ, the defendants, knowingly embezzled, stole, unlawfully took, and carried away goods valued at \$1,000 and more, namely, beer, from railroad cars and storage facilities, with intent to convert the goods to their own use, which goods were moving as, and which were part of, and which constituted an interstate and foreign shipment of freight and property, to wit, CESARI, BONITTO, and GONZALEZ stole from a beverage distribution facility located at or near 20 Dunnigan Drive, in Suffern, New York, approximately \$14,000 of Corona beer that was moving as and constituted an interstate shipment of freight and property from Mexico to New York, and aided and abetted such theft.

(Title 18, United States Code, Sections 659 and 2.)

**COUNT FOUR**  
**(Theft from Interstate or Foreign Shipments)**

The Grand Jury further charges:

14. The allegations contained in paragraphs 1-5 and 9 above are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

15. On or about December 7-8, 2023, in the Southern District of New York, JOSE CESARI, a/k/a “Cry,” and JUSTIN BRUNO, the defendants, knowingly embezzled, stole, unlawfully took, and carried away goods valued at \$1,000 and more, namely, beer, from railroad cars and storage facilities, with intent to convert the goods to their own use, which goods were moving as, and which were part of, and which constituted an interstate and foreign shipment of freight and property, to wit, CESARI and BRUNO stole from railroad car RBOX 32143, stationed on a railroad track located at or near 20 Dunnigan Drive, in Suffern, New York, approximately \$2,900 of Modelo beer that was moving as and constituted an interstate shipment of freight and property from Mexico to New York, and aided and abetted such theft.

(Title 18, United States Code, Sections 659 and 2.)

**COUNT FIVE**  
**(Conspiracy to Commit Hobbs Act Robbery)**

The Grand Jury further charges:

16. The allegations contained in paragraphs 1-5 and 9 above are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

17. On or about April 21-22, 2023, in the Southern District of New York and elsewhere, JOSE CESARI, a/k/a “Cry,” the defendant, and others known and unknown, knowingly combined, conspired, confederated, and agreed together and with each other to commit robbery, as that term

is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, CESARI conspired with others to rob a railroad car stationed in Fresh Pond Yard in Queens, New York.

(Title 18, United States Code, Section 1951.)

**COUNT SIX**  
**(Hobbs Act Robbery)**

The Grand Jury further charges:

18. The allegations contained in paragraphs 1-5 and 9 above are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

19. On or about April 21-22, 2023, in the Southern District of New York and elsewhere, JOSE CESARI, a/k/a “Cry,” the defendant, knowingly committed robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and aided and abetted the same, to wit, CESARI robbed at gunpoint a railroad car stationed in Fresh Pond Yard in Queens, New York.

(Title 18, United States Code, Sections 1951 and 2.)

**COUNT SEVEN**  
**(Using or Carrying a Firearm**  
**During and in Relation to a Crime of Violence)**

The Grand Jury further charges:

20. The allegations contained in paragraphs 1-5 and 9 above are hereby repeated, realleged, and incorporated by reference as if fully set forth herein.

21. On or about April 21-22, 2023, in the Southern District of New York and elsewhere, JOSE CESARI, a/k/a “Cry,” the defendant, during and in relation to a crime of violence for which



he may be prosecuted in a court of the United States, namely, the Hobbs Act robbery charged in Count Six of this Indictment, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, which was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.)

### **FORFEITURE ALLEGATION**

22. As a result of committing the offense charged in Count One of this Indictment, JOSE CESARI, a/k/a "Cry," MIGUEL CINTRON, LUIS IZQUIERDO, a/k/a "Luis Zapata," WAKIEM JOHNSON, a/k/a "Waka," KEMAR BONITTO, DEYLIN MARTINEZ-GUERRERO, ANTONIO GONZALEZ, and JUSTIN BRUNO, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense and the following specific property: Any and all beer stolen in the offense described in Count One.

23. As a result of committing the offense charged in Count Two of this Indictment, JOSE CESARI, a/k/a "Cry," MIGUEL CINTRON, LUIS IZQUIERDO, a/k/a "Luis Zapata," and WAKIEM JOHNSON, a/k/a "Waka," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense

and the following specific property: Any and all beer stolen in the offense described in Count Two.

24. As a result of committing the offense charged in Count Three of this Indictment, JOSE CESARI, a/k/a "Cry," KEMAR BONITTO, and ANTONIO GONZALEZ, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense and the following specific property: Any and all beer stolen in the offense described in Count Three.

25. As a result of committing the offense charged in Count Four of this Indictment, JOSE CESARI, a/k/a "Cry," and JUSTIN BRUNO, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense and the following specific property: Any and all beer stolen in the offense described in Count Four.

26. As a result of committing the offenses charged in Counts Five and Six of this Indictment, JOSE CESARI, a/k/a "Cry," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United

States currency representing the amount of proceeds traceable to the commission of said offense and the following specific property: Any and all beer stolen in the offense described in Counts Five and Six.

27. As a result of committing the offense charged in Count Seven of this Indictment, JOSE CESARI, a/k/a "Cry," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in or used in or intended to be used in said offense.

**Substitute Assets Provision**

28. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 924 and 981;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)



*Damian Williams*  
DAMIAN WILLIAMS  
United States Attorney