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LONG ISLAND

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2 boats + 1 bat = reel mess

■ Jury to hear from fisherman charged with assault in LI Sound workplace flap that got out of hand

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Juries frequently hear stories about people defending themselves from home invaders, but at an assault trial next week, a jury will hear from a fisherman who says he feared for his life when he used a baseball bat to ward off a boat invader.

Jury selection begins Monday in the trial of Dennis Hurley, 28, of East Northport, who is charged with third-degree assault for the Oct. 17, 2006, fray in the Long Island Sound.

Hurley, a part-time clammer, said he was out in his small, center-console boat near the Eatons Neck U.S. Coast Guard station when another fisherman, Race Burgess, 54, also of East Northport, began yelling at him for encroaching on his work space.

Hurley says he was about a half-mile from Burgess and that, regardless, the public waters are open to anyone. As the argument escalated, Hurley said, Burgess rammed his boat into Hurley's. Hurley responded by hitting the back of Burgess' boat with a bat.



NEWSDAY PHOTO / KATHY KNOXNER

Dennis Hurley on a boat in the Long Island Sound near the Eatons Neck U.S. Coast Guard station, where he is accused of assaulting another fisherman

Hurley said Burgess then jumped onto his boat. To defend himself, he struck Burgess in the back and on the head with his bat, until Burgess got off. In a statement to police, Burgess recalled telling Hurley, "You're going to kill me," as he was "pounded" with the bat.

Burgess' wife, Patricia, said her husband suffered a fractured skull and required several staples to his head.

Hurley was later arrested and charged with first-degree

assault — a felony. The charge was later reduced to a misdemeanor, which carries a maximum of a year in jail.

Prosecutors did not return calls. Hurley's attorney, Michael Brown, of Central Islip, said his client "did what he had to do."

"This is a deep body of water. The nearest land is probably a half-mile away. The water is cold," Brown said. "If somebody were to be thrown overboard... there's a significant likelihood that the

person is going to die."

Burgess, a fisherman for 40 years, told police that Hurley invited him onto the boat. Burgess declined to talk to a reporter last night. But Burgess' wife conceded he was wrong to step foot on Hurley's boat but called Hurley a "troublemaker" known for working too close to other fishermen.

"You just don't jump out there and take his work," Patricia Burgess said. "It's a matter of respect, and Dennis doesn't have any respect."